

*Elections
Notice by Publication*



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

September 11, 1974

Opinion No. 74- 311

Mrs. Mary F. Hope
Commissioner of Elections
Shawnee County Court House
Topeka, Kansas 66603

Dear Mrs. Hope:

You inquire concerning K.S.A. 72-8007, which states in pertinent part thus:

"In the event that an election is to be called as determined in subsection (a) of K.S.A. 1970 Supp. 72-8005 as amended, or subsection (c) of K.S.A. 1970 Supp. 72-8006 as amended, in not less than forty-five (45) days and not more than sixty (60) days the county election officer shall make one publication notice calling such election, and stating the ballot title and proposition to be voted upon. Such notice shall be published not less than three (3) days prior to such election."

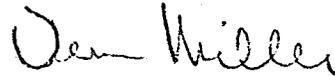
Under this section, once the sufficiency of the petition is determined and it is known "that an election is to be called," the county election officer shall "in not less than forty-five (45) days and not more than sixty (60) days...make one publication notice calling such election," which "notice shall be published not less than three (3) days prior to such election."

Thus, it is within the period on or after the forty-fifth day and not later than the sixtieth day that the county election officer must make a publication notice calling the election; the election itself is not required to be conducted within that period, but must be conducted not fewer than three days following publication of the notice calling the election. Thus, if the election is to be held at the time of the general election on November 5, the notice

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calling the election must be published not later than three days prior thereto, and the minimum period of forty-five days must be measured from the date of the publication notice, in this instance, November 2, rather than from the date of the election itself.

Very truly yours,



VERN MILLER
Attorney General

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