

ELECTIONS: City primary election is legal holiday.

March 9, 1939

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Mr. John P. English  
Recorder of Deeds  
St. Louis, Missouri

Dear Sir:

This will acknowledge receipt of your letter of March 8, 1939, requesting an opinion as follows:

"I will thank you for an immediate opinion as to whether Section 33, Page 257 of the 1937 Laws of Missouri, make it possible for the Recorder of Deeds Office to close on Primary Day Friday March 10th, 1939."

Section 33, Laws of 1937, page 257, pertains to elections in cities having 600,000 or more inhabitants, which includes St. Louis City. This section provides:

"The days upon which the general, state, county or primary elections shall hereafter be held in such city shall be legal holidays, and shall for all purposes whatever as regards presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday."

In *Cummings vs. Kansas City Public Service Company* 66 S. W. (2nd) 1.c. 931, the court said with reference to construing statutes:

"It is, of course, fundamental that where the language of the statute is plain and admits of but one meaning, there is no room for construction."

This, we think, is true of Section 33, supra, and that said section means just what it says - that the days on which the general state or primary elections are held in such city shall be legal holidays.

Therefore, it is our opinion that the day on which the primary election is held in the City of St. Louis is a legal holiday.

Respectfully submitted,

LAWRENCE L. BRADLEY  
Assistant Attorney General

APPROVED:

J. W. BUFFINGTON  
(Acting) Attorney General  
LLB:RT