

"FILING" DEFINED, AS USED IN CORRUPT
PRODUCE ACT, IN REFERENCE TO STATE-
MENTS.

Tallahassee, Fla., May 23, 1916.

My dear Sir:

Yours of the 19 instant was duly received, but I was out of the office yesterday and, therefore, had no opportunity to reply to same.

The statute on the subject, that-is-to-say, Section 19 of the Corrupt Practices Act, requires a candidate for nomination in the primary *to file in the office of the Clerk of the Circuit Court of the County in which he resides*, if he is a candidate for a county office, within certain fixed periods, itemized statements of accounts of the expenditures made by him, directly or indirectly, on account of his candidacy.

You will note that the requirement is "to file" in the office of the Clerk of the Circuit Court of the County the statements required to be filed by a candidate.

In a recent case, U. S. v. Lombardo, (241 U. S. 73) the Supreme Court of the United States, in considering an act of Congress in which this word "file" was used in the same sense in which it is used in the statute which we are now considering, gives its approval to the definition of this word as follows: "The word 'file' was not defined by Congress. No definition having been given, the etymology of the word must be considered and ordinary meaning applied. The word 'file' is derived from the Latin word 'filum' and relates to the ancient practice of placing papers on a thread or wire for safe keeping and ready reference. Filing, it must be observed, is not complete until the document is delivered and received. 'Shall file' means a delivery to the office and not sent through the United States mail. * * * A paper is filed when

it is delivered to the proper officer and by him received and filed."

This, I think, will answer your question and show that a compliance with this statute requires that the statement shall be delivered to the officer and actually received and filed by him.

Yours very truly,

T. F. WEST,
Attorney General.

ELECTORS, AT PRIMARY ELECTIONS, CAN ONLY
VOTE BALLOT OF PARTY UNDER WHICH HE
REGISTERED.

Tallahassee, Fla., May 26, 1916.

My dear Sir:

Yours of the 25 instant has been received and noted.

The statute requires that each person who registers on the registration books for primary elections in this State shall declare his party affiliations at the time of registration, and when he goes to the polls to vote on the day the primary election is held he is given the ballot of the party of which he is a member.

The primary election is not a democratic primary, but a general primary, and all political parties in this State that polled more than five per cent. of the entire vote cast in this State at the last preceding general election are required to participate.

Since you did not register as a democrat, you will not be permitted to participate in the selection of the candidates of this party.

Yours very truly,

T. F. WEST,
Attorney General.