

OPINION
66-69

October 10, 1966 (OPINION)

Rhoda Lee, County Auditor

Cass County

RE: Elections - Nominations - Form of name on ballot

This is in response to your letter in which you state that a certain person was nominated in the primary election. His petition for nomination read. "James O. Whittaker." The name also appeared in that manner on the primary election ballot. Now he wishes to have added to his name the title, "Dr." You also state that an "Aloha Eagles", a candidate for representative of the 21st District, whose name appeared in that manner on the primary election now wishes to have the name appear as follows: "Aloha (Mrs. Donald) Eagles." We are assuming that the name on her initial petitions and in the primary election appeared as "Aloha Eagles."

As to the placing of the prefixing "Dr." to the name of James O. Whittaker, we observe that all the statutes pertaining to nominations and the placing of persons on the ballots refer to names of candidates. Chapter 16-05 of the North Dakota Century Code throughout refers to the name of the candidate or candidates. Chapter 16-06 used the same expression, "name of candidates." It becomes quite apparent that the election laws refer to the name of a candidate. The prefixing "Dr." is a title and is merely a description of the person referred to. It is not part of the name. (See 65 C.J.S. NOMINEES, Section 5, P. 7.) It is therefore our opinion that no person is entitled to have the prefix of "Dr." placed before his name on an election ballot.

As to changing the name of "Aloha Eagles" to read "Aloha (Mrs. Donald) Eagles", the name as it appeared on the petition and as it appeared on the primary ballot is the name which must be certified by the Auditor or Secretary of State in accordance with the statutory provisions. There is no authority to change the name after the primary and before the general election.

It is therefore our opinion that the name as it appeared on the initial petitions which resulted in placing the name on the primary ballot, if such name receives the requisite number of votes, is the name that must be placed on the general election ballot. It is our further opinion that there is no authority to make a change under the circumstances described herein.

HELGI JOHANNESON

Attorney General