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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

July 2, 1998

Mr. James F. Hendrix
Executive Director
South Carolina Election Commission
P. O. Box 5987
Columbia, SC 29250

Dear Jim:

I am in receipt of your recent letter. You have stated that on January 7, 1998, your office received notice of a state convention held by the Patriot Party of South Carolina and a listing of party officers. This notice was forwarded to you by Scott Grubell who stated he was Chairman of the Party. Subsequently you received from Wayne Griffin a notice of a state convention for the Patriot Party and a different list of officers. Mr. Griffin further identified himself as the Party Chairman of the Patriot Party. Both groups apparently intend to give you the names of candidates to be placed on the general election ballot and both groups claim to be the official representative of the Patriot Party. Although you state that you recognize that an intra party dispute is not within the purview of the State Election Commission to resolve, you have inquired if our Office can provide any guidance on this question.

Section 7-9-10, et seq. of the S.C. Code set out the statutorily prescribed requirements for re-organizing political parties and the holding of county and state conventions. A political party must be certified by the State Election Commission and only one political party can be organized under that name. S.C. Code Ann., § 7-9-10 (1997). Once organized only "[o]ne party club may be organized in each . . . voting precinct S.C. Code Ann., § 7-9-30 (1997) (emphasis added). A re-organization meeting of the club, called prior to a general election, is called for

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. . . the usual place of meeting, at the time and on the day as determined by the county committee no later than two weeks prior to the county convention.

S.C. Code Ann., § 7-9-50 (1997).

The succeeding Code sections set out specific requirements and times for events to transpire that lead up to the state convention and the nomination of candidates.

It is clear from these provisions that only one of the Patriot's Party factions that have certified candidates to you could have met these time tables and specific statutory requirements. However, it would take a factual analysis to make this determination. This Office cannot make such a factual determination. It may be that one of the factions can clearly set out a prima facie showing to your office's satisfaction that they are the proper party. However, if this is not the case it is possible that the two factions of the party will need to present this issue to a court for a factual determination as to which faction is the properly certified party.

This letter is an informal opinion. It has been written by and represents the opinion of the undersigned attorney as to the specific question asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

Sincerely yours,



Treva G. Ashworth
Deputy Attorney General

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