



STATE OF KANSAS

## Office of the Attorney General

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Curt T. Schneider  
Attorney General

June 15, 1978

ATTORNEY GENERAL OPINION NO. 78-194

Mr. Roger Peterson  
Ellsworth County Attorney  
221 North Douglas  
Ellsworth, Kansas 67439

Re: Counties--Offices--Vacancies

Synopsis: A vacancy in the office of register of deeds shall be filled under K.S.A. 25-3901 *et seq.*, by appointment by a convention consisting of all precinct committeemen and committeewomen of the county of the political party to which the register of deeds belonged whose departure from office has given rise to the vacancy to be filled.

\* \* \*

Dear Mr. Peterson:

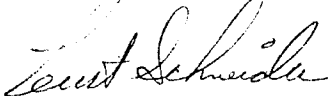
We have your letter of June 8, 1978, advising that a vacancy has occurred in the office of the register of deeds of Ellsworth County. As you point out, under K.S.A. 19-1203, vacancies in the office are to be filled in the manner provided by law for filling vacancies in the office of members of the house of representatives. As you point out, K.S.A. 25-3903 states that a vacancy in the office of state representative or state senator shall be filled by appointment by the governor of a person elected to be so appointed by a district convention provided for by K.S.A. 25-3902.

As you point out, K.S.A. 25-3901 defines the term "district office" as only district judge, associate district judge, district magistrate judge, county commissioner, state representative and state senator. Under K.S.A. 19-1203, by incorporating the provisions of K.S.A. 25-3901 *et seq.*, the office of register of deeds becomes,

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for the purposes of the latter act, also a "district office."  
The "district" involved is the county, and thus, all committeemen  
and committeewomen of the county are eligible to participate in  
the convention, and no others.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj