

FILE

Subject

*Elections - Precincts
Boundaries*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

June 5, 1974

Opinion No. 74- 180

Helen C. Brown
Secretary to Edgar W. White
Morton County Attorney
Drawer O
Elkhart, Kansas 67950

Dear Ms. Brown:

We have your letter dated March 24, which we received on May 28, inquiring whether the board of county commissioners may organize commissioner districts in such a fashion that district boundaries cross the boundaries of voting wards in the City of Elkhart. You enclose a copy of a letter dated May 24, 1974, from Mr. Shelley Graybill, addressed to the Elkhart City Council, wherein he discusses this question. We agree fully with his conclusions. In the most recent of the cases cited by Mr. Graybill, Andrews v. Board of County Comm'rs of Cowley County, 207 Kan. 548, 485 P.2d 1260 (1971), the court stated thus:

"In dividing a county into three commissioner districts the boundaries of the districts must follow the boundaries of voting precincts. The people in one voting precinct cannot be divided or placed in two or more commissioner districts." 207 Kan. at 550.

K.S.A. 25-2702a states thus:

"Whenever a ward or township is not divided into more than one voting precinct, the entire undivided ward or township shall constitute a 'precinct' as that term is used in all laws relating to elections."

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Mr. Graybill correctly states the law on the questions you raise,
and we concur fully in his conclusions.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm

cc: Shelley Graybill
Elkhart City Attorney
Elkhart, Kansas 67950