

# The State of South Carolina



## Office of the Attorney General

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November 16, 1993

James F. Hendrix, Acting Executive Director  
South Carolina State Election Commission  
Post Office Box 5987  
Columbia, South Carolina 29250

Dear Jim,

Attorney General Medlock has referred your recent letter to me for reply. You have stated that you have received notification that the American Party of South Carolina has changed its name to the United States Taxpayers Party of South Carolina. You have asked the following questions regarding this proposed change:

1. Can a certified political party change its name by action of its members?

As you noted, the code is silent as to this possibility. S.C. Code Ann. §7-9-10 (1992) requires a decertified party or noncertified party to file a petition signed by ten thousand or more electors in order to be considered a certified party. You have informed me in a telephone conversation that the American Party has continued to be an active party and is still a certified party within the meaning of §7-9-10. There is no provision in the statute that would affirmatively require an active, certified party to file a subsequent petition for certification solely on the basis of the fact that the party's name has changed.

Therefore, although only a court could issue a definitive opinion on this issue, it would appear that as there is no statutory prohibition to the procedure, an active political party could change its name by notifying the Commission of that fact.

2. If not, would it have to certify as a new political party, with the new name, by submitting a petition of ten thousand or more registered electors as required by Section 7-9-10 of the 1976 South Carolina Code of Laws, as amended?

*Rembert C. Dennis*

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See above.

3. If so, what happens to the old name, "The American Party of South Carolina"? Does it cease to exist, or could another group reorganize under this name?

This question is answered by statute. Section 7-9-10 provides in part that

[a]ny decertified party or any noncertified party, organization, or association may obtain certification as a political party by filing... a petition ... giving the name of the party, which must be substantially different from the name of any other party previously certified.

(Emphasis Added)

The statute, therefore, would prohibit another organization from utilizing the name of "The American Party of South Carolina".

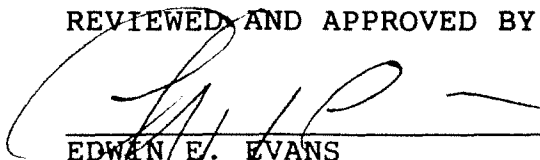
Very truly yours,



Treva G. Ashworth  
Senior Assistant Attorney General

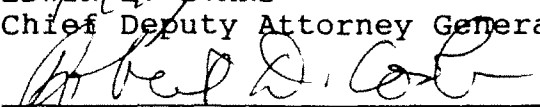
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REVIEWED AND APPROVED BY:



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