



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 91- 79

The Honorable Don C. Smith
State Representative, 116th Dist.
2206 Roanoke Rd.
Dodge City, Kansas 67801

Re: State Departments; Public Officers and Employees --
Civil Service -- Resignation Upon Filing for
Certain Elective Offices

Synopsis: A classified state employee of the department of
social and rehabilitation services is not required
to resign from his/her job upon filing as a
candidate for county attorney. Cited herein:
K.S.A. 75-2953.

* * *

Dear Representative Smith:

As representative of the 116th district you request our
opinion as to whether K.S.A. 75-2953 requires a classified
state employee to resign upon filing as a candidate for county
attorney.


K.S.A. 75-2953(2) states:

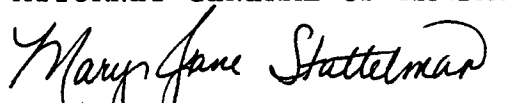
"Any officer or employee in the state
classified service shall resign from the
service upon filing as a candidate for an
elective office, unless the elective
office filed for is a township elective
office, a county elective office, an

elective office in the judicial branch of government or is elected on a nonpartisan basis. Elective office shall not mean or include the office of precinct committeeman or precinct committeewoman." (Emphasis added).

We are not aware of any specific statutes that prohibit classified employees of the department of social and rehabilitation services (SRS) from filing for elective office without first resigning. Therefore, since the position of county attorney is an elected county position, a classified Social and Rehabilitation Services state employee would not be required to resign from the state job upon filing for the position of county attorney pursuant to K.S.A. 75-2953.

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Mary Jane Stattelma
Assistant Attorney General

RTS:JLM:MJS:bas