

ELECTIONS: June 5, 1942, is the last day to file  
declaration of candidacy.

March 3, 1942

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Honorable Dwight H. Brown  
Secretary of State  
Jefferson City, Missouri



Dear Mr. Brown:

We acknowledge receipt of your letter request-  
ing an opinion, which reads as follows:

"The deadline of candidates filing  
for office is 60 days before the  
primary election. I plan to keep  
the office open until 11:59 P. M.,  
on that date.

"May I be favored with your opinion  
as to the exact date in June -- the  
last day on which a candidate may  
file for office?"

Under the provisions of Section 11547, R. S. Mo.  
1939, the primary election this year is to be held on the  
first Tuesday of August, which is August 4, 1942.

Under the provisions of Section 11550, R. S. Mo.  
1939, a candidate must file his written declaration at  
least sixty days prior to such primary.

Subdivision 4 of Section 655, R. S. Mo. 1939, pro-  
vides that "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;  
\* \* \*."

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CONCLUSION

Applying the above statutory rule of construction to the problem about which you inquire, it is our opinion that June 5, 1942, is the last day for a candidate to file his declaration of candidacy.

Respectfully submitted

JOHN E. TAYLOR  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

JET:HR