

ELECTIONS, PRIMARY: Declaration of candidate must be filed  
60 days prior to primary.

6/7  
June 9, 1934.

Hon. Elliott M. Dampf  
Prosecuting Attorney  
Cole County  
Jefferson City, Missouri



Dear Mr. Dampf:

We acknowledge receipt of your letter of June 9th, 1934, which letter is as follows:

"Will you kindly give me your opinion as to whether a candidate is properly filed under the following condition:

Payment of the Five Dollar (\$5.00) fee was paid to the Treasurer of the County Committee and then filed with the County Clerk on the 8th day of June, 1934, but no Declaration was or has been filed at the present time."

This Department has previously rendered an opinion in which we stated that it would be necessary for all candidates to have their declarations filed with the proper officials on or before midnight, June 8th, 1934, for the Primary to be held August 7th, 1934.

Your letter states that the \$5.00 filing fee was paid to the Treasurer of the County Committee and then filed with the County Clerk on June 8th, 1934, but no declaration was filed or has been filed at the present time; your letter being dated June 9th, 1934.

We are herewith setting forth Section 10257, R. S. Mo. 1929, which provides as follows:

"The name of no candidate shall be printed upon any official ballot at any primary election, unless at least sixty days prior to such primary a written declaration shall have been filed by the candidate, as provided in this article, stating his full name, residence, office for which he proposes as a candidate, the party upon whose ticket he is to be a candidate, that if nominated and elected to such office he will qualify, and such declaration shall be in substantially the following form:

I, the undersigned, a resident and qualified elector of the (\_\_\_\_\_) precinct of the town of \_\_\_\_\_), or (the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_), county of \_\_\_\_\_ and state of Missouri, do announce myself a candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ ticket, to be voted for at the primary election to be held on the first Tuesday in August, \_\_\_\_\_, and I further declare that if nominated and elected to such office I will qualify.  
(Signed) \_\_\_\_\_."

The declaration, in substantially the above form, must be filed with the proper officials before midnight, June 8th, 1934, for the candidate to have his name printed on the official primary ballot. This section is mandatory and it is, therefore, our opinion that unless such declaration was filed with

Hon. Elliott M. Dampf

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the proper officials before midnight, Friday, June 8th, 1934, he or she is not entitled to have his or her name printed on the official primary ballot.

Very truly yours,

COVELL R. HEWITT  
Assistant Attorney-General.

APPROVED:

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ROY McKITTRICK  
Attorney-General.

CRH:EG