



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

September 13, 1977

ATTORNEY GENERAL OPINION NO. 77- 295

Mr. James G. Kahler
Rice County Attorney
Post Office Box 666
Lyons, Kansas 67554

Re: Elections--Hospital Districts--Canvassing

Synopsis: A bond election held under K.S.A. 80-2194 should be canvassed by the board of directors of the district itself, and it is not necessary that the board of county commissioners also canvass said election.

* * *

Dear Mr. Kahler:

You advise that a hospital district in Rice County is to hold an election for the issuance of bonds pursuant to K.S.A. 80-2194, which provides in pertinent part thus:

"The board of directors shall have power to call such special election and notice thereof shall be given pursuant to the provisions of K.S.A. 10-120 and acts amendatory thereof; and the election returns of all special or bond elections shall be made to the secretary and be canvassed by the board of directors."

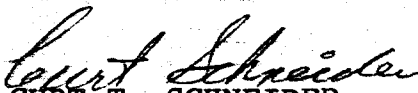
K.S.A. 10-120 states in pertinent part thus:

Mr. James G. Kahler
Page Two
September 13, 1977

"Such elections are to be in all respects governed and the results declared according to the rules and regulations provided by law for holding elections in any such municipality."

Under K.S.A. 25-3101, the board of county commissioners of each county shall be the board of canvassers for most elections. However, elections held by hospital districts organized under K.S.A. 80-2178 et seq. are not enumerated in that provision as elections for which the board of county commissioners must assume that responsibility. Thus, in my judgment, it is sufficient that the election be canvassed by the board of directors of the district, as required by K.S.A. 80-2194.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj