

THE STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

RE: MELDRIM THOMSON, JR.

VS.

DICK SWETT

This case comes before the New Hampshire Ballot Law Commission upon Petition of Meldrim Thomson, Jr., filed with the New Hampshire Secretary of State on September 26, 1990.

The Petition alleges that Dick Swett, who filed a Declaration of Candidacy on June 4, 1990, for the Democratic nomination for U.S. Congress, Second District of New Hampshire, violated NHRSA 655:14-b by identifying himself on said Declaration as Dick "Swett", rather than as Dick or Richard "Lantos-Swett". The Petition also requests that the candidate be listed on the ballot for the November 6, 1990, election with surname "Lantos-Swett" and not "Swett".

NHRSA 655:14-b (Form of Candidate's Name on Ballot) states as follows:

- I. Every candidate for state or federal office who intends to have his name printed upon the ballot of any party for a primary shall designate in his declaration of candidacy, or on his primary petitions and assents to candidacy, the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination

thereof as the form in which his name shall be printed on the ballot, but he shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

At hearing, before the Ballot Law Commission on September 28, 1990, Attorney Stephen Duprey, Counsel for the Petitioner presented evidence that the candidate is designated by the surname "Lantos-Swett" on the 1990 voter checklist for the Town of Bow, New Hampshire; that the candidate acquired real estate in Bow on May 28, 1987, under the name "Richard N. Lantos-Swett" with his wife, Y. Katrina Lantos-Swett, as joint tenants with rights of survivorship; and that the 1990 Concord telephone book, a personal resume, and various press clippings list the candidate's surname as "Lantos-Swett". Documentary evidence was also presented establishing that the candidate designated as Richard N. Lantos-Swett filed articles of incorporation of Veritas Group, Inc. with the Office of New Hampshire Secretary of State on April 22, 1987.

The candidate's spouse, Yvonne Katrina Lantos-Swett, testified that she and her husband had informally adopted each other's surnames when they were married some ten years earlier as a gesture of mutual respect and affection, but that the candidate had never legally changed his name. She offered into evidence a

copy of candidate's U.S. passport, effective August 28, 1985, through August 27, 1995, designating him as "Richard Nelson Swett", and a copy of candidate's Social Security card, identifying him as "Richard Nelson Swett". She further produced copies of the couple's 1987, 1988 and 1989 federal income tax returns (Form 1040) identifying the joint taxpayers as "Richard N. Swett and Yvonne K. Lantos-Swett". She also testified that the candidate's birth certificate bore the name "Richard Nelson Swett". She stated that the candidate had used both names, but never with the intention of concealing or modifying his identity or deceiving the public.

After hearing and consideration of all evidence presented, the Commission finds and rules:

1. The candidate, by entering the name "Dick" Swett on his Declaration of Candidacy, dated June 4, 1990, did not violate NHRSA 655:14-b since he designated thereon his legal surname (i.e. Swett) with a nickname in quotation marks placed immediately before his surname, and that said nickname "Dick" customarily relates to the candidate's given name "Richard".
2. The occasional use of his wife's surname (i.e. Lantos) in combination with his own surname (i.e. Swett), does not constitute a change of the candidate's legal name since his identifying documents, such as Social Security card, passport, etc., were never changed, and no Petition for Change of Name was ever filed in any court of competent jurisdiction.

3. The designation by the candidate of his legal surname with a nickname, in quotes, related to his given name, is not a deceptive use of his name on the Declaration of Candidacy, which he filed on June 4, 1990.


PETITION DISMISSED.

NEW HAMPSHIRE BALLOT LAW  
COMMISSION




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Dort S. Bigg, Chairman



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James D. O'Neill, Commissioner



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Robert Calamari, Commissioner

Dated: September 28, 1990