

Opinion No. 33-629

July 19, 1933

BY: E. K. NEUMANN, Attorney General

TO: Mr. Frank V. Ortiz, County Clerk, Santa Fe, New Mexico.

{*68} I acknowledge receipt of your letter of July 19, 1933, in which you ask for an opinion from this office regarding the legality of a proposed local option election to be held in Santa Fe county on the 19th of September, 1933, under the provisions of Chapter 159 of the Session Laws of 1933.

This chapter is now in force and under its provisions local option elections may be held in counties, and in cities of over 10,000 population. I know of nothing in the constitution of New Mexico or of the United States to prevent the holding of such elections. The mere holding of an election does not authorize the sale or other disposition of liquors or intoxicating beverages. It would therefore not contravene any of the provisions of our fundamental law.

Under the provisions of the act in question, it is possible to hold a local option election in Santa Fe county on the 19th of next September. Consequently, it is my opinion that it is perfectly feasible and would be legal and valid if held.

Of course, it will not be possible to sell or deal in liquor contrary to the constitution and laws of this state and the United States at any time, and Section 21 of said Chapter 159 specifically so provides.

By: QUINCY D. ADAMS,

Asst. Attorney General