



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

November 13, 1975

ATTORNEY GENERAL OPINION NO. 75-429

The Honorable Allen G. Tollefson
Mayor of Auburn
Post Office Box 296
Auburn, Kansas 66402

Re: Public Employees--Political Activity

Synopsis: Employees of the Employment Security Division are prohibited by law from holding elective public office.

* * *

Dear Mayor Tollefson:

You advise that a member of the city council of the city of Auburn has recently resigned, after becoming aware of possible statutory prohibitions against this individual's service on the council. Previously, John R. Martin of my staff wrote to you concerning K.S.A. 75-2953, which was amended by the 1975 Legislature, see ch. 439, L. 1975, to provide in pertinent part as follows:

"(2) Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for public office unless the office filed for is elected on a nonpartisan basis."

Since that time, the applicability of K.S.A. 44-714 has been raised, which provides in pertinent part thus:

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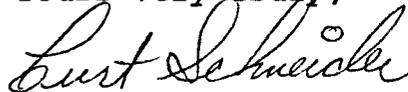
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"(c) . . . The commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for an elective public office. . . .

(c1) No employee of the employment security division shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance, subscription or contribution for any political party or political purpose; nor shall any employee of the employment security division participate in any form of political activity, nor shall he champion the cause of any political party or the candidacy of any person."

K.S.A. 75-2953 as amended applies to all employees in the classified service. K.S.A. 44-714 applies specifically to employees of the Employment Security Division. The special and more restrictive statute must prevail over the more general and less restrictive statute, as they apply to employees of the Employment Security Division. Accordingly, it was entirely proper that the individual in question resign from his position on the city council, for his continued service in that position while employed by the Employment Security Division is clearly prohibited by K.S.A. 1974 Supp. 44-717(c) and (c1), as quoted above. It is the "general rule that a statute pertaining to a specific thing takes precedence over a general statute which might be construed to relate to it." *Dreyer v. Siler*, 180 Kan. 765 at 769, 308 P.2d 127 (1957). Thus, the statute dealing specifically with employees of the Employment Security Division must be construed to take precedence over the statute dealing with classified employees generally.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj