



**DOUGLAS COUNTY
BOARD OF COUNTY COMMISSIONERS**

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FOR IMMEDIATE RELEASE:

Petition may not be able to force an Election

Douglas County Counselor states that petition may not be able to force an election

LAWRENCE, KS (April 20, 2018) –After issuing the April 16 advisory opinion to Justice Matters on the legality of the petition, the County Counselor was subsequently asked to consider whether the petition can lawfully seek a referendum election to increase the County property tax levy.

The Justice Matters petition proposes an increase to the property tax levy in the amount of 3.5 mills. The petition cites K.S.A. 19-177 as the ostensible legal authority for a referendum election to impose this property tax increase.

Earlier today, the County Counselor concluded his review concerning whether K.S.A. 19-177 authorizes a referendum to impose a property tax increase as proposed in the petition, and issued a letter summarizing the results of that analysis.

In this April 20, 2018 letter, the County Counselor stated that after reviewing the relevant statutes, he is “unable to conclude that K.S.A. 19-117 authorizes a referendum on the question as stated” in the Justice Matters petition.

The County Counselor explained that the statute cited as support for the petition appears to authorize a referendum concerning taxes or other revenue measures that are provided for in section 19-117(a) of that statute, but it does not authorize a referendum concerning taxes or other revenue measures that are authorized by other statutory enactments. Because property taxes are governed by completely different statutory enactments, which do not provide for referendum elections, the County Counselor was unable to conclude that K.S.A. 19-117 authorizes a referendum election to impose tax increase proposed by the petition.

County Commission Chair Nancy Thellman stated “Today, the County Counselor identified another concern on the validity of the Justice Matters petition. We felt it was important to share this information with the petitioners once that review was completed.”

The County Counselor reiterated that it is the responsibility of the petitioner to submit a legally valid petition, and that Justice Matters should consult with its own legal counsel concerning the petition and the petition process.

For more information contact:

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