

Elections: Last day for candidates to file for August  
Primary : Primary, June 3, 1938.

March 24, 1938



Hon. Chas. E. Murrell, Jr.  
Prosecuting Attorney  
Adair County  
Kirksville, Missouri

Dear Sir:

We acknowledge receipt of your letter of  
March 22, 1938 in which you request the opinion of this  
office as to the last day in which candidates may file  
for office for the August, 1938 primary election.

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 there-  
after, 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 re-  
quires that an act be performed a fixed number of days  
previous to a specified day, the last day should be ex-  
cluded and the first day included in making the computa-  
tion. The primary elections will be held on Tuesday,

Hon. Chas. E. Murrell, Jr.

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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.

Respectfully submitted,

COVELL R. HEWITT  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

CRH:LB