

**Opinion No. 44-4493**

April 3, 1944

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mrs. Cecilia Tafoya Cleveland, Secretary of State, Santa Fe, New Mexico

In your letter dated April 3, 1944, you inquire what amount should be charged candidates for Justice of the Supreme Court and to candidates for District Attorney, in order to file their declaration of candidacy for the fourthcoming primary election, in view of the facts that Supreme Court Justices receive a salary of \$ 6,000. and an additional compensation of \$ 2,000. annually for acting as trustees of the State Law Library, and District Attorneys, likewise, receive annual salaries of \$ 3000. and additional compensation of \$ 750. annually for acting as Juvenile Court attorneys.

You are wondering whether the filing fee should be 3% of the salary of the office for which a person is a candidate or whether it should be 3% of the entire compensation paid the person holding such office. The offices of Supreme Court Justice and District Attorney are the only offices for which candidates are running, and the fact that additional duties are imposed upon the person holding such office, together with additional salaries for such duties, does not alter the constitutional or statutory salary of the elective office. For this reason, I am of the opinion that Supreme Court Justice candidates should be required to pay a filing fee of 3% of the salary of \$ 6,000., and candidates for District Attorney should be required to pay a filing fee of 3% of the salary of \$ 3,000. These annual salaries are the amounts paid for the elective offices, and the additional compensation for additional duties should not be considered in computing the filing fee provided by law.

By C. C. McCULLOH,

First Asst. Atty. General