

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

June 7, 1938.

6-8

Honorable Claude T. Wood
Prosecuting Attorney
Pulaski County
Waynesville, Missouri



Dear Sir:

This is to acknowledge receipt of your letter of June 4th in which you request the opinion of this Department on the question therein submitted. Your letter is as follows:

"I should like to have your official opinion upon the following proposition:

"Section 10257, R. S. 1929, enacts that:

"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, etc.'

"Section 10254 provides that the primary shall be held at the regular polling places in each precinct on the

first Tuesday in August, 1910 and biennially thereafter. Hence under this section, the primary will be held on August 2, 1938.

"In this county, several candidates filed their declaration of intention on Friday June 3, 1938. Have these candidates complied with the provisions of section 10257 supra? And are they entitled to have their names printed upon the official ballot? In short, what is sixty days prior to 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 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

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necessary for all candidates to have their declarations filed with the proper officials before midnight, Friday, June 3, 1938. Those candidates, therefore, who duly filed their declaration of intention before midnight, Friday, June 3, 1938, are entitled to have their names placed upon the official primary ballot for the Primary to be held August 2, 1938.

Very truly yours

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

CRH:EG