

Approved 2-13-84  
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Ed Roitz at  
Chairperson

1:30 ~~a.m.~~ p.m. on February 6, 1984 in room 522-S of the Capitol.

All members were present except:

Senator Ronald R. Hein  
Senator Joseph Norvell

Committee staff present:

Myrta Anderson, Legislative Research Department  
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Mr. Brad Smoot, Attorney General's Office  
Mr. Jon Josserand, Secretary of State's Office  
Mr. Chris McKenzie, League of Kansas Municipalities  
Senator Wint Winter  
Representative Steve Cloud  
Mr. Delbert Mathia, ex-county clerk from Douglas County  
Mr. Dwight Hilpman, Common Cause

The Chairman called the meeting to order.

Mr. Brad Smoot testified in favor of SB 299 and SB 380. Mr. Smoot stated that Attorney General Bob Stephan testified in favor of a similar bill, HB 2384 last year in the House Elections Committee. (Attachment 1)

Mr. Smoot pointed out that Mr. Stephan prefers limited use rather than permitting such elections on the motion of the city or county government. Also, that SB 299 does not specify which public entity will absorb the costs of the advisory election or limit the number of advisory questions which may be submitted at any general election. He also suggested that 7% in line 35 of SB 299 be changed to 10%.

Questions were asked and a general discussion was held.

Mr. Jon Josserand testified that the Secretary of State had no position on the policy of SB 299 and SB 380. He stated that there had been complaints from elderly people that these advisory elections were causing confusion.

Questions were asked and a general discussion was held.

Mr. Chris McKenzie testified in favor of SB 380, stating that there needed to be clarification in the present law as to who has authority to administer the law. He also stated that this bill would give order to the procedure. He stated that the limits on length of the advisory poll and the limit on the number of times that they can be held was not a problem with the League. Mr. McKenzie had submitted an Attorney General Opinion No. 83-177. (Attachment 2)

Questions were asked and a general discussion was held.

Senator Wint Winter testified in favor of SB 299, stating that there was a need to set up orderly and rational procedures to allow polling.

Representative Steve Cloud testified in favor of SB 299, and pointed out the amendments in HB 2384, which he felt answered the questions raised on SB 299. (Attachment 3) The amendments are in lines 39, 44, 58, and 66 of HB 2384.

Mr. Delbert Mathia testified in favor of SB 299 and SB 380, urging the Committee to pass laws making clear who has the authority to hold these elections. He feels that the County Election Officer should be authorized.

Mr. Dwight Hilpman testified in favor of SB 299 and SB 380, and supports the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,  
room 522-S, Statehouse, at 1:30 xx a.m./p.m. on February 6, 1984.

amendments in HB 2384.

The meeting was adjourned by the Chairman.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

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

February 6, 1984

The Honorable Ron Hein  
Chairman  
Senate Elections Committee  
Capitol  
Topeka, Kansas 66612

Dear Mr. Chairman and Committee Members:

Attorney General Stephan asks that I thank you for this opportunity to present his views on 1983 Senate Bills Nos. 299 and 380, both of which concern advisory elections. Last session the attorney general testified in favor of a similar measure, 1983 House Bill No. 2384 and the need for such legislation to clarify the law has only increased during the last year. Attached to this letter is a copy of Mr. Stephan's formal remarks supporting the policy of non-binding advisory elections. However, allow me to briefly review the history of his concern regarding advisory elections and our reasons for urging prompt legislative action.

As many of you know, the attorney general has had numerous occasions to address the legal issues surrounding non-binding advisory elections. In 1979 he advised Secretary of State Brier that a county could conduct an advisory election pursuant to its home rule powers with two restrictions. Kansas Attorney General Opinion No. 79-44. First, the question submitted to the voters must be related to a legitimate public purpose. And, second, it must be conducted independently of any constitutionally or statutorily authorized election, e.g., general, primary or special elections.

During December of last year we again discussed advisory elections. In Kansas Attorney General Opinion No. 83-117, we concluded that cities may conduct non-binding advisory elections pursuant to their constitutional home rule powers. But again the attorney general noted that non-binding advisory elections were not "question submitted elections" within the meaning of K.S.A. 25-2101 et seq., and thus were not to be conducted by the county election

*Atch. 1*

officer in conjunction with another state or local election.

These opinions give rise to three conclusions: First, many cities and counties desire to hold such advisory elections. They view the public input to be significant in the governmental decision making process and find such "polling" of opinion to be a valuable addition to lobbying efforts and public hearings. We have no reason to believe that this interest in advisory elections will decline. As Attorney General Stephan said to the House last year, non-binding advisory elections represent a useful middle ground between pure representative democracy and government by initiative and referendum.

Second, city and county home rule powers permit the expenditure of public funds for such polls or elections so long as the issue submitted to the voters has a "public purpose." The term public purpose appears occasionally in Kansas case law but has a broad meaning. We have taken the view that any issue submitted to the voters in an advisory election must be related in some way to the functions of the municipality conducting the election. Armed with this discretion, Kansas cities and counties have considerable latitude in selecting issues on which to inquire of the voters' opinion.

Finally, although advisory elections may now be held, they must be divorced from elections authorized by the constitution or statute. It is clear that cities and counties would prefer to have the advisory poll conducted in connection with a general, primary or special election. Use of the existing election mechanism would enhance voter participation, ease administration of the advisory election and reduce costs. Unfortunately, current law does not authorize cities or counties to impose upon the county election officer the duty to conduct an advisory election.

Because there is substantial public support for advisory elections; because such elections may assist government in making wise decisions, and because the current statutes do not adequately address the mechanics of conducting such advisory elections, the Attorney General supports the adoption of 1983 Senate Bill No. 299.

This bill authorizes such advisory elections only when such is requested by 7% of the registered voters. Mr. Stephan prefers this limited use rather than permitting such elections on the motion of the city or county government. The bill, however, does not specify which public entity will absorb the costs of the advisory election or limit the number of advisory questions which may be submitted at any general election. Both of these issues may be a proper subject for addition to this bill.

Thank you once again for this opportunity to speak in favor of advisory elections and if our office can be of assistance to

The Honorable Ron Hein  
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your committee concerning these matters, please feel free to  
contact us.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
ROBERT T. STEPHAN

A handwritten signature in black ink, appearing to read 'Bradley J. Smoot', written over the typed name.

Bradley J. Smoot  
Deputy Attorney General

BJS:crw

*Stephan*

TESTIMONY OF ATTORNEY GENERAL ROBERT T. STEPHAN

BEFORE THE HOUSE ELECTIONS COMMITTEE

HONORABLE RICHARD L. HARPER, CHAIRMAN

RE: HOUSE BILL No. 2384

FEBRUARY 23, 1983

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I WANT TO THANK THIS COMMITTEE AND REPRESENTATIVE STEVE CLOUD FOR THE OPPORTUNITY TO TESTIFY ON HOUSE BILL NO. 2384. THIS WEEK I HAVE SCHEDULED TESTIMONY BEFORE LEGISLATIVE COMMITTEES ON THREE BILLS, EACH DEALING WITH OPENNESS IN GOVERNMENT. YESTERDAY, BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE I SUPPORTED A PUBLIC RECORDS BILL WHICH WOULD GREATLY INCREASE CITIZEN ACCESS TO RECORDS OF PUBLIC BUSINESS. TOMORROW, BEFORE THE SAME COMMITTEE, I AM SCHEDULED TO TESTIFY IN FAVOR OF A BILL TO STRENGTHEN THE OPEN MEETINGS ACT.

THE BILL BEFORE THE HOUSE ELECTIONS COMMITTEE TODAY IS ALSO A PROPOSAL TO OPEN GOVERNMENT TO ITS CITIZENS, WITH AN INTERESTING TWIST. RATHER THAN PROVIDING CITIZENS WITH ACCESS TO INFORMATION REGARDING THE WORKINGS OF GOVERNMENT SO THAT THOSE CITIZENS CAN MAKE INFORMED DECISIONS AT THE POLLS, HOUSE BILL NO. 2384 PROVIDES GOVERNMENT, THROUGH ITS POLLS, WITH ACCESS TO THE OPINIONS AND VIEWS OF ITS CITIZENS. IT GIVES CITIZENS A FORUM FOR VOICING THEIR CONCERNS REGARDING IMPORTANT PUBLIC POLICY PROPOSALS.

BY PASSING ALL THREE OF THESE BILLS, THE 1983 LEGISLATURE CAN GREATLY BOLSTER THE PUBLIC'S RIGHT TO ACCESS TO ITS GOVERNMENT. THAT ACCESS IS THE CORNERSTONE OF DEMOCRACY.



THIS CONCEPT IS NOT NEW. FOR YEARS THERE HAVE BEEN THOSE WHO HAVE ADVOCATED THE PROCESS OF INITIATIVE AND REFERENDUM IN KANSAS. OPPONENTS OF INITIATIVE AND REFERENDUM ~~ON THE OTHER HAND,~~ BELIEVE THE PROCESS WOULD TIE THE HANDS OF LAWMAKERS. THEY BELIEVE LAWS ENACTED THROUGH THIS PROCESS WOULD NOT TAKE INTO ACCOUNT MINORITY VIEWS AND INFORMATION NOT READILY AVAILABLE TO THE PUBLIC AT LARGE. HOUSE BILL 2384 IS A UNIQUE PROPOSAL IN THAT IT IS THE FIRST TIME I HAVE SEEN A COMPROMISE POSITION REGARDING THIS PROCESS. AND IT IS A COMPROMISE I HOPE THOSE OF YOU WHO ARE PROPONENTS AND OPPONENTS OF INITIATIVE AND REFERENDUM WILL ENDORSE, AS I DO, TO ALLOW CITIZENS ACCESS TO VOICE THEIR OPINIONS IN AN ELECTORAL MANNER WITHOUT TYING THE HANDS OF LAWMAKERS ON THOSE ISSUES.

I HAVE WRESTLED WITH THE LEGAL QUESTION OF THE CURRENT STATUS OF NONBINDING ADVISORY ELECTIONS IN KANSAS AS HAVE PREVIOUS ATTORNEYS GENERAL. AT PRESENT THERE IS NO LAW WHICH ESTABLISHES A PROCEDURE FOR SUCH ELECTIONS. CITIES AND COUNTIES DO HAVE HOME RULE POWERS, HOWEVER, AND UNDER THOSE POWERS SOME HAVE CONSIDERED HOLDING NONBINDING REFERENDA. IT HAS BEEN OUR BELIEF THAT THEY MAY ONLY HOLD SUCH ELECTIONS UNDER VERY RESTRICTED CIRCUMSTANCES.

FIRST, WE BELIEVE SUCH AN ELECTION MAY NOT BE HELD IN CONJUNCTION WITH AN ELECTION AUTHORIZED BY STATE LAW, NOR MAY THE STATE ELECTION MACHINERY BE USED FOR SUCH AN ELECTION.

SECOND, WE BELIEVE CITIES MAY NOT REQUIRE THE COUNTY ELECTION OFFICER TO CONDUCT A NONBINDING, ADVISORY CITY ELECTION. THE CITY WOULD HAVE TO CONDUCT THE ELECTION ITSELF.

THIRD, THERE IS NO PROVISION FOR SUCH ELECTIONS BEING CALLED FOR BY CITIZEN PETITION.

IN SHORT, TODAY A CITY OR COUNTY GOVERNING BODY CAN CALL A SPECIAL ADVISORY ELECTION ON MATTERS WHICH HAVE A PUBLIC PURPOSE, BUT CANNOT PIGGYBACK THAT ELECTION ONTO A GENERAL, PRIMARY, CITY OR SCHOOL ELECTION AUTHORIZED BY STATE LAW. SUCH AN INDEPENDENT ELECTION WOULD BE EXPENSIVE AND WOULD BE QUITE INEFFICIENT.

MY OFFICE WAS MOST RECENTLY INVOLVED WITH THE LEGAL QUESTIONS SURROUNDING THE LAWRENCE NUCLEAR FREEZE POLL CONDUCTED AT THE TIME OF THE 1982 GENERAL ELECTION. THERE WERE MANY LEGAL HEADACHES INVOLVED IN THAT ENDEAVOR, AND THE ISSUE WAS FINALLY RESOLVED BY PRIVATE CITIZENS CONDUCTING A POLL AT EACH VOTING PLACE. THE NUCLEAR FREEZE QUESTION WOULD HAVE BEEN AN APPROPRIATE SUBJECT FOR A POLL AS PROPOSED IN HOUSE BILL No. 2384. THIS BILL WOULD PROVIDE AN ORDERLY AND LEGAL METHOD FOR SUBMITTING FUTURE QUESTIONS FOR A PUBLIC EXPRESSION OF OPINION.

I NOTE THAT THERE IS NO PROVISION IN THIS BILL FOR GOVERNMENT OFFICIALS TO PLACE QUESTIONS ON THE BALLOT THEMSELVES AND IT SHOULD REMAIN THAT WAY. I AM PLEASED HOUSE BILL NO. 2384 LIMITS THE PROPOSAL OF QUESTIONS TO CITIZEN PETITION. THIS PROCESS SHOULD BE ONE OF CITIZENS ASKING TO MAKE THEIR VIEWS KNOWN RATHER THAN OF GOVERNMENT OFFICIALS CALLING ON CITIZENS TO MAKE TOUGH DECISIONS FOR THEM.

FINALLY, I WANT TO STATE A FEW TECHNICAL SUGGESTIONS REGARDING HOUSE BILL No. ~~2466~~<sup>2384</sup>. I HOPE YOU WILL CONSIDER PLACING A LID ON THE NUMBER OF PROPOSALS THAT COULD BE PRESENTED ON ANY COUNTY, STATE OR CITY BALLOT. I WOULD SUGGEST RAISING THE NECESSARY NUMBER OF PETITIONERS TO 10 PERCENT. I HOPE YOU WILL CONSIDER A PROVISION FOR THE COSTS TO BE PAID BY THE CITY, COUNTY OR STATE, DEPENDING ON THE SCOPE OF THE ELECTION. ALSO, I HOPE YOU WILL MAKE ALLOWANCES FOR QUESTIONS TO BE SUBMITTED ON PAPER BALLOTS IN COUNTIES USING VOTING MACHINES, SHOULD THERE NOT BE ENOUGH ROOM FOR THE PROPOSALS TO BE PLACED ON THE MACHINE.

IN CONCLUSION I WANT TO COMMEND HOUSE BILL No. 2384 TO YOU AS ANOTHER MEASURE TO OPEN UP GOVERNMENT TO THE CITIZENS IT GOVERNS. AND I WANT TO COMPLIMENT REPRESENTATIVE CLOUD FOR INTRODUCING WHAT I BELIEVE IS A VERY WELL CONCEIVED PROPOSAL.

IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO RESPOND.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

December 1, 1983

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ANTITRUST 296-5299

ATTORNEY GENERAL OPINION NO. 83- 177

The Honorable Jack H. Brier  
Secretary of State  
Second Floor, Capitol  
Topeka, Kansas 66612

*Advisory Elections;  
County Election Officer  
Supervision*

Re: Cities -- Home Rule -- Authority to Hold Non-Binding Advisory Elections

Elections -- City Elections -- Non-Binding Advisory Elections; Supervision by County Election Officer

Synopsis: The governing body of a city may, pursuant to the home rule authority granted by Article 12, Section 5 of the Kansas Constitution, call and hold an advisory election, provided that such election is for a public purpose and is not an unauthorized delegation of legislative authority. Because of its non-binding nature, an advisory election is not included within the term "question submitted election" or any other category of city election under K.S.A. 25-2101 et seq. Accordingly, advisory elections may not be supervised by county election officials. Cited herein: K.S.A. 12-184, 12-682, 12-809, 12-811, 12-1220, 12-2001, 12-2104, 13-1024a, 25-605a, 25-2104, 25-2110, 25-2810, Kan. Const. Art. 12, §5.

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Dear Secretary Brier: .

In your role as the chief election officer of the State of Kansas, you request our opinion on two questions concerning advisory elections held by cities. First, you inquire whether such advisory elections may in fact be held by means of a city ordinance and the subsequent submission of the question to the voters. Second, you wish to know whether the administration of such an election is within the duties of the county election officer.

*Atch. 2*

A response to your first question must begin with the provisions of the Kansas Constitution which give cities home rule authority over numerous local matters. Article 12, Section 5 of the state constitution states in pertinent part:

"(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: Provided, That the legislature may establish not to exceed four classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness." (Emphasis added.)

In the context of advisory elections, at least one prior opinion of this office has determined that a city's home rule power is sufficient to authorize the holding of a non-binding election, even in the absence of specific statutory authority. Attorney General Opinion No. 74-351. The opinion noted that the city commission could not delegate legislative authority which it possessed to the voters through such an election, but instead could "authorize the holding of an election, purely advisory in nature, at which a question of public concern is submitted for the expression of the wishes of the people." We concur with the opinion's reasoning and the result reached therein, but note that the question of how such an election should be conducted was not raised or discussed.

It should also be noted that the language of subsection (b) quoted above makes reference to the holding of "referendums only in such cases as prescribed by the legislature." The referendum is a device whereby a measure which has been approved by a legislative governing body does not go into effect until it is also approved by a specified proportion



of the voters in an election. A. Ranney, Referendums: A Comparative Study of Practice and Theory, p. 67 (1978). Charter ordinances, for example, must be submitted to the voters if, within 60 days after their passage by the city commission, a petition containing the requisite number of signatures is filed. Kan. Const., Art. 12, §5(c)(3). The decision of the voters is binding, and if the resolution is not approved, it is of no effect. One commentator has explained the limitation in subsection (b) of Article 12, §5 regarding referendums in general as an attempt to prevent city commissions from delegating legislative authority which they possess to the voters, and so "pass the buck." A. Martin, "Home Rule for Kansas Cities," 10 Kan. L. Rev., 501, 504 (1962).

Although the term "referendum" is not used in the statutes which concern elections, a similar concept appears in the concept of a "question submitted election." K.S.A. 25-2104(a). That statute provides that such an election involves the submission to the voters of a special question dealing with a particular issue. As a matter of law, such questions are phrased in such a way as to present the voter with a choice, either for or against, a specific proposition. See K.S.A. 25-605a and Kimsey v. Board of Education, Unified School Dist. No. 273, 211 Kan. 618 (1973). A number of statutes require the holding of a question submitted election before a measure approved by a governmental body may go into effect. See, e.g., K.S.A. 12-184 (change in form of city government), K.S.A. 12-811 (purchase of utility plants), and various statutes authorizing issuance of bonds, such as K.S.A. 13-1024a (public improvements), K.S.A. 12-809 (waterworks), and K.S.A. 12-682 (street improvements). Others require such elections upon the filing of valid protest petitions following certain actions by the governing body of the city. K.S.A. 12-1220 (establishment of library), K.S.A. 12-2001 (grant of franchise), and K.S.A. 12-2104 (trash collection expenses). These are the types of questions in which a city may legitimately hold a "referendum" of the kind referred to in the home rule section of the constitution.

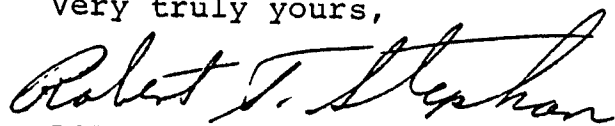
When compared to a question submitted election, an advisory election is different in two important respects. First, it is held only at the discretion of the city commission or council, and not in response to the commands of any statute. Second, the results of such an election are no more binding upon the governing body than would be the outcome of a public opinion poll which was conducted on a particular issue. In our opinion, these differences go to the very heart of what constitutes an "election" within the meaning of K.S.A. 25-2101 et seq. When a voter casts his or her ballot on a question submitted in a special election, they are participating in a legislative activity by which an ordinance will stand or fall. The choice they face is a real one, as are the consequences of the electorate's decision. 25 Am.Jur.2d

Elections, §1, citing Nelson v. Robinson, 301 A.2d 508 (Fla. App. 1974). In contrast, an advisory election is the result of an administrative decision by the city council or commission (i.e., to seek public input through a more elaborate method than through public comment or an opinion poll), and the choice presented to the voters is an illusory one. Unlike a general, primary or question submitted election, where each person's vote can be decisive, no one's vote in an advisory election carries any legal import whatsoever.

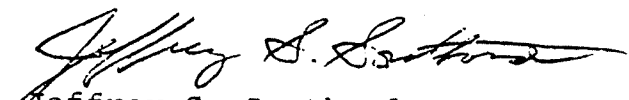
In view of these essential differences, in our opinion advisory elections are not included by implication within the categories of elections set forth in K.S.A. 25-2101 et seq. The only statute which they could conceivably fall under [K.S.A. 25-2104(a)] concerns question submitted elections, and, as demonstrated above, advisory election resemble them only superficially. While the county election officer is empowered to conduct city elections [K.S.A. 25-2104(b), 25-2110, 25-2810], such officer's authority is limited to the supervision of only those elections authorized by statute, and no others. 25 Am.Jur.2d Elections, §44, 29 C.J.S. Elections, §67, p. 158. Accordingly, if a city desires to hold an advisory election, it cannot rely upon the county election officer to supervise the proceedings, for such action would be in excess of that officer's authority. Our reasoning and conclusions herein are consistent with Kansas Attorney General Opinion No. 79-44 regarding the home rule powers of counties to conduct advisory elections.

In conclusion, the governing body of a city may, pursuant to the home rule authority granted by Article 12, Section 5 of the Kansas Constitution, call and hold an advisory election, provided that such election is for a public purpose and is not an unauthorized delegation of legislative authority. Because of its non-binding nature, an advisory election is not included within the term "question submitted election" or any other category of city election under K.S.A. 25-2101 et seq. Accordingly, advisory elections may not be supervised by county election officials.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Jeffrey S. Southard  
Assistant Attorney General

## As Amended by House Committee

Session of 1983

## HOUSE BILL No. 2384

By Representative Cloud

2-9

0018 AN ACT providing for the submission of petitions for nonbind-  
0019 ing advisory referendum on matters of local and statewide  
0020 public interest.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. It is hereby declared to be in the public interest  
0023 to provide procedures for the petition by electors of cities,  
0024 counties and the state to petition for a nonbinding advisory  
0025 referendum on matters of public interest for the purpose of  
0026 reflecting a consensus of public opinion upon propositions that  
0027 should be brought to the attention of the public and their offi-  
0028 cials.

0029 Sec. 2. All petitions for the submission of propositions for  
0030 nonbinding referendum shall, in the case of cities and counties,  
0031 be filed in the office of the county election officer and in the case  
0032 of the state by electors of the state, shall be filed in the office of  
0033 the secretary of state. Each petition shall be accompanied by a  
0034 statement containing the names of three sponsors who shall  
0035 represent all subscribers to the petition in matters relating  
0036 thereto ~~and list all sponsors authorized to circulate petitions for~~  
0037 ~~such proposition.~~ Such petitions shall contain the signatures and  
0038 addresses of registered electors equal in number to not less than  
0039 ~~7%~~ 10% of the registered electors of the city, county or state in  
0040 which the proposition is to be submitted. Before any petition is  
0041 signed by any subscriber, the proposition to be submitted shall  
0042 be filed with the city attorney in the case of a city election, the  
0043 county or district attorney in the case of the county and the  
0044 attorney general in the case of a statewide referendum. The  
0045 subject matter of propositions submitted pursuant to this act

0046 shall involve only matters which under the constitutions of the  
0047 state of Kansas and the United States are subject to the jurisdic-  
0048 tion of an agency of a city, county, the state or the United States  
0049 government. Such petition shall be in substantial compliance  
0050 with the requirements of K.S.A. 25-3602 and the proposition to  
0051 be submitted shall not exceed 50 words. All such petitions filed  
0052 with the city, county or district attorney or attorney general shall  
0053 be examined as to form and compliance with K.S.A. 25-3602 and  
0054 the opinion of the such attorney thereon shall be returned within  
0055 10 days of the date upon which such petition was submitted. All  
0056 petitions for submission of propositions for nonbinding referen-  
0057 dum shall be filed in the office of the county election commis-  
0058 sioner or secretary of state not later than ~~90 days preceding the~~  
0059 ~~date of the election at which the proposition will be submitted~~  
0060 **the date prescribed for the filing of nomination petitions and**  
0061 **declarations of candidacy by K.S.A. 25-205, and amendments**  
0062 **thereto. Upon determination that any petition is sufficient the**  
0063 **county election officer or secretary of state shall cause the prop-**  
0064 **osition to be placed upon the ballot in the next general election**  
0065 **held in November of the even-numbered year. Not more than**  
0066 **two propositions shall be submitted by any city, two by any**  
0067 **county and two by the state at the time of any one election. If**  
0068 **more than two petitions are filed, the propositions submitted**  
0069 **with the first two valid petitions to be filed shall be submitted at**  
0070 **the ensuing election. The county election officer or the secretary**  
0071 **of state may provide for the printing of paper ballots for the**  
0072 **purpose of submitting propositions to election pursuant to this**  
0073 **act. All ballots shall be canvassed in the manner prescribed by**  
0074 **law for the canvass and counting of ballots for officers elected at**  
0075 **such general election.**

0076 Sec. 3. This act shall take effect and be in force from and  
0077 after its publication in the statute book.