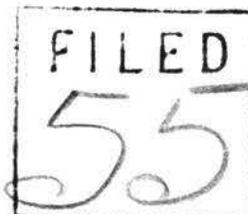


ELECTIONS:) Last day for candidates to file for August Primary -
PRIMARY:) June 3, 1938.

June 7, 1938

Honorable Judson Luna
Clerk of the County Court
Ozark, Missouri



Dear Sir:

This is to acknowledge receipt of your letter dated June 4, 1938, in which you inquire as to whether a candidate who announced his candidacy for office in the local paper but did not file his written declaration of intention until June 4th, is entitled to have his name printed on the primary ballot for the Primary to be held in this State, Tuesday, August 2, 1938.

Section 10254, R. S. Mo. 1929, provides:

"The primary shall be held at the regular polling places in each precinct on the first Tuesday of August, 1910, and biennially thereafter, for the nomination of all candidates to be voted for at the next November election."

Section 10257, R. S. Mo. 1929, provides in part 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,
* * *"

The general rule is, that where a statute requires that an act be performed a fixed number of days previous to

June 7, 1938

a specified day, the last day should be excluded and the first day included in making the computation. The primary elections will be held on Tuesday, August 2, 1938. It will, therefore, according to the above rule, be necessary for all candidates to have their declarations filed with the proper officials before midnight, Friday, June 3, 1938. If the candidate in question did not file his declaration of intention before midnight, Friday, June 3d, with the proper official, his declaration came too late, and the fact that he had previously announced in the local paper would not change the situation.

Very truly yours

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

CRH:EG