



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 31, 1976

ATTORNEY GENERAL OPINION NO. 76- 111

The Honorable Elwill M. Shanahan
Secretary of State
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Elections--Multilingual Materials and Assistance--Duty
to Furnish

Synopsis: The Secretary of State is not required to prepare the notice required by K.S.A. 25-204 in any language other than English. It is the duty of the county election officer in any county determined by the United States Attorney General to be subject to section 203(c) of the Voting Rights Amendments of 1975 to assure that the notification published in the jurisdiction of such officer complies with the multilingual requirements of the United States Attorney General.

* * *

Dear Secretary Shanahan:

K.S.A. 25-204 states thus:

"On or before April second in even-numbered years before the time of holding the statewide primary election, the secretary of state shall prepare and transmit to each county election officer a notice in writing, designating the offices for which candidates are to be nominated at such statewide primary election. Upon receipt of such notice each county election

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officer shall forthwith publish so much thereof as may be applicable to his county, once each week for three consecutive weeks, in the official county paper. Such notice so published shall state the time when such primary election will be held, together with the offices for which candidates are to be nominated."

You inquire concerning your responsibility, if any, to furnish the written notification required by this section in any language other than English, in those counties which have been determined by the Attorney General of the United States to be subject to section 203(c) of the Voting Rights Act Amendments of 1975, Pub. L. 94-73, 42 U.S.C. § 1973 *et seq.* I understand that the Attorney General has determined that voting materials and assistance in three counties of Kansas must be furnished in one language in addition to English.

Title 28, Code of Federal Regulations, § 55.8(b) fixes responsibility for compliance with that determination, thus:

"If an election conducted by a county relates to Federal or State offices as well as county offices, *a county subject to the bilingual requirements must insure compliance* with those requirements with respect to all aspects of the election, i.e., the minority language material must deal with the Federal and State offices or issues as well as county offices or issues." [Emphasis supplied.]

Responsibility for compliance thus rests with the county election officer. Thus, in this instance, the written notification which you are required to furnish to the county election officer need not be furnished in any language other than English. If it is furnished only in English, the county election officer must, in order to assure compliance within the jurisdiction of that officer, take the necessary steps to assure that the notification, as determined to be applicable to the particular county, is published in the additional language required by the Attorney General of the United States.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj