



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

February 11, 1981

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 81-40

Honorable Robert V. Talkington
Senator, Twelfth District
Room 357-E, State Capitol
Topeka, Kansas

Re: Elections--Sufficiency of Petitions--Office in which
Petitions Requesting Elections are to be Filed

Synopsis: Since K.S.A. 1980 Supp. 79-3109 authorizes the filing of a petition requesting that the intangibles tax of a city be eliminated, but does not specify the officer with whom said petition is to be filed, the provisions of K.S.A. 25-3601 et seq. apply. Under K.S.A. 1980 Supp. 25-3602, such petitions are to be filed with the county election officer. Cited herein: K.S.A. 25-3601, K.S.A. 1980 Supp. 25-3602, 79-3109.

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Dear Senator Talkington: 1

On behalf of the Paola City Attorney, you seek our opinion as to the officer with whom there should be filed a petition calling for the elimination of the intangibles tax of a city.

Such a petition is authorized under the provisions of K.S.A. 1980 Supp. 79-3109. But, as correctly noted by the Paola City Attorney, said statute does not specify the officer with whom such petition is to be filed. However, such eventuality has been contemplated by the legislature through the enactment of K.S.A. 25-3601 et seq., and amendments thereto.

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K.S.A. 25-3601, in relevant part, provides:

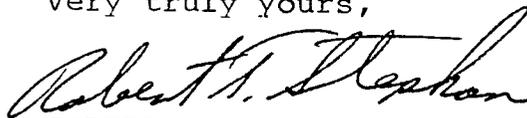
"Whenever under the laws of this state a petition is required or authorized as a part of the procedure applicable to any county, city, school district or other municipality, or part thereof, the provisions of this act shall apply, except as is otherwise specifically provided in the statute providing for such petition."
(Emphasis added.)

K.S.A. 1980 Supp. 25-3602, in relevant part, provides:

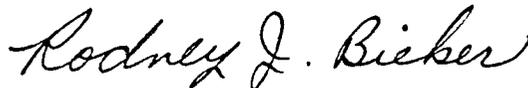
"Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title, and such documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes, such filing to be made at one time all in one group." (Emphasis added.)

Since K.S.A. 1980 Supp. 79-3109 authorizes the filing of a petition requesting that the intangibles tax of a city be eliminated, but does not specify the officer with whom said petition is to be filed, the provisions of K.S.A. 25-3601 et seq. apply. Under K.S.A. 1980 Supp. 25-3602, such petitions are to be filed with the county election officer.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Rodney J. Bieker
Assistant Attorney General

RTS:BJS:RJB:jm