

**Opinion No. 50-5285**

February 28, 1950

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Honorable Joe E. Armijo District Attorney Las Vegas, New Mexico

{\*135} Receipt is acknowledged of your letter dated February 17, 1950, requesting an opinion as to the fee to be paid by candidates filing for a county office in the approaching primary election. In other words, will the filing fee be based upon salaries as outlined in Chapter 90, Laws of 1949 (Section 15-4103 of the 1941 Compilation, Pocket Supplement), or upon present salaries (exclusive of compensation paid for additional services)?

Section 15-4102 of the 1941 Compilation provides as follows:

"From and after the first day of January, 1925, the classification of counties shall be fixed and governed by the assessed valuation as finally fixed for the preceding year. Provided: within thirty (30) days after the said first day of January, 1925, and within thirty (30) days from the first day of January of each second year thereafter, such classification shall be determined by the state auditor from the assessed valuation of each county as finally fixed for the preceding year, and the state auditor upon making such determination shall notify the board of county commissioners of each county of the class within which each of the counties of this state falls according to such classification and the classification as so fixed and determined by the state auditor shall govern the salaries of county officers for two (2) years thereafter."

From my interpretation of the foregoing section, it is my opinion that a change in classification of a county is not effective until after official determination by the state auditor in accordance with the foregoing section.

The determination by the state auditor of salaries classifications based on Chapter 90, Laws of 1949, will not be made until July, 1951.

Therefore, it is my opinion that the filing fee of 3% is to be based upon present salaries (exclusive of compensation paid for additional services).

Trusting the foregoing sufficiently answers your inquiry, I am