



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

December 2, 1976

ATTORNEY GENERAL OPINION NO. 76- 352

Mr. George H. Herrelson, Jr.  
528 Main Street  
Post Office Box 49  
Galena, Kansas 66739

Re: Cities--Officers--Qualifications

Synopsis: A person who has been adjudged a delinquent, miscreant or wayward as a child is not ineligible thereby to hold public office in the State of Kansas.

\* \* \*

Dear Mr. Herrelson:

You inquire concerning the eligibility of a member of the council of a city of the second class to serve in office who has been adjudged a delinquent, miscreant or wayward child while a juvenile. The qualifications for members of the council of a city of the second class are prescribed by K.S.A. 14-204. It is necessary that a member of the council be a qualified elector of his or her respective ward. Disqualifications to vote are prescribed by Article 3, § 2 of the Kansas Constitution:

"The legislature may, by law, exclude persons from voting because of mental illness or commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote."

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The legislature has enacted no law which disqualified a person as an elector who has as a child been adjudged a delinquent, miscreant, wayward or truant person. Persons who are convicted of felonies forfeit their eligibility to hold public office under the laws of the State of Kansas or to vote in any election held under Kansas law upon delivery of such person to the Secretary of Corrections for imprisonment. These civil rights are restored upon final discharge from parole or conditional release or upon discharge from custody upon expiration of the term of imprisonment. K.S.A. 21-4615 and 22-3722.

Thus, a person who has been adjudged a delinquent, miscreant or wayward child as a juvenile is not ineligible for service as a member of the council of a city of the second class.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: The Honorable Jack N. Murray  
Mayor of Galena  
501 Main  
Galena, Kansas