



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

January 6, 1975

Opinion No. 75- 4

Mr. Thomas C. Lysaught
County Counselor
511 Huron Building
Kansas City, Kansas 66101

Dear Mr. Lysaught:

You inquire concerning the filing deadline for candidates for election to the governing body of the community junior college.

K.S.A. 71-1414(c), last amended in 1969, requires filings to be made

"on or before 12 o'clock noon on the Tuesday which precedes by seven (7) weeks the first Tuesday in April of any odd-numbered year."

K.S.A. 25-2007(c) provides that

"for *school elections* the filing deadline is 12 o'clock noon on the Tuesday which precedes by nine (9) weeks the first Tuesday in April of any odd-numbered years." [Emphasis supplied.]

By a 1973 amendment, see ch. 161, § 1, L. 1973, the filing date fixed by this section was advanced from seven weeks to nine weeks before the election date. K.S.A. 71-1414(c), however, was not amended to conform with this recent amendment. (Under K.S.A. 25-2002, and by reference to K.S.A. 25-2503, the term "school election" italicized above includes election of members of the governing body of a community junior college.)

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In *Arkansas City v. Turner*, 116 Kan. 407, (1924), the court stated thus:

"It is an elementary rule of statutory construction that where a manifest conflict between two statutes cannot be reconciled so as to give reasonable operative effect to both, the later enactment, as the last expression of the legislative will, controls, and the earlier enactment is deemed to have been repealed by implication." 116 Kan. at 409.

Thus, in this case, the later enactment must prevail, and it is our opinion that the filing deadline for candidates for election to the governing body of the community junior college is that fixed by K.S.A. 25-2007(c), i.e., nine weeks preceding the first Tuesday in April. This conclusion is based upon the principle of statutory construction cited above, and not upon any construction of the powers of the election commissioner under K.S.A. 25-1343, which does not, in our view, empower the election commissioner to alter any filing deadline which is fixed by law.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:wlm