



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 8, 1978

ATTORNEY GENERAL OPINION NO. 78-159

Mr. Donald E. Martin
City Attorney
Ninth Floor - Municipal Office Building
One Civic Center Plaza
Kansas City, Kansas 66101

Re: Elections--Private Club Act--Petitions

Synopsis: No petition pursuant to section 10 of 1978 Senate Bill No. 975 may be accepted for filing by the county election officer prior to July 1, 1978. No signature on any petition filed on or after that date should be rejected or not counted because the date of such signature precedes July 1, 1978.

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Dear Mr. Martin:

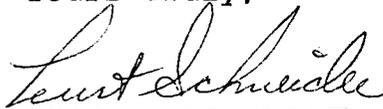
Section 10 of 1978 Senate Bill 975 authorizes the question of issuance of class B club licenses, pursuant to K.S.A. 1977 Supp. 41-2601(b)(3)(B) and amendments thereto, to food service establishments, to be submitted to the voters of any county upon the filing of a sufficient petition therefor, to be filed not later than 60 days preceding the 1978 county general election. This enactment will become effective July 1, 1978. You request my opinion whether petitions bearing signatures which were obtained prior to July 1, 1978, are invalid for that reason, and whether signatures so obtained may be counted as lawful signatures.

Section 10 of Senate Bill 975 constitutes the only statutory authority for the filing of a petition seeking an election upon the issuance of licenses to food service establishments as class B

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clubs under the Private Club Act. This bill will not become effective until July 1, 1978, and in my judgment, the county election officer may not accept for filing a petition which is offered under this enactment until July 1, 1978. If a petition is offered for filing on or after that date, it is necessary that it contain the signatures of registered voters equal in number to not less than five per cent of the registered voters of such county. The bill does not prescribe any time periods within which the signatures may be gathered, and while K.S.A. 1977 Supp. 25-3602 governs the form of petitions, there are no comparable statutory provisions governing the circulation of petitions. In my judgment, so long as the signatures on the petition are those of registered voters, no signature should be rejected or not counted merely because the date of the signature precedes July 1, 1978.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj