

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 14, 1976

ATTORNEY GENERAL OPINION NO. 76- 285

Ms. Dorothy M. Chapman
Logan County Election Officer
710 West Second
Oakley, Kansas 67748

Re: Petitions--Signatures--Determination of Sufficiency

Synopsis: The number of signatures on a petition which is filed pursuant to K.S.A. 19-436 must be determined according to the number of qualified voters in the county, and that term includes only registered voters.

* * *

Dear Ms. Chapman:

K.S.A. 19-436 provides a procedure whereby a petition may be filed to protest exemption of certain levies from the aggregate tax levy limitation of the county. A sufficient petition must be signed by

"electors of the county equal in number to not less than five percent (5%) of the total qualified electors of the county. . . ."

You advise that such a petition was filed with you, which you proceeded to check against the voter registration list. However, the question has arisen whether the term "elector" includes only those who are registered voters.

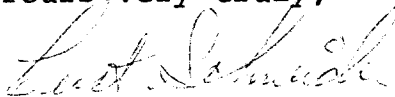
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This question was settled in *State ex rel. Blake v. Dunn*, 118 Kan. 184, 235 Pac. 1034 (1925), in which the court stated thus:

"The first question is, Who are 'qualified electors' within the meaning of the statute? It is well settled in this state that the legislature may require registration as a prerequisite to the right to vote In the cities where registration is required, an elector is a person having the constitutional qualifications of an elector and who is duly and properly registered. (*Coney v. City of Topeka*, 96 Kan. 46, 149 Pac. 689.) In *Clayton v. Hill City*, 111 Kan. 595, 207 Pac. 770, the term 'qualified electors' was construed to mean persons entitled to vote. Hence the words 'qualified electors' in this statute means persons who have the constitutional (Const., art. 5, §§ 1, 4) qualifications of an elector and who are duly and properly registered." 118 Kan. at 186-187.

In this instance, the sufficiency of the number of signatures on the petition must be determined according to the number of "qualified electors," which the Kansas Supreme Court has held to mean registered voters. Thus, you are correct in determining the sufficiency of the signatures on this petition from the list of registered voters.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj