



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider.
Attorney General

February 16, 1976

ATTORNEY GENERAL OPINION NO. 76- 58

Mr. Philip E. Winter
Assistant County Attorney
Lyon County Courthouse
Emporia, Kansas 66801

Re: Elections--Party Affiliation--Change

Synopsis: Under K.S.A. 25-3304(b), a registered voter may file a written declaration with the county election officer changing a declared party affiliation to that of non-affiliation.

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Dear Mr. Winter:

You advise that your county election officer has raised the question whether a registered voter may change his or her party affiliation from, *e.g.*, Republican or Democrat, to that of no party.

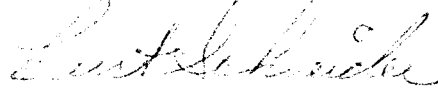
K.S.A. 25-3304(b) states thus:

"Any elector, who, having declared his party affiliation, desires to change the same, may, not less than twenty (20) days prior to the date of any national, state, county and township primary election, file a written declaration with the county election officer, stating his change of party affiliation, and the county election officer shall enter a record of such change on the party affiliation of such preceding primary election in the proper column opposite the voter's name."

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In effect, the voter who seeks to change a declared party affiliation with an established political party to affiliation with no party, seeks both to withdraw that declared party, and to change that declared affiliation to non-affiliation. Although it is a withdrawal of affiliation, it is at one and the same time a "change of party affiliation," a change from affiliation to non-affiliation, and in my opinion K.S.A. 25-3304(b) authorizes a registered voter to file a written declaration with the county election officer changing a declared party affiliation to that of non-affiliation.

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