

complied with, it is necessary that the Supervisor of Registration of each County be supplied with registration books in sufficient number that electors desiring to register may be given an opportunity to do so, as provided by the Statute, during the month of March, either in his election precinct or at the office of the Supervisor of Registration of the County.

Respectfully submitted,

T. F. WEST,

Attorney General.

LAST DAY UPON WHICH FILING FEE CAN BE
FILED WITH SECRETARY OF STATE.

Tallahassee, Fla., April 12, 1916.

*Honorable H. Clay Crawford,
Secretary of State,
Tallahassee, Florida.*

Dear Sir:—

I have your communication of April 10th, submitting the following for my opinion:

“There is some conflict of opinion among officials and candidates as to the proper construction to be placed on certain provisions of Chapter 6469, Laws of Florida, regarding dates and number of days mentioned therein; the conflict arising from an uncertainty as to whether days should be calculated in point of time or with reference to a number of days, as per dates appearing on the calendar regardless of the number of hours constituting a day, and whether or not the day of the election is included or excluded in certain cases. I therefore submit

the following with the request that you advise me accordingly:

"Section 25 of Chapter 6469 reads as follows:

"Each candidate for nomination for an office to be voted for by the electors of more than one county shall file his sworn statement and receipt for committee assessment, if any has been levied, and pay his filing fee as herein required to the Secretary of State not less than thirty days previous to the day of the primary election."

"What day of the month is the last day on which a candidate may comply with this provision?"

"Section 29 of Chapter 6469 reads in part as follows:

"Any candidate may file with the Secretary of State for publication as herein provided, not later than the thirty-third day before the primary election with his portrait cut if he wishes, a printed or typewritten statement or statements, on the conditions hereinafter set forth, concerning his own candidacy, or in reply to any statements served upon him as provided in this section. Any such candidate may, not later than the thirty-ninth day before said primary election, file with the Secretary of State his printed or typewritten statement over his signature concerning any other candidate for the same office, but every such statement shall be accompanied by affidavit or sheriff's return that personal service has been made upon such candidate of a true copy of such statement."

"What is the thirty-third and the thirty-ninth day before the primary election within the meaning of section 29?"

"Section 19 of Chapter 6470 provides among other things, that certain candidates file with the Secretary of State detailed itemized statements of campaign expenses, not more than thirty days nor less than twenty-five prior to the primary, not more than twelve days not less than eight days prior to the primary and within ten days after

the primary. What are the periods of time, according to the calendar for the filing of said statements?"

In reply, I beg to advise that the matter of your inquiry appears to be fully covered in the decision of our Supreme Court in the case of State against Town of Winter Park, reported in 25 Fla. 371, 5 South. Rep. 818, wherein the court prescribed the following rule:

"The notice 'for a period of not less than thirty days' required by the general statute for the incorporation of cities and towns, is complied with if there be thirty days given by excluding the first and including the last day."

Applying this rule to your first question, it would seem that May 7th would be the latest date within which a candidate to be voted for in more than one county could pay his filing fee to the Secretary of State.

It will be observed, however, that May 7th, 1916, falls on Sunday. This being the case, I would say that such filing fees should be paid to the Secretary of State on or before May 6th.

Applying the same rule to all other questions submitted in your inquiry, they will be readily resolved in the same manner.

Respectfully submitted,

T. F. WEST,

Attorney General.