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February 3, 2026

ATTORNEY GENERAL OPINION NO. 2026-3

Steven W. Hirsch
County Attorney
Decatur County and Sheridan County
P.O. Box 296
Oberlin, Kansas 67749

Re: Agriculture—County Extension—County Extension Councils; Election of Members

Synopsis: K.S.A. 2-611 mandates that county residents elect the members of county extension councils. Because this statute concerns elections, counties may not invoke their home rule authority to exempt themselves from it. Cited herein: K.S.A. 2-611; 19-101a.

* * *

Dear Mr. Hirsch:

As the County Attorney for Decatur County and Sheridan County, you ask whether counties may exempt themselves from K.S.A. 2-611, which governs the election of the members of county extension councils. You raise this issue in the context of Decatur County and Sheridan County, as each has passed a resolution purporting to exempt itself from the statutory election requirements pursuant to county home rule authority.¹ Specifically, although K.S.A. 2-611 requires that 24 county extension council members be elected by voting-age county citizens, the resolutions at issue would, among other related changes, reconstitute the council for each

¹ Decatur County, Kan., Charter Res. No. 2025-15 (Sept. 16, 2025) (on file with the Office of the Attorney General); Sheridan County, Kan., Charter Res. No. CR-2-25 (Sept. 16, 2025) (on file with the Office of the Attorney General).

county as a five-member body whose members are selected by the governing board of county commissioners.

As explained below, the resolutions violate state law.

In Kansas, the Cooperative Extension System, which promotes agriculture, is a partnership among the federal government, the State of Kansas, Kansas State University (KSU), and local extension units that are governed by boards and councils.² KSU generally supervises the program.³ The Legislature has provided a narrow role for boards of county commissioners in the provision of extension services. For example, county commissioners must appropriate money for extension services,⁴ and they also have a say when counties decide to join, or leave, multi-county extension districts.⁵ For a single-county extension unit, the extension council is “the governing body which develops the educational extension programs of [the] county,” and its “members are directly elected by the residents of the county and are not appointed.”⁶ “County extension councils are not instrumentalities of the county.”⁷

Decatur County and Sheridan County were previously part of a multi-county extension district, and upon lawfully leaving the district, the board of county commissioners for each county invoked home rule authority to purportedly establish a system where each board appoints the members of each county’s extension council.

K.S.A. 19-101a restricts county home rule authority, and “[a]ny resolution adopted by a county which conflicts with the restrictions . . . is null and void.”⁸ Relevant here, K.S.A. 19-101a(a)(6) provides that “[c]ounties shall be subject to all acts of the legislature *concerning elections*, election commissioners and officers and their duties as such officers and the election of county officers.”⁹

“When interpreting a statute, we begin with its plain language, giving common words their ordinary meaning. If a statute is plain and unambiguous, we do not

² See K.S.A. 76-435.

³ See *Cloud Cnty. Farm Bureau v. Bd. of Comm’rs of Cloud Cnty.*, 126 Kan. 322, 325–26, 268 P. 91 (1928).

⁴ K.S.A. 2-610.

⁵ See K.S.A. 2-623, 2-628.

⁶ Kan. Att’y Gen. Op. No. 84-56. Multi-county extension districts have a different governance structure. See K.S.A. 2-623, 2-624.

⁷ Kan. Att’y Gen. Op. No. 96-44; cf. *Cloud Cnty. Farm Bureau*, 126 Kan. at 325–26.

⁸ K.S.A. 19-101a(c).

⁹ (emphasis added). Because we believe that this restriction is determinative, we do not opine on K.S.A. 19-101a(a)(1), which provides that “[c]ounties shall be subject to all acts of the legislature which apply uniformly to all counties.”

speculate about the legislative intent behind that clear text.”¹⁰ K.S.A. 19-101a(a)(6) mandates that counties “be subject to all acts of the legislature concerning,” among other things, “elections.” There is no ambiguity; when elections are involved, any county home rule authority cedes to state law unless the Legislature has provided otherwise. And K.S.A. 2-611 concerns elections: It sets up the manner and method for electing county extension council members, providing that these members are elected by the voting-age citizens of the counties.

It is immaterial that county extension council elections are conducted by the councils themselves rather than by county election officials.¹¹ The Legislature also subjected counties to all statutes concerning “election commissioners and officers,” and was certainly aware of the role and importance of county election officials.¹² Nonetheless, the Legislature did not limit its broad protection of state laws “concerning elections” by imposing a requirement that such elections be overseen by a county election official.

In conclusion, because K.S.A. 2-611 concerns the election of county extension council members, counties may not exempt themselves from it pursuant to their home rule authority. Because the resolutions at issue purported to do just that, the resolutions conflict with state law and thus are null and void.¹³

Sincerely,

/s/ Kris W. Kobach

Kris W. Kobach
Attorney General

/s/ Adam T. Steinhilber

Adam T. Steinhilber
Assistant Solicitor General

¹⁰ *City of Shawnee v. Adem*, 314 Kan. 12, 15, 494 P.3d 134 (2021).

¹¹ See generally K.S.A. 2-611.

¹² K.S.A. 19-101a(a)(6).

¹³ See K.S.A. 19-101a(a)(6), (c).