



STATE OF KANSAS

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CURT T. SCHNEIDER
ATTORNEY GENERAL

September 29, 1978

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ATTORNEY GENERAL OPINION NO. 78- 307

Mr. John Thomas Reid
City Attorney of Sedgwick
127 East Seventh Street
Newton, Kansas 67114

Re: Elections--Qualified Elector--Definition

Synopsis: A "qualified elector" is any person who is duly registered to vote and whose registration has not become void for any reason set out in K.S.A. 25-2316c.

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Dear Mr. Reid:

You advise that the City of Sedgwick is considering the sale of the city gas distribution system pursuant to K.S.A. 1977 Supp. 15-809, which provides that the sale may not be made until it shall have been "submitted to a vote of the *qualified electors* of the city"

You inquire who is a qualified elector as the term is used in this statute. The question is raised because the voter registration records in the office of the county election officer show that a number of voters are registered who have moved from the city since the last election. K.S.A. 25-2316c(b) provides that when a registered voter changes his or her residence, the registration of such voter becomes void. However, the county election officer may remove the name of such voter from the registration list only when and as provided in that provision.

Thus, although the name of a voter who has moved may appear on the registration list, the registration is in fact void, and any such voter is subject to challenge by the election board before

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which he or she appears, said challenge being based upon the voter's change of residence. Under K.S.A. 25-414, it is the "duty of each judge of election to challenge any person offering to vote, whom he shall know or suspect not to be qualified as an elector." If an election judge knows that a voter has in fact changed his or her residence, that voter may be challenged as provided in K.S.A. 25-409, and if the challenge is sustained, the vote may not be accepted. Change of residence is a valid basis for a challenge. In short, a qualified elector is any person who is registered to vote, and whose registration has not become void for any reason set forth in K.S.A. 25-2316.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj