

Opinion No. 15-1525

May 13, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Clyde N. Geck, Lumberton, New Mexico.

As to when the result of an election prohibiting the sale of liquor becomes effective.

OPINION

{*110} I have just received your letter of the 10th instant in which you ask, in substance, when the prohibition as to the liquor traffic goes into effect after an election has been held under Chapter 78 of the Laws of 1913. I agree with you that the act does not very clearly show when the prohibition shall take effect. By Section 7 it is provided that if a majority of the voters be in favor of prohibition, the barter, sale or exchange or intoxicating liquors "shall thereafter be prohibited." A literal interpretation of this would, perhaps, mean after the day of the election, but this is hardly a reasonable construction, as there might be cases where the result would not be {*111} definitely known until the official canvass has been made, and I think that your idea that the law contemplates the closing of places where liquors are sold immediately after the official canvass of the vote by the commissioners is a correct one, and that canvass must be made at a meeting of the commissioners to be held not more than twenty days after the election.