

OPLA RESEARCH REQUEST MEMO

To: Janet Stocco, Legislative Analyst, VLA

From: Kristin Brawn, Legislative Researcher

Date: February 12, 2021

RE: States that Allow Political Candidates to Use Nicknames on Ballots (LD 109)

Hi Janet,

You asked me to find out if other states allow political candidates' nicknames to be printed on the ballot. I have found 22 states that allow a candidate's nickname to be printed on the ballot. Of those 22 states, 18 have enacted laws to allow a candidate's nickname on the ballot; three states have authorized candidates' nicknames on the ballot through Attorney General opinions; and one state has issued regulations regarding candidates' nicknames on the ballot. All copies of relevant statutes and other documents referenced in this memo can be accessed [here](#) and in the hyperlinks below.

I. State Statutes

There are 18 states that have enacted laws to allow a political candidate's nickname to be printed on the ballot. For these states, the statutory language regarding candidate nicknames varies from simply stating that candidate nicknames are permitted, to specific conditions around allowing a candidate nickname or requiring a candidate to provide proof that the candidate is regularly known by the nickname.

- The following four states allow candidate nicknames on the ballot without any specified restrictions:
 - Alaska ([AS 15.15.030](#)), Hawaii ([HRS §11-112](#)), Virginia ([Code of Va. §24.2-501](#) and [§24.2-955.1](#)) and Wisconsin ([Wis. Stats. §§8.10, 8.15, and 8.20](#))
- The following 10 states allow candidate names on the ballot with specified restrictions:
 - **Arkansas** ([A.C.A. §7-7-305](#)) allows a nickname or any other word used to identify the person to the voters, but the nickname cannot include a professional or honorary title.
 - **Colorado** ([C.R.S. §1-5-407](#)) allows a candidate's name to include one nickname if the candidate regularly uses the nickname and the nickname does not include any part of a political party name.
 - **Illinois** ([10 ILCS 5/Election Code](#)) allows a candidate to use a nickname by which the candidate is commonly known in addition to the candidate's surname, but prohibits any other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status.
 - **Indiana** ([IC 3-5-7-4](#) and [IC 3-10-1-14.1](#)) allows a candidate to use a nickname on the ballot only if: the nickname is a name by which the candidate is commonly known; the nickname does not exceed 20 characters; the nickname does not include a title or degree or imply a title or degree; and the nickname is set forth on the ballot within parentheses, unless the candidate uses the nickname as a first designation on the ballot.
 - **Louisiana** ([RS §18:463](#)) allows a candidate to use a nickname on the ballot, but the candidate may not use a title, designation, deceptive name or an occupational or professional description or abbreviation. The nickname must be set off by quotation marks and placed immediately preceding the surname.

- **North Dakota** ([ND Century Code §16.1-12-02](#)) allows a candidate to use a nickname, but titles and campaign slogans are not permissible.
 - **New Hampshire** ([NH Statutes §655:14-b](#)) allows a candidate to use a one-word nickname customarily related to the candidate and by which the candidate is commonly recognized. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning or that creates a perception of a professional or vocational affiliation, such as “Doc” or “Coach.” No candidate may designate a name or nickname that includes characters other than the 26-letter English alphabet, a dash, an apostrophe, a period or a comma.
 - **Nevada** ([NRS 293.2565](#)) allows a candidate to use a nickname of not more than 10 letters. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he or she is voting.
 - **Vermont** ([17 VSA §2361](#)) requires that a candidate's nickname printed on the ballot is set off in quotations between the first and last name.
 - **Washington** ([RCW 29A.24.060](#)) allows a candidate to use a nickname by which he or she is commonly known as his or her first name. The nickname must not denote present or past occupations, including military rank; the candidate's position on issues or political affiliation; or be designed intentionally to mislead voters.
- The following four states allow candidate nicknames on the ballot with specified restrictions and require the candidate to provide proof that the candidate is commonly known by that nickname:
 - **Kentucky** ([KRS §118.129](#)) allows candidate nicknames on the ballot; however, if the Secretary of State or county clerk finds a nickname to be a title, rank, degree, job description or spurious phrase, the nickname must be the candidate's bona fide nickname, generally used by acquaintances of the candidate in the county of residence to refer to the candidate, and the nickname must be acknowledged, by affidavit, under oath, by five residents of the county in which the candidate resides, to be a bona fide nickname. The candidate must also acknowledge, by affidavit under oath, that this is the candidate's bona fide nickname and is not being used to gain an advantage on the ballot. The nickname will appear on the ballot set off in quotation marks and immediately before the last name.
 - **North Carolina** ([NCGS §163-106](#) and [§163-165.5](#)) allows a candidate to use a nickname if the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit.
 - **South Carolina** ([SC Code of Laws §7-13-325](#)) allows a candidate to use a nickname which bears no relation to the candidate's given name, but which is used in good faith for honest purposes and does not exceed 15 letters on the ballot. The candidate must notify the authority responsible by law for conducting the election, in writing, before a deadline for receiving or certifying candidates' names for inclusion on the ballot, the name he or she wishes to have appear and must present evidence required by the authority conducting the election that the name indicated is the candidate's derivative name or nickname. In deciding whether the name indicated is the candidate's derivative name or nickname, the authority conducting the election must consider appropriate criteria, including, but not limited to, the following: (a) whether the name is the designation by

- which the candidate is usually and commonly known in the community in which he or she resides or called by other persons; (b) whether the name is the designation by which the candidate calls himself or herself or which he or she has adopted; (c) whether the name is the designation under which the candidate transacts private and official business.
- **Texas** ([Election Code §52.031](#)) allows a candidate to use a nickname consisting of one unhyphenated word of not more than 10 letters by which the candidate has been commonly known for at least three years preceding the election. A nickname that constitutes a slogan or otherwise indicates a political, economic or religious view or affiliation may not be used. The candidate must execute and file an affidavit indicating that the nickname is compliant with these requirements.

II. Attorney General Opinions

The following three states' statutes do not specifically address using a candidate's nickname on the ballot; however, the Attorneys General of these states have authorized the printing of a candidate's nickname on the ballot:

- A 1950 **California** [Attorney General Opinion](#) states that "a candidate for public office may have his name appear on direct primary ballot with his nickname, if he has declared his candidacy or has been nominated under such name."
- A 2007 **Mississippi** [Attorney General Opinion](#) states that nicknames should not be used "unless the officials in charge of the election determine, consistent with the fact, that the appearance of the nickname on the ballot is necessary in order to identify the candidate to the voters."
- A 2010 **Nebraska** [Attorney General Opinion](#) states that a candidate "was entitled to have the name printed on the ballot by which he or she was generally known in the community, even though such name might not be his or her given or Christian name. What was most important with respect to a candidate for public office was the name by which that person was commonly known and called, rather than that person's true legal name, since voters needed to be informed when they voted. The correct name by which a particular person was known in the community presented a question of fact."

III. Agency Regulations

In 1996, the **West Virginia** Secretary of State, under its authority outlined in statute, issued [regulations](#) regarding the use of candidate nicknames and other designations on the ballot. The regulations allow a candidate to use a nickname by which the candidate is commonly known. The nickname may be used on the ballot in lieu of the candidate's first name or placed within the name either in quotation marks or parentheses. A nickname which carries a common meaning, which denotes status or membership in a class of persons, or which is commonly used as or suggests a title, position designation or other similar designation is prohibited, and a nickname which suggests specific action by the voter is prohibited.

I hope you find this information helpful. If you have any questions, or would like me to do further research into this topic, please let me know.