



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

IMPORTANT NOTICE

TO: All Candidates Qualifying with the Division of Elections

FROM: Donald L. Palmer, Director
Division of Elections 

DATE: May 11, 2010

SUBJECT: Use of Nickname on Ballot

NOTICE TO CANDIDATES QUALIFYING WITH THE DIVISION OF ELECTIONS¹

The candidate oath form that must be filed during the qualifying period requires you to designate your "name as you wish it to appear on ballot." Case law and Division of Elections Opinions 86-06 and 09-05 permit a nickname to be printed on the ballot along with one's surname when the nickname is one by which the person is generally known or one that the person has used as part of his or her legal name. For example, if John Jones is generally known as Bo Jones, permissible designations on the ballot may be John "Bo" Jones, John (Bo) Jones, Bo Jones, or John Jones. The Division of Elections opinions recognize that a qualifying officer may require the candidate to make a satisfactory showing that the candidate is generally known by the nickname or the nickname has been used as part of the candidate's legal name before a nickname is printed on the ballot.

If you plan to designate a nickname on your candidate oath form other than a generally recognized shortened version of your legal name (e.g., "Rob" or "Bob" for Robert, "Bill" for William, "DJ" for David Joseph, *etc.*), you should provide notice of your intention to the Division of Elections well in advance of the qualifying period and make a satisfactory showing that you are generally known by the nickname or that you have used the nickname as part of your legal name. Failure to provide such information in advance may result in

¹ If you are a candidate who does not qualify with the Division of Elections and you desire to have your nickname printed on the ballot, you should contact your qualifying officer well in advance of the qualifying period to find out what the qualifying officer's requirements are to allow your nickname to be printed on the ballot.

the Division not having sufficient time during the qualifying period to determine if the nickname may be printed the ballot.

Attached to this Notice is an example of an Affidavit that also mentions supporting documentation that you may consider submitting to the Division of Elections in advance to show that the nickname is legitimate.

NOTE: Division of Elections Opinion 86-06 states: Descriptive information such as a title (for example, Dr. or M.D.), although not part of a person's name, is permissible only when two persons of the same name or whose names are so similar as to reasonably cause confusion, seek the same office." Therefore, ordinarily, even if a candidate is commonly referred to as "Doctor," "Professor," or "Colonel," those titles would not be allowed as a nickname or as a part of a nickname unless such descriptive information is reasonably necessary to avoid confusion among candidates.

KRB/kfg

Sample Affidavit for Use of Nickname on Ballot
AFFIDAVIT OF (Insert legal name of candidate)

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared (insert legal name of candidate), who being first duly sworn or placed under affirmation, says:

1. My legal name is _____. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

2. I am a candidate for the office of _____.

3. My nickname is _____. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. I plan to designate this nickname on my candidate oath as the name I wish to have printed on the ballot when I submit the candidate oath form during the qualifying period for the above office.

4. Attached are (insert #) documents that show that my nickname is one by which I am generally known or is one that I have used as a part of my legal name: (list the title of any documents or affidavits from other persons reflecting that the candidate is generally known by the nickname or that it has been used as part of the candidate's legal name).

Further, affiant sayeth not.

Signature of Affiant

Printed/Typed Name of Affiant

Sworn to and subscribed before me this ____ day of _____ 20__ by (insert legal name of candidate).

(SEAL)

Notary Public

Printed Name

Personally known _____ or Produced Identification _____

Type of Identification Produced _____