

Opinion No. 54-5956

May 26, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{*412} We are in receipt of your letter of May 7 concerning the names to be placed on the ballot at any election.

The law concerning qualifications {*413} to run refers to the "name of the candidate". § 56-801 et seq., N.M.S.A., 1941 Comp. In § 56-816 the Legislature provided as follows:

"Candidates with similar names -- Occupation and address included on ballot. -- In the preparation of the primary ballots herein provided for, if it appear that the name of two (2) or more candidates for any office to be voted upon at said primary are the same or are so similar as to tend to confuse the voter as to their identity, the occupation and post-office address of each of such candidates shall be printed in the English and Spanish languages immediately under such candidate's name on said primary ballot."

This is the only place where any other designation than a person's name does appear in the Code. It provides that the **occupation and post office address of each of such candidates** shall be printed. There is no provision for a parenthetical name whatsoever or any other name than the legal name of the candidate.

Therefore, it is the opinion of this office that you are justified in placing only the legal name of the candidate upon the ballot, and you may require evidence that any name offered by the person is his legal name or initials, and unless sufficient proof be given, you must use only the candidate's name or initial and not include therein any parenthetical nickname or other cognomen. The title of Judge Governor, Senator, etc. cannot be used unless the circumstances fall within the provisions of § 56-816 wherein two persons running are of such a similar name as to require a professional designation. If such be the case, then the term Judge, Governor or Senator etc. may be used together with the mailing address of such person and printed below the name but not as a portion of the name.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General