



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

October 1, 1976

ATTORNEY GENERAL OPINION NO. 76- 308

The Honorable Elwill M. Shanahan
Secretary of State
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Elections--Candidates--Names

Synopsis: Where the name of a candidate is certified to the Secretary of State by a district nominating convention convened to fill a vacancy in a nomination, and the candidate has had no opportunity to designate in such certification the form in which his or her name may appear on the ballot, the candidate may supplement said certification with a written certificate of his or her name as said candidate wishes it to appear on the ballot, provided it is timely submitted, and the name should be printed in accordance therewith if it otherwise conforms with applicable election laws of the state.

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Dear Secretary Shanahan:

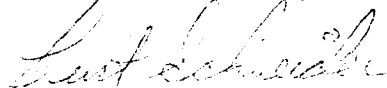
You advise that on September 20, 1976, your office received a certificate to fill the vacancy in the Fourth Senatorial District caused by the withdrawal of Hyman L. Jarrett, a Republican candidate. The certificate stated the name of the new candidate to be one "Robert Allen Peck." Since that time, Mr. Hylton Harman has contacted your office in behalf of Mr. Peck, asking that his name appear on the ballot as "Bob Peck."

It has long been the practice that the name of a candidate must appear on the ballot in the form in which it appears on the declaration of candidacy or other nomination papers. Where the name of a

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candidate is certified by the district convention which has appointed such candidate to fill a vacancy, the candidate may have had no opportunity to designate the form of his name to appear on the ballot. Such appears to be the case here, and we find no prohibition, either explicit or implicit in the Kansas election laws, which prevents the candidate from supplementing the certification of his candidacy to your office with a designation of the form in which his name should appear on the ballot. Thus, in my judgment, you may accede to the request of Mr. Peck in this instance.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj