



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 28, 1978

ATTORNEY GENERAL OPINION NO. 78- 128

Mr. William H. Yandell
City Attorney
City Hall
Anthony, Kansas 67003

Re: Cities--Elections--Sale of Alcoholic Liquor

Synopsis: The question of licensing the sale at retail of alcoholic liquor by the package may be submitted by the city governing body only at the time of the city general election held on the first Tuesday in April.

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Dear Mr. Yandell:

You request my opinion when an election may be called by the city governing body upon the question of licensing the sale of alcoholic liquor at retail by the package. K.S.A. 41-302 commences thus:

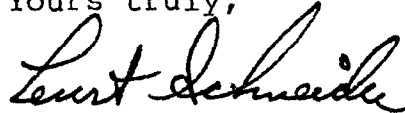
"The question of licensing the retail sale of alcoholic liquors by the package shall be submitted by the governing body of any city at any regular general city election occurring in such city after the year 1960 whenever a petition requesting such submission has been filed with the city clerk of any such city as hereinafter provided."

K.S.A. 25-2103 defines a "city election" to be the "election of such city officers as are provided by law to be elected." K.S.A. 25-2107 provides that the general election of city officers shall

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be held on the first Tuesday in April. Thus, the question of licensing the sale at retail of alcoholic liquor by the package may be submitted only at the time of the city general election held on the first Tuesday in April. A special election may not be called for submission of the question. K.S.A. 41-302 is the exclusive statute governing this question.

Yours truly,

A handwritten signature in cursive script, appearing to read "Curt Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj