



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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CURT T. SCHNEIDER
ATTORNEY GENERAL

December 6, 1978

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78- 382

Mr. Perry Warren
Sherman County Attorney
Sherman County Courthouse
Goodland, Kansas

Re: Townships--Elections--Cities of the Third Class

Synopsis: A qualified elector residing within the corporate limits of a city of the third class may vote in elections of both such city and the township in which such city is located. However a qualified elector residing in the township but outside the limits of an incorporated city is eligible to vote in the elections of the township, but not in the elections of such incorporated city.

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Dear Mr. Warren:

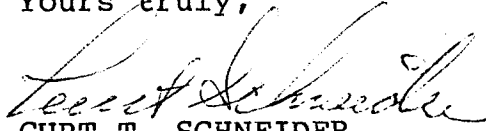
K.S.A. 15-104 provides that "[c]ities regulated and governed by this act [relating to cities of the third class] shall be and remain a part of the corporate limits in which the same are situated." You inquire, first, whether qualified electors residing within the limits of a city of the third class may vote in elections of the township in which the city is situated, and, secondly, whether electors of the township residing outside the limits of a city of the third class may vote in elections of such city. A qualified elector residing within the corporate limits of a city of the third class may vote in elections of both such city and the township, because that qualified elector is a resident of both governmental subdivisions. A qualified elector residing in the township but outside the limits of an incorporated city is eligible to vote in the elections of the township, but not in the elections of such incorporated city of the third class, because that qualified elector is not a resident of said city.

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You also ask concerning the responsibility or authority of a county to pay attorneys' fees and other costs of defending a legal action brought against a county officer on the basis of acts done in his or her capacity as a county officer. K.S.A. 75-4356 et seq. deals with the defense of public officials of both the State of Kansas and of political and taxing subdivisions therein. If after reviewing it, further questions remain, please feel free to contact us.

In addition, I enclose a photocopy of Opinion No. 75-198, concerning eligibility to vote in township elections.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj