



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 28, 1976

ATTORNEY GENERAL OPINION NO. 76- 301

Mr. Matthew J. Dowd
County Counselor
Shawnee County Courthouse
Topeka, Kansas 66603

Re: Elections--Ballots--Typeface

Synopsis: The official prescribed ballot form does not permit the printing of a candidate's name entirely in lower case letters.

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Dear Mr. Dowd:

You advise that a candidate for the office of county commissioner has requested that his name appear on the official general ballot printed entirely in lower case letters.

Chapter 25, K.S.A., governs the conduct of general elections in Kansas. The conduct of elections and the printing of ballots is regulated with some specificity. However, there is no provision which governs precisely the typeface to be used for the printing of candidates' names. However, K.S.A. 25-616 and -617 prescribes the form of the official general ballot. Each name is printed in identical form in the prescribed sample, with customary use of capital and lower case letters. In my judgment, the official general ballot should be printed in accordance therewith. Concededly, as a technical matter, there is no express statute which prohibits a candidate from requesting that his or her name be printed in a distinctive typeface or with distinctive capitalization or lack thereof, except the inference to be drawn from the statutorily prescribed form that all names shall be printed in

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identical typeface, with customary capitalization of the first letter of each proper name. In my judgment, the county election commissioner should prepare the ballot accordingly.

It may be noted that in the typeface used in the printing of the official ballot form as it appears at K.S.A. 25-616, all letters in the candidates' names are printed in capital letters, with the first letter of each proper name, and initials, printed in larger capital letters. In some counties, I understand, it has been customary to print the names of candidates using both lower case and capital letters. Whichever mode is used, the form of printing prescribed by the statute, *i.e.*, the use of a typeface to indicate customary capitalization, is called for by the statute.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj