

**Opinion No. 56-6399**

March 1, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Honorable R. C. Morgan, State Representative, Roosevelt County, Portales, New Mexico

Receipt is acknowledged of your letter dated February 15 in which you request an opinion on two questions. Your first question is whether or not a person who is registered under his full name must use his full name on his filing certificate or can he use initials.

Section 3-2-7, N.M.S.A., 1953 Compilation, provides that the affidavit of registration shall be substantially the following:

"Last Name First Name Middle Name Mr., Mrs., or Miss \_\_\_\_ (This space to be filled out on typewriter by county clerk)"

We believe that the word "substantial" as used in this statute means "belonging to substance." Volume 40 of Words and Phrases, at page 492, defines substantial as

"In substance, in the main, essential, including material or essential parts."

There is nothing in the form of the registration form that says initials cannot be used. Section 8 of Chapter 218, 1955 New Mexico Session Laws, provides the form which shall be substantially complied with regarding filing certificates. It does not say that initials cannot be used. It merely says to insert the true name of the candidate.

It is therefore the opinion of this office that he can use his registered name as a candidate, or if he wants to use initials, applicant has substantially complied with form of declaration of candidacy.

Your second question is as to what is the requirement for a married woman who is running for office; shall she be registered under her husband's name or can she use initials or her given name? Section 3-2-10, N.M.S.A., 1953 Compilation, specifically provides that all married women shall register according to the name of the husband and not by the wife's given name.

It is therefore the opinion of this office that a wife must register by the husband's name. However, in the declaration of candidacy, as provided in Section 8 of Chapter 218, New Mexico Session Laws of 1955, provides that the declaration of candidacy shall be substantially in the following form, and under the blank where the name of the candidate is supposed to be written, are the words, "Here insert candidate's true name." There is

nothing said about a wife not using initials, or her given name with her husband's surname.

It is therefore the opinion of this office that a wife may use the name by which she is registered, or her own given name, in the declaration of candidacy and substantially conform with form of certificate of filing.

Trusting this fully answers your inquiries, I remain

By: Hilario Rubio

Assistant Attorney General