



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 6, 1976

ATTORNEY GENERAL OPINION NO. 76- 203

Mr. Tim W. Ryan
Clay County Attorney
509 Court Street
Clay Center, Kansas 67432

Re: Counties--Commissioners--Residence

Synopsis: Under K.S.A. 19-202, as amended by ch. 121, § 2, L. 1976, a person elected to the office of county commissioner may not qualify and assume the duties of that office unless and until that person establishes residence in the commissioner district which such person is elected to represent. Residence in the commissioner district need not exist at the time of filing of candidacy, or nomination or election, however.

* * *

Dear Mr. Ryan:

You inquire whether a person who resides in one commissioner district of the county may be a candidate for nomination and election to the position of county commissioner for another commissioner district of that county.

K.S.A. 19-202 has been amended by ch. 121, § 2, L. 1976, to provide in pertinent part thus:

"(a) The board of county commissioners of each county shall consist of three (3), five (5) or seven (7) qualified electors.

(b) *One (1) county commissioner shall reside in and represent each commissioner district within the county.* [Emphasis supplied.]

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It is thus required that each commissioner reside in the commissioner district which he or she is elected to represent. Residence in the district represented is thus a qualification for and a requirement of the office. It is not a requirement which must be met, however, at the date of filing of one's candidacy, or at the time of nomination or election. It is only necessary that the commissioner reside in the district represented during his or her term of office. Unless and until the necessary residence in the commissioner district is established, the person elected to be commissioner for that district may not qualify and assume the duties of the office.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj