Mr. Jeffery Chubb
Montgomery County Attorney
Montgomery County Courthouse
Independence, Kansas 67301

Re: Counties and County Officers -- Improvement Districts -- Qualifications of Voters

Synopsis: K.S.A. 19-2758 requires that only persons who are taxpayers, residents of an improvement district, and otherwise qualified to vote pursuant to the Constitution of the State of Kansas will be allowed to vote in any improvement district election. Therefore, merely owning real property within the proposed improvement district is insufficient to qualify an individual to vote in any such election, including a bond election under K.S.A. 19-2768.


Dear Mr. Chubb:

You inquire whether landowners in a proposed improvement district must actually reside within said district in order to vote in a bond election pursuant to K.S.A. 19-2768. Said statute is part of a 1945 Act authorizing the creation of improvement districts. K.S.A. 19-2753 et seq. We direct your attention to K.S.A. 19-2758, another section of that same Act, which provides in relevant part:

"The county clerk shall, not less than twenty (20) days prior to the date fixed by the board of county commissioners for the holding of the first election in such district, ascertain from the tax rolls of the preceding year the names of all taxpayers who are qualified electors"
residing within the district, and deliver a
certified list of the same to one of the per-
sons appointed as judges of the first election
to be held in the district and at such election
or any other election held under this act only
persons who are taxpayers and residents with-
in such district and are qualified electors
under the constitution of Kansas shall be per-
mitted to vote." (Emphasis added.)

From the foregoing, it is clear that, in all improvement dis-
trict elections, voters must be 1) taxpayers, 2) residents of
the improvement district and 3) otherwise qualified to vote
pursuant to applicable Kansas constitutional requirements.
See, also, V. Op. Att'y Gen. 259,260. Therefore, merely own-
ing real property within the proposed improvement district
is insufficient to qualify an individual to vote in any such
election, including a bond election under K.S.A. 19-2768.

Very truly yours,

ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS

Robert Vinson Eye
Assistant Attorney General

RTS:BJS:RVE:hle