

Subject Cities - Property
Acquisition/Disposal
Copy 10



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

November 26, 1974

Opinion No. 74- 377

Mr. John Thomas Reid
City Attorney
127 East 7th Street
Newton, Kansas 67114

Dear Mr. Reid:


K.S.A. 15-809 provides in pertinent part thus:

*"Provided, That no such sale shall be made until the proposition shall have been submitted to a vote of the qualified electors of the city, and if a majority of the *qualified electors* of the city shall vote in favor thereof, the governing body may dispose of..."*
[Emphasis supplied.]

You inquire whether the italicized phrase "qualified elector" includes only those persons of the age of eighteen years or older who are registered to vote.

I enclose an earlier opinion issued by this office addressed to Joan Finney, then Shawnee County Election Commissioner, dated May 1, 1972, dealing with the same question. The quoted language set out there from *State ex rel. Blake v. Dunn*, 118 Kan. 184 (1925) requires, in our opinion, the conclusion that the phrase "qualified electors" means those persons having the constitutional qualifications of an elector and who are duly and properly registered to vote.

If further questions should arise, please feel free to call upon us.

Yours very truly,

VERN MILLER
Attorney General