

**OPINION**  
**61-19**

September 12, 1961 (OPINION)

ALCOHOLIC BEVERAGES

RE: Sale on Election Days - Township Election Held in City or Village

This office acknowledges receipt of your letter of September 8, 1961, in which you call our attention to section 5-01-13 of the North Dakota Century Code which reads as follows:

SELLING LIQUORS ON ELECTION DAY AND MEMORIAL DAY AND CERTAIN OTHER DAYS PROHIBITED - PUNISHMENT. Every person who sells, gives away, or disposes of any alcoholic beverage on Memorial Day, Good Friday, Sunday, after six p.m. on Christmas Eve, on Christmas Day, or on the day of any general, special, or local election, in the village, city or county where held, is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than thirty days and by a fine of not less than fifty dollars nor more than one hundred dollars or both such fine and imprisonment."

You also refer to section 58-04-01 of the North Dakota Century Code, and to the last clause of said section which reads as follows:

. . . . provided, that where an incorporated city or village is wholly or partially within the boundaries of a township, all township meetings may be held in such place within such incorporated city or village, as the electors thereof may designate at an annual township meeting."

You state that a township in Griggs County contemplates conducting its meetings and elections as authorized by section 58-04-01 of the North Dakota Century Code at a location within the city of Cooperstown. You raise the question whether or not under such circumstances liquor establishments located within the city of Cooperstown would be prohibited from selling any alcoholic beverages during any day on which the township holds an election within such city.

It is the view of this office that the holding of a township election within the corporate limits of the city of Cooperstown as provided by section 58-04-01 of the North Dakota Century Code brings the matter within the provisions of section 5-01-13 of the North Dakota Century Code. That is to say, it is a local election in the sense that it is within the city limits, and while the matters considered at the election do not pertain to the residents of the city, nevertheless the situs of the election is within the city and voters from the township come and go to and from the polls within the city limits.

It seems to us that the purpose of the statute prohibiting the sale of intoxicating liquor is to make possible a sober electorate, and to provide an atmosphere in which peace and good order will prevail.

These are as essential to a township election as to any other. Therefore, the statute must be resorted to in order to protect the electorate in conducting an orderly and responsible election.

Consequently, it is the opinion of this office that liquor establishments in the city of Cooperstown must be closed on any day on which a township election is conducted within the city limits under the provisions of section 58-04-01 of the North Dakota Century Code.

LESLIE R. BURGUM

Attorney General