



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider  
Attorney General

March 14, 1977

ATTORNEY GENERAL OPINION NO. 77- 93

The Honorable C. Fred Lorentz  
State Representative  
3rd Floor - State Capitol Building  
Topeka, Kansas 66612

Re: Watershed Districts--Elections--Qualified Voters

Synopsis: A "qualified voter" in an election for members of the board of directors of a watershed district organized under K.S.A. 24-1201 et seq. is any qualified elector of the district, i.e., any registered voter of the district, and any person eighteen years of age or over who owns land within the district, whether a registered voter or a resident of the district.

\* \* \*

Dear Representative Lorentz:

You inquire concerning the election of directors of a rural watershed district which is organized pursuant to K.S.A. 24-1201 et seq.

The election of directors is prescribed by K.S.A. 24-1211, which states in pertinent part thus:

"In not less than twelve (12) months, nor more than thirteen (13) months after the recording of the certificates of incorporation, and annually thereafter, a meeting shall be held for the election of directors whose terms expire . . . . Qualified voters shall be entitled to vote at any such meeting."  
[Emphasis supplied.]

The Honorable C. Fred Lorentz  
Page Two  
March 14, 1977

The term "qualified voter" is defined by K.S.A. 24-1202(j) to mean

"any qualified elector of the district and any person eighteen (18) years of age or over owning land within the district, although not a resident therein . . . ."

You inquire, in particular, concerning the election of an individual who is a landowner in the watershed district. He appeared at the meeting with his wife and adult children who maintain a residence with him, all of whom are believed to have voted for him. Under K.S.A. 24-1202(j), all of those persons who are registered voters in the district are entitled to cast votes for directors of the watershed district. In addition, if any of those persons were not registered to vote, but are owners of the fee in any real estate in the district, they would also be entitled to vote in the election. Thus, although members of the family may not themselves be landowners in the district, they would nonetheless be permitted to vote if they are registered voters.

I find no statutory procedure in article 12, ch. 24, K.S.A., for contesting the election of directors to the board of a watershed district. Presumably, if grounds exist upon which to challenge the election of any member, an action in quo warranto may lie to determine the title to office in question.

Yours very truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj