



STATE OF KANSAS

*Office of the Attorney General*

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER  
Attorney General

August 11, 1975

ATTORNEY GENERAL OPINION NO. 75- 320

Mr. John Myers  
1429 North Holyoke  
Wichita, Kansas 67208

Re: Election--House of Representatives--Qualifications

Synopsis: A candidate for election to the Kansas House of Representatives must be a registered voter at the time of filing the declaration of candidacy or nomination papers therefor.

\* \* \*

Dear Mr. Myers:

You advise that you are considering seeking election to the Kansas House of Representatives in 1976, and that you will reach the age of eighteen years on August 12, 1976, which occurs after the filing deadline of June 20. You inquire whether, in light of these facts, you will be eligible to file, under Article 2, § 4 of the Kansas Constitution, which states thus:

*"During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district." [Emphasis supplied.]*

A "qualified elector" is one who is registered to vote. Thus, under this section, it is necessary that you be registered to vote at the time you file a declaration of candidacy or nomination papers for election.

Mr. John Myers  
Page Two  
August 11, 1975

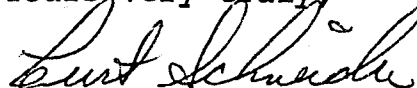
You indicate your understanding that in the 1974 election, a person was permitted to file who had not at the time reached the age of eighteen years. I am not familiar with the instance you cite. However, at that time, Article 4, § 2 provided thus:

"No person shall be a member of the legislature who is not at the time of his election a qualified voter of, and a resident in, the county, or district for which he is elected."

Thus, it was formerly necessary only that a candidate be a qualified elector on election day. Under this section, as amended by the voters November 5, 1974, this qualification must be met at the time one becomes a candidate.

Thus, I cannot but conclude that it is necessary that a person seeking election to the Kansas House of Representatives must be a registered voter at the time of filing a declaration of candidacy or nomination papers therefor.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: The Honorable Elwill M. Shanahan  
Secretary of State  
2nd Floor - State Capitol  
Topeka, Kansas 66612