

*Elections: Ballots  
Write: Gus*



STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
Attorney General

September 4, 1974

Opinion No. 74- 302

Mr. John E. Fierro  
Ford County Attorney  
Box 995  
Dodge City, Kansas 67801

Dear Mr. Fierro:

You inquire "whether ... a party candidate who loses in a primary election is eligible to be a write-in candidate at the general election." He is. K.S.A. 25-612 states in pertinent part thus:

"Except for presidential electors and governor and lieutenant governor, blank spaces shall be left at the end of the list of candidates for each different office equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office."

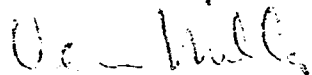
So long as the proposed write-in candidate possesses the qualifications prescribed by either the Kansas Constitution or the applicable statutes, the name of that candidate is eligible to be written in upon the general ballot, subject, of course, to the restriction of K.S.A. 25-613 that "[n]o name that is printed on the ballot can be written elsewhere on the ballot." Having sought, and failed to win, the party nomination during the primary election is not a disqualification from office. Nor is it necessary that the candidate change his party affiliation. See State ex rel. Graybill v. Tipton, 166 Kan. 145; 199 P.2d 463 (1948).

I enclose a copy of Opinion No. 62-87, in which Attorney General William M. Ferguson discussed the applicable law

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governing determinations whether voters have adequately spelled the names of write-in candidates.

Yours Very Truly,



VERN MILLER  
Attorney General

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