

officials to be elected in conformity with the schedule in Section 1 of the same act. The new salaries are not to be computed until September of the election year for the particular official and would not be known at the time of filing.

Section 640, Revised Codes of Montana, 1935, provides for filing fees to be paid by candidates for office in the State of Montana, and provides a means for computing the same. The fees must be based on salary as specified and could not be based on an assumed salary. The filing fees for candidates for county officials would then have to be based on the salary schedule in effect as of the date of their filing.

It is therefore my opinion the filing fees for county officials must be based on the salary in effect at the time the candidate files.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General

Opinion No. 126.

**Candidates, Filing Fees—Filing Fees,
Candidates—County Officers—Offices
and Officers—Salary, County Officers.**

Held: The filing fees for county officials must be based on the salary in effect at the time the candidate files.

February 19, 1946.

Mr. Edison W. Kent
County Attorney
Granite County
Philipsburg, Montana

Dear Mr. Kent:

You have requested my opinion on the following:

Are the filing fees for candidates for county offices to be based on the increased salaries as provided for in Chapter 150, Laws of 1945, or are they to be based on the salaries formerly paid?

Chapter 150, Laws of 1945, provides for increases in pay of certain county officials. Section 5 of that act states that the county commissioners shall, by resolution, fix the salaries of the