

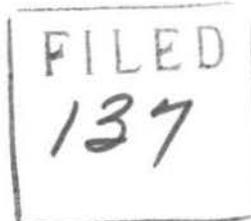
NAMES:
BALLOTS:
ELECTIONS:
CANDIDATES:

A candidate cannot have the nickname "Judge" appear before his name, or in parenthesis in his name, on the ballot because such nickname is a descriptive appellation.

OPINION NO. 137

April 25, 1972

Honorable James C. Kirkpatrick
Secretary of State
State Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Kirkpatrick:

This opinion is in response to your request in which you ask:

"Whether the nickname 'Judge' should be certified as part of a candidate's 'name' under Section 120.380, RSMo 1969."

Section 120.380, RSMo 1969, to which you refer provides:

"At least eighty-five days before any primary election, the secretary of state shall transmit to each county clerk a certified list containing the name and post-office address of each person who has filed declaration of candidacy in his office and is entitled to be voted for at the primary election, together with a designation of the office for which he is a candidate and the party or principle he represents."

In our Opinion No. 257 dated May 9, 1968, copy enclosed, we advised you that the phrase and letters, "(Mr. Econ CDOSA)" could not appear on the ballot because they were purely descriptive. We believe that the reasoning employed in that opinion is applicable in this instance. The word "judge" indicates certain judicial or administrative accomplishments either as a present or a past fact and is a descriptive appellation that likely will be misleading to the voters. That is, even if we accept as fact that the candidate has the nickname of "Judge" and agree that nicknames generally can be used in a proper manner for the purpose of properly identifying the candidate to the electorate, it is our view that it is not permissible for a candidate to use a nickname on such ballot when the nickname gives the electorate the impression that such candidate has, as in this instance, certain skills or otherwise patently connotes certain attributes.

Honorable James C. Kirkpatrick

While we adhere to the philosophy that each case should be judged on its own merits, the clear principle to be noted is that the only purpose in permitting nicknames on the ballot is to identify the candidate to the voters. When such identification becomes misleading, it cannot be permitted.

In this instance, you have further informed us that the candidate has requested that his name appear on the ballot as: "Judge" Wm. Roy Bean. Many people would no doubt recognize that the historical character known as Roy Bean was a judge of sorts. However, we believe that the nickname as a characterization of a person with judicial experience is objectionable and should not be permitted on the ballot as requested or in parenthesis.

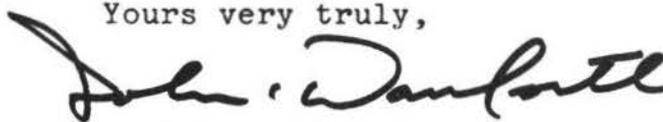
We also enclosed Opinions No. 159 dated April 18, 1962, to Hearnnes and No. 63 dated February 29, 1940, to Mooney relative to your question.

CONCLUSION

It is the opinion of this office that a candidate cannot have the nickname "Judge" appear before his name, or in parenthesis in his name, on the ballot because such nickname is a descriptive appellation.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Klaffenbach.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 257
5-9-68, Kirkpatrick

Op. No. 159
4-18-62, Hearnnes

Op. No. 63
2-29-40, Mooney