

January 21, 1943

#6

Judge C. C. Faires
Judge of Superior Court
Globe, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Judge:

We have your letter of December 28th.

EA
The opinions, of which you have copies, dealt with the question of the right of a person convicted of a felony to vote. In prescribing the qualifications of an elector, Section 55-201 provides that persons convicted of a felony, unless restored to civil rights, shall not be qualified to register to vote. Our opinions were to the effect that when a convict has served his full sentence, his civil rights were restored and that, therefore, such an ex-convict could vote.

As to whether an ex-convict may serve on a jury presents a different question, because of the provision of our statute prescribing the qualification of a juror.

Section 37-102, after providing the qualifications of a juror, reads:

"He shall not have been convicted of a felony or be under indictment or other legal accusation of larceny, or any felony."

If the statute prescribing the qualifications of jurors was the same as the one prescribing the qualification of electors, we would feel that after a convict has served his sentence he would be a qualified juror, but the statute prescribing the qualification of jurors says, "shall not have been convicted of a felony." We think that under this statute, the conviction of such an offense renders the ex-convict ineligible for jury duty, though he has served his entire sentence. Texas has a statute similar to ours, and in the case of *Amaya vs. State*, 220 S. W. 98, the court held that the conviction of a felony was an absolute disqualification for jury duty.

Where a person has been convicted of a felony and afterward pardoned, we think he can qualify for jury duty. A pardon not only releases the offender from punishment, but obliterates in legal effect the offense. See *Puryear vs. Com.*, 1 S. E. 512 (Va.); *U. S. vs. Bassett*, 13 Pac. 237 (Utah); *Wickizer vs. Williams*, 173 S. W. 288 (Tex.).

With our personal regards, we are

Yours truly,

JOE CONWAY
Attorney General

EARL ANDERSON
Chief Assistant
Attorney General