

Opinion No. 39-3275

September 15, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. S. T. Jernigan, Chief, Div. of Liquor Control, Bureau of Revenue, Santa Fe, New Mexico.

{*104} I have your letter of September 15th inquiring whether the retail liquor outlets are required by the 1939 law to be closed during tomorrow's bond election.

Subsection (d) of Section 1204, Chapter 236 of the Laws of 1939, specifies the hours and days upon which liquor may be sold. It is only these times that liquor may be sold, but the statute further provides, in part, that liquor may not be sold on the day of "any general election" between the hours of 7:00 A. M. and 7:00 P. M.

I find that the language has been changed very little by the new Act and it is still the opinion of this office, as former rulings have held, that apparently it was the intention of the legislature to prohibit the sale of liquor on what we usually term the regular general election which is the election held every two years for the election of state, county and city officials, and that while the law calling for the special election is of state-wide application and therefore perhaps general in its nature, it is not what we usually term a general election law as intended by the legislature and as used in its commonly accepted term.