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MARY HERRERA
SECRETARY OF STATE

DON FRANCISCO TRUJILLO II
DEPUTY SECRETARY OF STATE

STATE OF NEW MEXICO

March 26, 2010

Dennis W. Montoya
Post Office Box 15235
Rio Rancho, New Mexico 87174

Re: Failure to Certify under the Voter Action Act

Dear Mr. Montoya:

The Secretary of State's office is in receipt of your request to be a certified candidate under the Voter Action Act for Judge of the New Mexico Court of Appeals, Position 2. Upon review of your submitted material, and your amended report submitted on March 25, 2010, we conclude that you do not qualify for certification due to:

_____ Candidate did not have enough qualifying contributions.

_____ Candidate accepted (or expended money from) "campaign contributions" totaling \$500 or more within the beginning of "qualifying period" to the date he filed his declaration of intent.

_____ Candidate is not qualified as a candidate under other applicable state election law provisions.

X **Candidate failed to comply with seed money requirements**

Candidate exceeded the limit of contributions to himself in excess of the \$5000.00 limit in direct violation of NMSA Section 1-19A-5 (H). Seed money report indicates that candidate gave himself \$8,887.29.

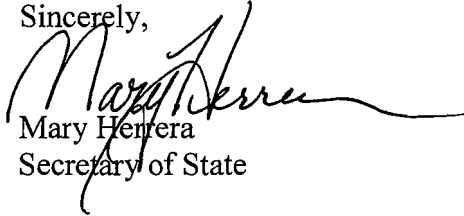
Requirements were not met on the Seed Money Expenditure Report (refer to candidate's attachment Committee to Elect Dennis Montoya Operations, Profit & Loss) as the date of expenditure, name and address of payee and purpose for each expenditure and the amount are not specified. In your Amended Profit and Loss report you have now listed that you have received \$8, 887.29 in campaign donations in violation of NMSA 1978, section 1-19A-3 (C), and that you made expenditures of \$2,922.56 in violation of the same section.

You may appeal this decision. Your appeal must be in writing and sent to the Secretary of State's office within three days of this letter and it must set forth the reasons for the appeal in accordance with section 1-19A-16(A). The Secretary of State's office shall schedule and hold a hearing within five days of receipt of your appeal pursuant to section 1-19A-16(B). You will have an opportunity to provide exhibits, testimony, and witnesses in front of a hearing officer and will have the burden of providing evidence to

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demonstrate that the decision was improper. The Secretary of State's office will rule on the appeal within three days after completion of the hearing. In accordance with section 1-19A-16(C) the Secretary of State's office's final decision may be appealed to district court.

Sincerely,



Mary Herrera
Secretary of State