



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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September 20, 1982

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CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 82-209

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. Cited herein: K.S.A. 19-2753, 19-2758, 19-2768.

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Dear Mr. Chubb:

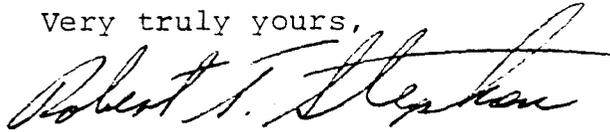
You inquire whether landowners in a proposed improvement district must actually reside within said district in order to vote in a bond election pursuant to K.S.A. 19-2768. Said statute is part of a 1945 Act authorizing the creation of improvement districts. K.S.A. 19-2753 *et seq.* We direct your attention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

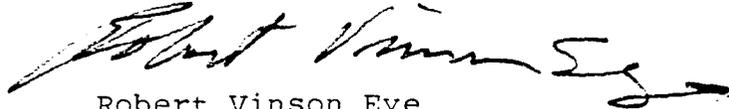
residing within the district, and deliver a certified list of the same to one of the persons appointed as judges of the first election to be held in the district and at such election or any other election held under this act only persons who are taxpayers and residents within such district and are qualified electors under the constitution of Kansas shall be permitted to vote." (Emphasis added.)

From the foregoing, it is clear that, in all improvement district 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 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.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Robert Vinson Eye
Assistant Attorney General

RTS:BJS:RVE:hle