

960.

ELECTION—UNLAWFUL TO PLACE NICKNAME UPON BALLOT IN ADDITION TO CANDIDATE'S NAME WHERE SUCH DESCRIPTION UNNECESSARY.

SYLLABUS:

It is unlawful to place upon the ballot at a primary or general election, any nickname of a candidate in addition to such candidate's name where there is not such identity of names of two or more candidates to justify some description which will permit the voter to make an intelligent expression of his choice.

COLUMBUS, OHIO, June 17, 1933.

HON. RAY B. WATERS, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—One of your assistants has requested my opinion as set forth in his letter of recent date as follows:

“Several candidates have presented declarations of candidacy on which they have requested that their nickname appear on the ballot as well as their legal name. The general public, in many instances, knows a man by his nickname, whereas it is unfamiliar with his real given name.

Would you kindly render us an opinion for the guidance of the Board of Elections on the following question: ‘Is the Board of Elections either authorized or required to place on the ballot when requested to do so by a candidate the nickname of the candidate in addition to the name as it appears on the regular registration card?’ For illustration, could a candidate demand that his name appear in a similar manner to the following: William ‘Bill’ Jones, W. B. ‘Bob’ Wynne, or E. T. ‘Dick’ Turner.

The Board of Elections is quite desirous of having this question settled before it is necessary for them to have the ballots printed, so that if you could accommodate them in this respect, it would be greatly appreciated.”

In State, ex rel. *Whetsel vs. Murphy*, 122 O.S. 620, the court said:

“This court is of opinion that it is unlawful to place any characterization or description either before or after the name of a candidate upon a ballot, either at the primary or general election, where there is not such identity of the names of two or more candidates as to justify some description which will permit the voter to make an intelligent expression of his choice.”

In view of the foregoing it is my opinion that it is unlawful to place upon the ballot at a primary or general election, any nickname of a candidate in addition to such candidate's name where there is not such identity of names of two or more candidates to justify some description which will permit the voter to make an intelligent expression of his choice.

Respectfully,
 JOHN W. BRICKER,
Attorney General.