

Opinion No. 207  
Answered by Letter

June 8, 1964

Honorable Robert E. Yocom  
Prosecuting Attorney  
McDonald County  
Pineville, Missouri



Dear Mr. Yocom:

This letter is in reply to your recent inquiry concerning the withdrawal of candidates from the primary. You have inquired regarding the appropriate manner or method for a candidate to advise the County Clerk with respect to his withdrawal.

Herewith enclosed please find a copy of an opinion of this office dated July 28, 1954 to Honorable Lawson Romjue. This opinion holds that a candidate may withdraw as a candidate by appropriate written advice to the County Clerk and that such withdrawal need not be acknowledged. While there are no statutes applicable, we are of the view that in the interest of orderly procedure, withdrawal of candidates should be in writing to the County Clerk. Section 120.230 RSMo, 1959, is not applicable to the problem. Under the ruling of State ex rel. Preisler vs. Toberman, 269 SW2d 753, this Section is applicable only to candidates who have been nominated by the petition method.

With reference to your inquiry concerning whether a candidate may file for two offices, we are enclosing herewith a copy of two opinions of this office under date of December 20, 1961 addressed to Honorable Harry Keller and under date of May 22, 1958 addressed to Honorable William C. Myers, Jr., which I believe answer this question.

Very truly yours,

THOMAS F. EAGLETON  
Attorney General

JDF:df

Enc. (3)