

MAINE STATE LEGISLATURE

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STATE OF MAINE

21 MRSA 702-2-I

Inter-Departmental Memorandum Date August 20, 1976

o Markham L. Gartley, Secretary

Dept. State

rom Joseph E. Brennan, Attorney General

Dept. Attorney General

*All also
Sept 10*

Subject Proper names for Presidential Candidates

This responds to your memorandum of August 19, 1976. In that memorandum you request advice as to the legal requirements relating to names for Presidential (and presumably other) candidates.

FACT:

The Secretary of State has received from the Democratic National Committee, a certificate containing the names of the candidates for President and Vice President of that party. The certificate shows the candidate's name for President as "Jimmy Carter."

QUESTION:

You posed two questions:

1. Does the designation "Jimmy" meet the requirements of state law relating to naming candidates on the ballot?
2. If this name does not meet the requirements, what are the proper steps to take to assure proper designation?

The answer is provided in the discussion below.

DISCUSSION:

Maine law relating to general election ballots provides as follows:

"The ballot must contain the name, without any title, and municipality of residence of each nominee, arranged under the proper office designation alphabetically with the surname first." 21 M.R.S.A. § 702-1.

The law additionally provides:

"The name of each nominee shall appear on the ballot as follows:

"Surname first, in block capital letters, followed by the first name and middle name or initial; or surname first, in block capital letters, followed by the first name or first initial and the middle name."
21 M.R.S.A. § 702-2-I.

Markham L. Gartley, Secretary of State
Page 2
August 20, 1976

Thus, Maine law is quite specific that the candidate's first name must appear and if the candidate has a middle name, that middle name or the middle initial must appear. Further, the first name should be the actual first name, not a nickname. Thus, if the candidate's first name is "James" the name "James" should appear followed by a middle name or initial, not the name "Jimmy." Similarly, if the candidate's first name is "Gerald" the name "Gerald" should appear on the ballot followed by any middle name or initial, not a nickname such as "Jerry."

We are advised that the Democratic Candidate's first name is James. Accordingly, it appearing that the certificate of the Democratic National Committee may not have contained the actual first name of their Presidential candidate, you should seek from them a new certificate containing the name of the Presidential candidate as they wish it to appear on the ballot in compliance with Maine statutes. The options under 21 M.R.S.A. § 702-2-I include surname first, followed by actual first name and middle name, actual first name and middle initial, or first initial and middle name. Maine law makes no provision for nicknames,^{1/} and it requires middle name or initial if the candidate has one.

JOSEPH E. BRENNAN
Attorney General

JEB:mfe

^{1/} This opinion is to be distinguished from several opinions this office has issued regarding signing of primary petitions and petitions of independent candidates which have allowed use of shortened versions of names in signing such petitions. In those cases the law generally looks to the possibility of assurance that the name signed is a correct name and a registered voter and favors interpretation which allows voters to exercise their franchise. In this case, the matter at issue is an official designation of a candidate on a ballot. For that reason, the term "first name" must be applied much more strictly than in the context of signing election petitions.