



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

October 13, 1976

ATTORNEY GENERAL OPINION NO. 76-324

Mr. Larry Shoaf
McDonald, Tinker, Skaer,
Quinn & Herrington
Suite 530, R. H. Garvey Building
300 West Douglas Avenue
Wichita, Kansas 67202

Re: Elections--Candidates--Qualifications

Synopsis: Neither the county election officer nor any deputy thereof is authorized by law to determine whether persons who seek to declare their candidacy for public office possess the qualifications prescribed therefor by law or ordinance. Qualifications of candidates may be determined only pursuant to statutory challenge or contest proceedings, pursuant to K.S.A. 25-308 and -1411.

* * *

Dear Mr. Shoaf:

You request my opinion concerning which officer, if any, is empowered to determine whether a candidate possesses the qualifications prescribed by law or ordinance for the position to which such candidate seeks nomination or election.

Neither the county election officer nor any deputy county election officer, including the city clerk, is authorized by law to determine the qualifications of persons who declare their candidacy for public office, or to exclude any person from ballot

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position who has duly filed therefor, unless and until it is determined by a statutory proceeding, *see, e.g.*, K.S.A. 25-308, that such candidate in fact lacks the qualifications prescribed by law or by ordinance.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj