

INITIATIVE PETITIONS:  
FILING DATE:  
CALENDAR MONTH:

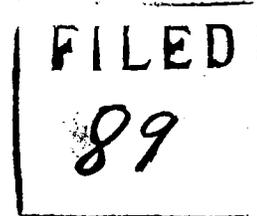
since that date is the last day which is not less than four months before the General Election, which this year will be November 4, 1958.

Initiative petitions must be filed with the Secretary of State on or before midnight, July 3, 1958,

OPINION No. 89

June 24, 1958

Honorable Walter Toberman  
Secretary of State  
Capitol Building  
Jefferson City, Missouri



Dear Sir:

This office is in receipt of your letter dated June 11, 1958, in which Mrs. Eula H. Huss, acting chief clerk, requests a legal opinion on the following question:

"What is the final date for filing initiative petitions with the office of the Secretary of State?"

We would first direct your attention to Article III, Section 50, Constitution of Missouri, 1945, to wit:

"Initiative petitions proposing amendments to the Constitution shall be signed by eight per cent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five per cent of such voters. Every such petition shall be filed with the secretary of state not less than four months before the election and shall contain an enacting clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be 'Be it resolved by the people of the state of Missouri that the Constitution be amended:' Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be 'Be it

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enacted by the people of the state of  
Missouri.'"

In view of this section of the Constitution of Missouri the question, therefore, narrows itself to what is the date in this particular year of 1958, which is not less than four months before the election?

In Section 1.020, paragraph 6, RSMo 1949, the term month is defined as follows: "The word month shall mean a calendar month \* \* \* \* \*." And in Section 1.040, RSMo 1949, computation of time is defined as follows:

"The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday it shall be excluded."

The Missouri definition of month as set out above is in harmony with the general rule in the United States on calendar month, as found in 62 C.J. Sec. 17:

"In the United States, although there has been some conflict of decisions, the current of authority is to the reverse of the English rule, and a large majority of the states have enacted statutes defining the meaning of the term, and it is now the rule, both under the statutes and by common acceptance, that the word 'month,' when used in a statute, judicial proceeding, or contract, means a calendar month, unless there is something to indicate that a contrary meaning was intended, such as that it was expressed or intended to mean thirty days, as where it is used as a regular and constant measure of time, or, in some jurisdictions, in respect of sentences to imprisonment. Calendar month under this rule refers to length of time and not a specific month, and the period may begin on any day."

In view of the above laws and citations, it is the opinion of this office that July 3, 1958, is the last day on which an initiative petition can be filed with the Secretary of State in the year 1958,

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since that would be the last day which is "not less than four months" before the General Election which will be held on November 4, 1958.

CONCLUSION

It is, therefore, the official opinion of this office that initiative petitions must be filed with the Secretary of State on or before midnight, July 3, 1958, since that date is the last day which is not less than four months before the General Election, which this year will be November 4, 1958.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. J. Burleigh Arnold.

Yours very truly,

John M. Dalton  
Attorney General