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Subject *Electious Ballots*  
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STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
Attorney General

October 8, 1974

Opinion No. 74-333

The Honorable John W. Carlin  
Representative Seventy-Third District  
Saline & McPherson Counties  
Smolan, Kansas 67479

Dear Representative Carlin:

You inquire concerning the "constitutionality of having an address follow a candidate's name on the ballot." You suggest that the requirement is discriminatory, comparable to a requirement that a candidate of a particular race or creed be identified as such on the ballot.

The requirement that a candidate's name be accompanied by a designation of the community of his residence, as set out in the form of official ballot at K.S.A. 25-616, applies to all candidates, and hence cannot be claimed to operate discriminatorily as to some candidates and not to others. The use of addresses in conjunction with candidates' names is frequently permitted or required by laws of various states, primarily to aid in voter identification of candidates. A candidate may, of course, deem it politically advantageous or disadvantageous to be identified as the resident of a political community. Some voters may have a bias against a candidate from a particular area or community, just as other voters may have a bias for a candidate with those origins. All candidates are subject to the requirement equally, and the statute does not create any classification or described class of candidates who are subject to the requirement, while others are not. That one candidate may suffer some incidental political disadvantage, as against another candidate, because of his residence in a particular community, does not in our judgment support a conclusion that the statute itself is discriminatory, or deprives any candidate of equal protection of the laws in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Vern Miller".

VERN MILLER  
Attorney General