

Opinion No. 42-4153

September 8, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mrs. Jessie M. Gonzales Secretary of State Santa Fe, New Mexico

{*247} You have submitted the following questions to this office:

"We should like to be advised in an official opinion whether such items as match folders, newspaper advertisements, political cards and place cards, and banners for cars come within the exception of Section 825 of the Election Code of the State of New Mexico, which provides for limitation of expenditures for a candidate seeking nomination at any primary election.

"If such items should not be included within the amount {*248} to which such candidates are limited, should they, in such event, include such amounts in the statement of election expenses even though they do not make up the amount to which such candidates are limited, and, if so, how should such items appear on the report?"

In answers to such questions, I submit the following: Section 825 of the Election Code of the State of New Mexico provides:

"Candidates for nomination at any primary election shall be limited in amount of expenditures for the said primary election to the following amounts respectively, exclusive of any sums of money expended for stationery, postage, printing, and necessary personal, traveling or subsistence expenses: * * *."

It is therefore apparent that a candidate is not limited in his expenditures so far as items for stationery, postage, printing and necessary personal traveling or subsistence expenses are involved. Therefore, in no event should such amounts as spent for such designated items be considered in determining whether or not a candidate has spent an amount in excess of that to which he is limited by such section. The answer to your question depends on whether such items as you enumerate come within the above specific exceptions.

The only question involved is whether each item which your questions refer to come within the exception relating to printing. The legislature did not specifically define the word "printing". It must, therefore, be held that they intended to use the word according to its generally recognized meaning.

Our Supreme Court has not defined the term although it has been defined by other courts, as illustrated by the following citations:

LeRoy vs. Jamison, 15 Fed. Cas. 373, 376:

"As defined in Bouvier's Law Dictionary, printing 'is the art of impressing letters, the art of making books or papers by impressing legal characters',"

Forbes Lithograph Mfg. Co. v. Worthington, 25 F. 899, 900:

"'Print' is a word of wide signification, but in its ordinary sense means to impress letters, figures, and characters by types and ink of various forms and colors on paper of various kinds or on some such yielding surface."

Arthur v. Moller, 97 U.S. 365, 367, 368, 24 L. ed. 1046:

"Webster defines 'to print'; (2) to take an impression of; to stamp. (3) Hence, specifically to strike off an impression of or impressions of from types, stereotypes, or engraved plates, or the like by means of a press; or to print books, handbills, newspapers, and the like."

It seems plain from the above decisions that an advertisement in a newspaper is printing within the above definitions and the same opinion for the same reason is given as to each item you have designated, all of which are printing, and therefore a candidate is not limited in his expenditures in regard to these items of printing.

In answer to your second question, I cite a portion of Section 823, New Mexico Election Code:

"Within ten days after any primary election, all candidates participating therein shall prepare an itemized statement, subscribed and sworn to by the candidate, setting forth each item in detail showing the full and complete record of his expenditures of money, or other things of value and the cost thereof, including all ~~{*249}~~ promises to pay money or other things of value as well as all treats, presents, or favors which cost money, or other things of value, either present or future, which were intended for the purpose of aiding or that could have a tendency to aid the success of such candidate in such election."

Since it is provided that a full and complete record of expenditures must be given, all amounts spent should be included in the report. I suggest that the candidates, in making up their reports, do so in such a manner as to show two groups of expenditures. One such group should be an itemized list of all amounts spent for stationery, postage, printing and necessary personal traveling or subsistence expenses, and the second group showing in detail all other amounts which are subject to the limitations on expenditures provided in Section 825 of the New Mexico Election Code.