



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

March 5, 1976

ATTORNEY GENERAL OPINION NO. 76- 80

The Honorable Ansel W. Tobias  
State Representative  
3rd Floor - State Capitol Building  
Topeka, Kansas 66612

Re: Legislature--Qualifications--Election

Synopsis: Qualifications for election to the Kansas Legislature are prescribed by Article 2, § 4 of the Kansas Constitution. Receipt of salary or other remuneration which derives in whole or in part from a state appropriation is not a disqualification for election to or service in the Kansas Legislature.

\* \* \*

Dear Representative Tobias:

You inquire whether any person who receives all or part of his or her salary or other remuneration from a state appropriation which is subject to review and change by the Legislature, such as school teachers and school administrators, are eligible to serve in the Kansas Legislature.

Article 2, § 4 of the Kansas Constitution prescribes the qualifications for election to the legislature:

"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."

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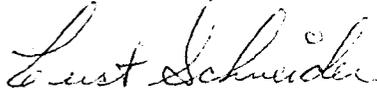
These constitutional qualifications are not altered by the occupation or source of income of a person otherwise qualified for election. The fact that a qualified elector may receive a salary which is funded in whole or in part from a state appropriation does not in and of itself disqualify that person from serving in the legislature.

K.S.A. 1975 Supp. 46-233(b) states thus in pertinent part:

"No individual shall, while a legislator or within one (1) year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term. . . ."

This provision discusses only eligibility to enter into a contract, and not eligibility to serve in the legislature and to vote on all measures coming before it.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj