

Opinion No. 40-3544

June 13, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. C. R. Hughes, County Clerk, Deming, New Mexico.

{*147} In your letter of June 10th you ask whether or not filing fees have to be paid by persons filing in the primary for the offices of the legislature, justices of the peace and constables.

This office has already held that where compensation is uncertain, such as we have in the legislative positions, that the 3% accompaniment which is required when filing declarations and petitions for candidacies is not necessary. The compensation which justices of the peace and constables receive is also uncertain and it is my opinion that the 3% of the first year's salary should be accompanied with petitions and declarations of candidacies where a salary in a particular office is a certain sum fixed by statute and that since the compensation in these particular offices is uncertain that the 3% accompaniment is not necessary.