

FILE

Subject

*Elections Voters
Registration*

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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

October 17, 1974

Opinion No. 74- 346

Mr. Tom R. Smith
Assistant County Attorney
Seward County
415 N. Washington
Liberal, Kansas 67901

Dear Mr. Smith:

You inquire concerning the continuing validity of the voter registration of an individual who was a validly registered voter during the month of June, 1973, and who during that month made a change of residence to another place within his own precinct and ward. Under the law then in force, that change of residence did not affect the validity of his registration. K.S.A. 25-2316(a) then provided thus, in pertinent part:

"When a voter has been registered according to law his registration shall continue to be valid until any one of the following occurs:

* * *

(2) The voter changes residence by moving out of the voting district in which he resided at the time he registered. For the purposes of this section, 'voting district' means the precinct, ward or township in which the voter resides and the one thereof which is the smallest in area."

Subparagraph (2) was amended by ch. 166, § 1, L. 1973, effective July 1, 1973, to provide that the registration of a voter became void when "[t]he voter changes his place of residence," whether the change be to another place within or without the voting district.

Thus, under the law in force during June, 1973, the continuing validity of the registration of the voter in question was unaffected by his change of residence within his voting district prior to July 1, 1973. The individual thus was validly registered on July 1, 1973. The 1973 amendment did not operate

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retroactively, but merely changed the conditions under which the registration of a voter would thereafter be invalid. According to your letter, we assume that the individual in question has not changed his or her residence since June, 1973. Having been validly registered on July 1, 1973, that person continues to be validly registered, unless and until there should occur any of the circumstances enumerated in K.S.A. 25-2316, as presently written, which would void that registration. So far as we are advised, no such condition or circumstance has occurred. Thus, it is our opinion that the registration of the individual in question was unaffected by the 1973 amendment to K.S.A. 25-2316, and that the registration continues to be valid.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:tp