

1980 WL 120895 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 24, 1980

*1 Mr. James F. Hendrix
State Training Coordinator
State Election Commission
Post Office Box 5987
Columbia, South Carolina 29250

Dear Mr. Hendrix:

I am in receipt of your recent letter in which you requested an opinion from this Office. You have stated that the name of Senator Hollings has been certified to you as Ernest Fritz Hollings and Mr. Ravenel has been certified as Charles D. Pug Ravenel. You have inquired if these names can be placed on the election ballots.

In 1976 a case captioned Jimmy Carter vs. James B. Ellisor was brought in the Court of Common Pleas in Richland County. The circuit court held that under Georgia law, now President Carter had adopted and acquired as his legal name the name of 'Jimmy'. The court held that they must give full faith and credit to the laws of Georgia and allow the name Jimmy Carter on the ballot as this was the legal name he had acquired. The court did not consider the law in South Carolina regarding this question. This case is, therefore, not on point; nor was it appealed to the South Carolina Supreme Court.

In Stevenson v. Ellisor, 270 S.C. 560, 243 S.E. 2d 445 (1978), the South Carolina Supreme Court stated that a derivative of a name may be placed on the ballot. The Court specifically held though that the decision did . . . not extend to the use of nicknames on the ballot. Nicknames, bearing no relationship to a person's given name, remain outside of the scope of Code Section 7-13-320.

Fred has been held in at least one case to be a diminutive of Frederick. Stainsby vs. Schallenkamp, 34 N.W. 2d 832, 72 S.D. 385. However, Webster's Third New International Dictionary, G.C. Merriam Company, 1976, p. 913, states that 'Fritz' is a nickname for the common German name of Friedrich (Frederick).

I understand Mr. Ravenel's middle name to be DuFort and have not found 'pug' to be a derivative of either his first or middle name. Therefore, apparently the name 'Pug' is also a nickname.

Therefore, as both the name 'Fritz' and 'Pug' are nicknames, neither one of these names should appear on the ballot¹.
Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

Footnotes

¹ See also, 1959-60 Op. Atty. Gen., No. 93, p. 200; 1963-64 Op. Atty. Gen., No. 1741, p. 239; 1967-68 Op. Atty. Gen., No. 2489, p. 161; 29 C.J.S., Elections, § 161; The Oxford English Dictionary, (Supplement & Bibliography) 1961.

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