

April 16, 1938.

Apache County Democratic Central Committee,
Chambers, Arizona.

Attention Mr. Glenn Jacobs

Dear Sir:

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Answering your request of recent date in which you ask for an opinion of this office on the validity of United States Government employees living on Indian reservations and voting on county and precinct officers, we advise as follows:

The Supreme Court of Arizona in the case of Porter v. Hall, reported in 271 Pac. 411, had before it the question of the power of Indians to vote and held that Indians were residents of the state, but that they were wards of the government and persons under guardianship, which persons were excluded from exercise of a franchise to vote and were that class of people deemed incapable of managing their own affairs, and placed by law under control of another with respect to their relations with third persons, and were only entitled to the care and protection due wards from guardians. The court held that Indian reservations in Arizona are within political and governmental boundaries of the state.

We are of the opinion that a United States government employee, who is not a ward of the United States and is not one of the persons disfranchised under the constitution of Arizona, Article VII, paragraph 2, providing that no person under guardianship non compos mentis, or insane, should be qualified to vote, should be permitted to vote in all elections county and state, providing he has the necessary qualifications in regard to residence etc.

Very truly yours,

JOE CONWAY,
Attorney General,

CHARLES BERNSTEIN,
Assistant Attorney General.

✓ EARL ANDERSON,
Special Assistant
Attorney General.

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