

Opinion No. 55-6312

November 7, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Hilton A. Dickson, Jr., Chief, Division of Liquor Control, Bureau of Revenue, P. O. Box 1540, Santa Fe, New Mexico

On September 15, 1955, you addressed an inquiry to this office concerning whether or not a constitutional amendment election, authorized by the Legislature of this State, is a "general state * * * election" pursuant to § 46-10-14 (d), NMSA, 1953 Comp. You called our attention to Opinion No. 3275, written by the Hon. Filo M. Sedillo on September 15, 1939, in which similar statutes were construed. We do not agree with this Opinion and expressly overrule the same.

It is our opinion that the words "general state election" mean any election authorized by the Legislature of the State of New Mexico, under the auspices of the Secretary of State of the State of New Mexico and under the election laws and in which every precinct must hold an election. See *State ex rel Board of Commissioners of Harding County, New Mexico vs. Board of County Commissioners of Quay County, New Mexico*, 59 NM___. Therefore, it is the opinion of this office that the bars must be closed in any election which is state-wide and which is conducted pursuant to an act of the Legislature authorizing the specific election and is certified to the Secretary of State and the New Mexico State Canvassing Board.

We sincerely hope this answers your inquiry.

By Fred M. Standley

Assistant Attorney General