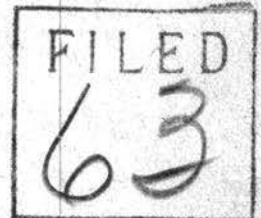


ELECTIONS: Person can include nickname along with real name in filing for offices.

February 29, 1940

3-1



Mr. John A. Mooney
County Clerk
Phelps County
Rolla, Missouri

Dear Sir:

This Department is in receipt of your letter of February 9th, wherein you make the following inquiry:

"Will you please render an opinion as to whether a 'nick name' may be enclosed in parenthesis along with a candidate's name on the election ballots? For instance; John J. (Happy) Smith."

Diligent search of the opinions rendered by this Department do not reveal that we have ever passed on this question. However, the question of whether or not a nickname can be included along with the legal Christian name of a candidate for office in filing and printing on the ballot, has been more or less sanctioned by custom. It has remained unchallenged as far as the courts of our State are concerned.

Section 10257, R. S. Mo. 1929, is as follows:

"The name of no candidate shall be printed upon any official ballot at any primary election, unless at least sixty days prior to such primary a written declaration shall have been filed by the candidate, as provided in this article, stating

his full name, residence, office for which he proposed as a candidate, the party upon whose ticket he is to be a candidate, that if nominated and elected to such office he will qualify, and such declaration shall be in substantially the following form:

I, the undersigned, a resident and qualified elector of the (____) precinct of the town of (____), or (the ____ precinct of the ____ ward of the city of ____), county of ____ and state of Missouri, do announce myself a candidate for the office of ____ on the ____ ticket, to be voted for at the primary election to be held on the first Tuesday in August, ____, and I further declare that if nominated and elected to such office I will qualify.

(Signed) ____."

The statute uses the expression, "stating his full name." Applying that to the instance which you present, it appears that if the candidate's name is John J. Smith and he desires to include the nickname "Happy" for the purpose of identifying himself or calling it to the attention of the voters that he is the particular Smith, among many others, and wishes to identify himself as the same, we know of no legal obstacle to prevent it. Many people who have carried nicknames since early childhood are better and more familiarly known under the nickname than they are when reference is made to the real name. No doubt the purpose

Mr. John A. Mooney

-3-

Feb. 29, 1940

of a candidate in desiring to include his nickname in filing is for this reason.

Yours very truly

OLLIVER W. NOLEN
Assistant Attorney-General

APPROVED:

COVELL R. HEWITT
(Acting) Attorney-General

OWN:EG