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ATTORNEY GENERAL OPINION NO. 80- 263

The Honorable Jack H. Brier  
Secretary of State  
Second Floor  
State Capitol  
Topeka, Kansas 66612

Re: Elections--Registration of Voters--Designation of  
Additional Places of Registration

Synopsis: A "mobile vehicle" cannot be designated by a county election officer as an additional place of voter registration pursuant to K.S.A. 25-2313. Application of established rules of statutory construction discloses a legislative intent that eligible voters be apprised with specificity as to the times and places of registration, requiring a finding that such additional places of registration must be buildings to which the public has access. Cited herein: K.S.A. 25-2301, 25-2303, K.S.A. 1979 Supp. 25-2310, K.S.A. 25-2312, 25-2313, 77-201, K.A.R. 7-23-7.

\* \* \*

Dear Secretary Brier:

You have inquired regarding the authority of county election officers to provide places of registration in addition to those prescribed by statute.

Several statutory and regulatory provisions have relevance to your inquiry. K.S.A. 25-2303 makes it the responsibility of the county election officer in each county to administer the statutory

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provisions requiring and providing for the registration of voters (K.S.A. 25-2301 et seq.). That statute also provides for the appointment of deputy county election officers to perform duties regarding the registration of voters "in the manner prescribed by the county election officer."

K.S.A. 25-2312 contemplates that registration of voters will be accomplished principally at "the main office building of the county government in the case of election commissioners and in the main offices of the city government in the case of city clerks" who have been appointed as deputy election officers, as is provided in K.S.A. 25-2303. However, a county election officer is authorized by K.S.A. 25-2313 to "provide for additional places of registration during periods when it is anticipated a large number of persons may wish to register." (Emphasis added.)

Also of relevance is K.S.A. 1979 Supp. 25-2310, which states in pertinent part:

"County election officers shall cause publication, in a newspaper having general circulation in the county of the county election officer, of a notice of places and dates for registration and the closing thereof before each election. . . . Such notice shall be given in such form and at such time or times as is specified by rules and regulations of the secretary of state."

Pursuant to the authority provided by the last sentence of the foregoing, K.A.R. 7-23-7 has been promulgated, stating as follows:

"Whenever county election officers provide additional places of registration during periods when it is anticipated a large number of persons may wish to register as provided by K.S.A. 25-2313, a notice shall be published in a newspaper having general circulation within the area, or the officially designated newspaper, at least five days prior to the date such outposts will be open. The notice shall state the location of the outpost and the hours and days such outposts will be open." (Emphasis added.)

It is within the context of the aforementioned statutory and regulatory provisions that you have posed the following question: "Whether a

'mobile vehicle' can be used as a temporary outpost to register persons to vote." Although your reference to a "mobile vehicle" is somewhat confusing, since mobility is a generally accepted characteristic of a vehicle, we assume your use of such term was intended to emphasize the fact that the vehicle would not be permanently stationed at one particular location. Based on that assumption, it is apparent that resolution of your inquiry requires a determination of whether a "mobile vehicle" constitutes an "additional place of registration" within the meaning of K.S.A. 25-2313, as well as for the purposes of K.A.R. 7-23-7.

In considering this proposition, we are mindful of the general rule of statutory construction that words in a statute are to be given their plain and ordinary meanings. Lakeview Gardens, Inc. v. State, ex rel., Schneider, 221 Kan. 211, 214 (1976). However, in referring to Webster's Third New International Dictionary and Words and Phrases for assistance in determining the plain and ordinary meaning of "place," we have discovered numerous meanings ascribed to this word. Thus, as commanded by K.S.A. 77-201, Second, it is necessary to ascertain its meaning from the context in which it is used. See, also, Hessel v. Lateral Sewer District, 202 Kan. 499, 502 (1969).

Applying these rules of construction, we have concluded that the "additional places of registration" designated by county election officers pursuant to K.S.A. 25-2313 must be buildings to which the general public has access. By K.S.A. 25-2312, the legislature has designated specific public buildings as the principal places of registration. Thus, in our judgment, absent any qualifying language, the authorization to designate additional places of registration in the next succeeding statute (K.S.A. 25-2313) requires a finding of legislative intent that such "additional places" have characteristics similar to those statutorily prescribed, i.e., buildings to which the public has access.

In reaching this conclusion, we note the conspicuous absence of any statutory provisions which would indicate that the legislature intended to provide for "mobile registration." We also are persuaded to such conclusion by the requirements of K.S.A. 1979 Supp. 25-2310 (amplified by K.A.R. 7-23-7) that notice be given of the "places . . . for registration and the closing thereof." In our judgment, such requirements indicate an intent that places of registration be situated at fixed locations and negate a finding that the legislature intended to provide for mobile registration. It is abundantly clear that the import of the pertinent legal requirements referenced herein is that eligible voters be apprised with specificity of the times and places of registration. In our judgment, it is not apparent this can be accomplished through mobile registration.

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Finally, while not in itself persuasive to our determination, we note that the authority conferred on county election officers by K.S.A. 25-2313 is to be exercised "during periods when it is anticipated a large number of persons may wish to register." While the designation of appropriate buildings as additional places of registration can be viewed as fulfilling the need addressed by these statutory provisions, we find it difficult to reach the same conclusion with respect to the use of vehicles as temporary outposts for registering voters. Although it is arguable that certain types of vehicles situated at fixed locations might accommodate the anticipated increase in the number of registrants, while satisfying the statutorily-recognized need for specificity in the places of registration, we decline to read such provisions into the statute without benefit of clear legislative intent to that effect.

Therefore, it is our opinion that a "mobile vehicle" cannot be designated as an additional place of voter registration pursuant to K.S.A. 25-2313. To find otherwise would require a strained interpretation of the voter registration statutes, contrary to established rules of statutory construction. A "[s]tatute should be read according to [the] nature and obvious import of its language without resorting to subtle and forced construction for purpose of either limiting or extending its operation. Sharp v. United States, 108 F.Supp. 745, Syl. ¶1 (D.C. Kan., 1952).

Very truly yours,



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RTS:WRA:pf