

DE 86-06 - May 1, 1986

**Ballot Name;
Use of Nickname
Section 99.021, Florida Statutes**

To: Honorable Ann Robinson, Supervisor of Elections, Indian River County, 1840 - 25th Street, Suite N-109, Vero Beach, Florida 32960-3394

Prepared by: Division of Elections

This is in response to your request for an advisory opinion pursuant to Section 106.23(2), Florida Statutes, regarding the use by a candidate as defined by the Florida Election Code, Chapters 97-106, Florida Statutes, of his or her proper name or nickname for appearance on the ballot.

Section 99.021, Florida Statutes, requires each candidate to include in his or her oath of candidacy the name as the candidate wishes it to appear on the ballot and directs certification of the name by the qualifying officer to the appropriate supervisor of elections so that the name may thus be printed on the ballot. Under common law principles, not abrogated by Florida law, a name consists of one Christian or given name and one surname, patronymic or family name; therefore, the name printed on the ballot ordinarily should be the Christian or given name and surname, 29 C.J.S. Elections §161. In Florida, a person's legal name is his Christian or given name and family surname, Carlton vs. Phalan, 100 Fla. 1164, 131 So. 117 (1930).

However, it has been determined that any name by which a candidate is known is sufficient on a ballot, and a person is legally permitted to have printed on the ballot the name which the candidate has adopted and under which he or she transacts private and official business, 29 C.J.S. Elections §161.

With regard to the use of nicknames, the Florida Attorney General determined many years ago that there appears to be no objection to including the nickname of a candidate by which he or she is generally known, along with the candidate's name, on the ballot.

Descriptive information such as a title (for example, Dr. or M.D.), although not part of a person's name, is permissible only when two persons of the same name or whose names are so similar as to reasonably cause confusion, seek the same office. See State vs. Murphy, 122 Ohio St. 620, 174 N.E. 252 (1930).

Election officials, however, may be justified in refusing to print on the ballot a candidate's nickname when it is not shown that the nickname ever was used by the candidate as part of his legal name, and such officials may be equally justified in refusing to print on the ballot a candidate's choice of a name which has not been adopted by him or her and under which the candidate has not transacted private and official business. See C.J.S. Elections §161.

In summary, ordinarily a candidate must use his or her Christian or given name and surname, unless it

can be shown that the candidate is known by another name which he or she has adopted and under which he or she transacts private and official business. In addition, a candidate may use a legitimate nickname and, where confusion would result, the candidate may use a descriptive designation.