

**Opinion No. 46-4857**

February 18, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Honorable W. T. Scoggin, Jr. District Attorney Third Judicial District Las Cruces, New Mexico

{\*190} In your letter dated February 16, 1946, you inquire whether candidates filing declarations of candidacy in the coming primary should be required to pay 3% of the increased salary that will be effective when the new officers take office. Section 56-810 of the 1941 Compilation provides in part as follows:

"Such declarations and petitions to be entitled to be filed shall be accompanied by a fee of three per centum (3%) of the first Year's salary of said office."

By using the words "first year's salary of said office", the Legislature undoubtedly intended the same to mean the first year's salary to which an elective officer will be entitled upon assuming the office.

Since the salaries for county officers have been increased effective January 1, 1947, the filing fee to be paid is 3% of the increased salary which the officer will be entitled to receive upon assuming the office January 1, 1947.