



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

December 9, 1976

ATTORNEY GENERAL OPINION NO. 76- 360

Mr. Jesse I. Linder
Wallace County Attorney
408 North Main Street
Sharon Springs, Kansas 67758

Re: Counties--Airports--Elections

Synopsis: A proposition for the establishment of an airport under K.S.A. 3-309 may be submitted at any "general election" as that term is defined by K.S.A. 25-2502.

* * *

Dear Jesse:

You advise that at the last general election in Wallace County, a proposal for establishment of a county airport was submitted pursuant to K.S.A. 3-309, and was defeated. Supporters of the proposition are encouraged by the narrow margin of defeat, and wish to have the question submitted again at the next possible election. K.S.A. 3-309 provides that the question shall be submitted "at the next general election" after adoption of the necessary resolution or filing of a sufficient petition, and you inquire what constitutes a "general election" within the meaning of this section.

As you point out, that term is defined at K.S.A. 25-2006(a) thus:

"'General election' means the election held for school officers on the first Tuesday in April in any odd-numbered year, and in the case of special elections of any school officers to fill vacancies, the election at which any such officer is finally elected."

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This definition was enacted in 1968, see ch. 59, L. 1968, as a part of the "School Election Act." That same year, chapter 406, L. 1968, was enacted as a general act concerning elections. Section 2(a) of that act defines the term similarly, but somewhat broadly thus:

"'General election' means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected."

In my judgment, it is this provision which should be resorted to for definition of the term "general election" which appears in K.S.A. 3-309. Thereunder, the election of school officers on the first Tuesday in April would qualify as a "general election" at which the airport proposition could lawfully be submitted under K.S.A. 3-309.

With best regards and season's greetings.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj