

**Opinion No. 46-4886**

April 3, 1946

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

**TO:** Mr. Fred J. Federici District Attorney Raton, New Mexico

{\*216} In your letter dated March 28, 1946, you request an opinion concerning Section 55-401 of the 1945 Pocket Supplement to the 1941 Compilation, in connection with the amount of the filing fee for candidates for the office of county school superintendent.

You will notice that the minimum salary for this office is \$ 2500.00 and the maximum is \$ 4,000.00 per annum. Due to the fact that part of the salary is based upon the number of rural school rooms conducted, the county clerks should take as a basis for the filing fee the number of school rooms conducted at the present time. It is my understanding that the Educational Budget Auditor is using the same number in preparing budgets for the next fiscal year.

Although the number of rooms may fluctuate between now and the first of January 1947, when the newly elected superintendents will assume their offices, yet, as a practical matter, I believe the county clerks should adopt as a basis for filing fees the number of rooms being used at present in the preparation of budgets.