

2 **ESHB 1084** - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED 4/13/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 2.36 RCW
8 to read as follows:

9 The supreme court is requested to adopt court rules to be effective
10 by September 1, 1994, regarding methodology and standards for merging
11 the list of registered voters in Washington state with the list of
12 licensed drivers and identicard holders in Washington state for
13 purposes of creating an expanded jury source list. The rules should
14 specify the standard electronic format or formats in which the lists
15 will be provided to requesting superior courts by the department of
16 information services. In the interim, and until such court rules
17 become effective, the methodology and standards provided in section 3
18 of this act shall apply. An expanded jury source list shall be
19 available to the courts for use by September 1, 1994.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.36 RCW
21 to read as follows:

22 Not later than January 1, 1994, the secretary of state, the
23 department of licensing, and the department of information services
24 shall adopt administrative rules as necessary to provide for the
25 implementation of the methodology and standards established pursuant to
26 sections 1 and 3 of this act or by supreme court rule.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 2.36 RCW
28 to read as follows:

29 Unless otherwise specified by rule of the supreme court, the jury
30 source list and master jury list for each county shall be created as
31 provided by this section.

32 (1) The superior court of each county, after consultation with the
33 county clerk and county auditor of that jurisdiction, shall annually
34 notify the department of information services not later than March 1 of

1 each year of its election to use either a jury source list that is
2 merged by the county or a jury source list that is merged by the
3 department of information services. The department of information
4 services shall annually furnish at no charge to the superior court of
5 each county a separate list of the registered voters residing in that
6 county as supplied annually by the secretary of state and a separate
7 list of driver's license and identicard holders residing in that county
8 as supplied annually by the department of licensing, or a merged list
9 of all such persons residing in that county, in accordance with the
10 annual notification required by this subsection. The lists provided by
11 the department of information services shall be in an electronic format
12 mutually agreed upon by the superior court requesting it and the
13 department of information services. The annual merger of the list of
14 registered voters residing in each county with the list of licensed
15 drivers and identicard holders residing in each county to form a jury
16 source list for each county shall be in accordance with the standards
17 and methodology established in this chapter or by superseding court
18 rule whether the merger is accomplished by the department of
19 information services or by a county.

20 (2) Persons on the lists of registered voters and driver's license
21 and identicard holders shall be identified by a minimum of last name,
22 first name, middle initial where available, date of birth, gender, and
23 county of residence. Identifying information shall be used when
24 merging the lists to ensure to the extent reasonably possible that
25 persons are only listed once on the merged list. Conflicts in
26 addresses are to be resolved by using the most recent record by date of
27 last vote in a general election, date of driver's license or identicard
28 address change or date of voter registration.

29 (3) The department of information services shall provide counties
30 that elect to receive a jury source list merged by department of
31 information services with a list of names which are possible duplicates
32 that cannot be resolved based on the identifying information required
33 under subsection (2) of this section. If a possible duplication cannot
34 subsequently be resolved satisfactorily through reasonable efforts by
35 the county receiving the merged list, the possible duplicate name shall
36 be stricken from the jury source list until the next annual jury source
37 list is prepared.

1 **Sec. 4.** RCW 2.36.010 and 1992 c 93 s 1 are each amended to read as
2 follows:

3 Unless the context clearly requires otherwise the definitions in
4 this section apply throughout this chapter.

5 (1) A jury is a body of persons temporarily selected from the
6 qualified inhabitants of a particular district, and invested with
7 power«

8 (a) To present or indict a person for a public offense.

9 (b) To try a question of fact.

10 (2) "Court" when used without further qualification means any
11 superior court or court of limited jurisdiction in the state of
12 Washington.

13 (3) "Judge" means every judicial officer authorized to hold or
14 preside over a court. For purposes of this chapter "judge" does not
15 include court commissioners or referees.

16 (4) "Juror" means any person summoned for service on a petit jury,
17 grand jury, or jury of inquest as defined in this chapter.

18 (5) "Grand jury" means those twelve persons impaneled by a superior
19 court to hear, examine, and investigate evidence concerning criminal
20 activity and corruption.

21 (6) "Petit jury" means a body of persons twelve or less in number
22 in the superior court and six in number in courts of limited
23 jurisdiction, drawn by lot from the jurors in attendance upon the court
24 at a particular session, and sworn to try and determine a question of
25 fact.

26 (7) "Jury of inquest" means a body of persons six or fewer in
27 number, but not fewer than four persons, summoned before the coroner or
28 other ministerial officer, to inquire of particular facts.

29 (8) "Jury source list" means the list of all registered voters for
30 any county, (~~as compiled by each county auditor pursuant to the~~
31 ~~provisions of chapter 29.07 RCW~~) merged with a list of licensed
32 drivers and identicard holders who reside in the county. The list
33 shall specify each (~~voter's~~) person's name(~~(,)~~) and residence
34 address(~~(, and precinct as shown on the original registration card of~~
35 ~~each qualified voter)~~) and conform to the methodology and standards set
36 pursuant to the provisions of section 3 of this act or by supreme court
37 rule. The list shall be filed with the superior court by the county
38 auditor.

1 (9) "Master jury list" means the list of prospective jurors from
2 which jurors summoned to serve will be randomly selected. The master
3 jury list shall be either randomly selected from the jury source list
4 or may be an exact duplicate of the jury source list.

5 (10) "Jury term" means a period of time of one or more days, not
6 exceeding one month, during which summoned jurors must be available to
7 report for juror service.

8 (11) "Juror service" means the period of time a juror is required
9 to be present at the court facility. This period of time may not
10 extend beyond the end of the jury term, and may not exceed two weeks,
11 except to complete a trial to which the juror was assigned during the
12 two-week period.

13 (12) "Jury panel" means those persons randomly selected for jury
14 service for a particular jury term.

15 **Sec. 5.** RCW 2.36.055 and 1988 c 188 s 4 are each amended to read
16 as follows:

17 ~~The ((county auditor shall prepare and file with the)) superior~~
18 ~~court at least annually((, at a time or times set forth in an order of~~
19 ~~the judges of the superior court from the original registration files~~
20 ~~of voters of the county a list of all registered voters. The list may~~
21 ~~be divided into the respective voting precincts)) shall cause a jury~~
22 source list to be compiled from a list of all registered voters and a
23 list of licensed drivers and identicard holders residing in the county.

24 The superior court upon receipt of the jury source list ~~((of~~
25 ~~registered voters filed by the county auditor shall use that list as~~
26 ~~the jury source list and)) shall compile a master jury list ~~((from the~~
27 ~~source list))~~. The master jury list shall be certified by the superior
28 court and filed with the county clerk. All previous jury source lists
29 and master jury lists shall be superseded. In the event that, for any
30 reason, a county's jury source list is not timely created and available
31 for use at least annually, the most recent previously compiled jury
32 source list for that county shall be used by the courts of that county
33 on an emergency basis only for the shortest period of time until a
34 current jury source list is created and available for use.~~

35 Upon receipt of amendments to the list of registered voters ~~((from~~
36 ~~the county auditor))~~ and licensed drivers and identicard holders
37 residing in the county the superior court may update the jury source

1 list and master jury list as maintained by the county clerk
2 accordingly.

3 **Sec. 6.** RCW 2.36.063 and 1988 c 188 s 5 are each amended to read
4 as follows:

5 The judge or judges of the superior court of any county may employ
6 a properly programmed electronic data processing system or device to
7 compile the jury source list, and to compile the master jury list and
8 to randomly select jurors from the master jury list.

9 **Sec. 7.** RCW 2.36.065 and 1988 c 188 s 6 are each amended to read
10 as follows:

11 It shall be the duty of the judges of the superior court to ensure
12 continued random selection of the master jury list and jury panels,
13 which shall be done without regard to whether a person's name
14 originally appeared on the list of registered voters, or on the list of
15 licensed drivers and identicard holders, or both. The judges shall
16 review the process from time to time and shall cause to be kept on file
17 with the county clerk a description of the jury selection process. Any
18 person who desires may inspect this description in said office.

19 Nothing in this chapter shall be construed as requiring uniform
20 equipment or method throughout the state, so long as fair and random
21 selection of the master jury list and jury panels is achieved.

22 **Sec. 8.** RCW 2.36.095 and 1992 c 93 s 4 are each amended to read as
23 follows:

24 (1) Persons selected to serve on a petit jury, grand jury, or jury
25 of inquest shall be summoned by mail or personal service. The county
26 clerk shall issue summons and thereby notify persons selected for jury
27 duty. The clerk may issue summons for any jury term, in any
28 consecutive twelve-month period, at any time thirty days or more before
29 the beginning of the jury term for which the summons are issued.
30 However, when applicable, the provisions of RCW 2.36.130 apply.

31 (2) In courts of limited jurisdiction summons shall be issued by
32 the court. Upon the agreement of the courts, the county clerk may
33 summon jurors for any and all courts in the county or judicial
34 district.

1 (3) The county clerk shall notify the county auditor of each
2 summons for jury duty that is returned by the postal service as
3 undeliverable.

4 NEW SECTION. Sec. 9. A new section is added to chapter 2.36 RCW
5 to read as follows:

6 Each court shall establish a means to preliminarily determine by a
7 written declaration signed under penalty of perjury by the person
8 summoned, the qualifications set forth in RCW 2.36.070 of each person
9 summoned for jury duty prior to their appearance at the court to which
10 they are summoned to serve. Upon receipt by the summoning court of a
11 written declaration stating that a declarant does not meet the
12 qualifications set forth in RCW 2.36.070, that declarant shall be
13 excused from appearing in response to the summons. If a person
14 summoned to appear for jury duty fails to sign and return a declaration
15 of his or her qualifications to serve as a juror prior to appearing in
16 response to a summons and is later determined to be unqualified for one
17 of the reasons set forth in RCW 2.36.070, that person shall not be
18 entitled to any compensation as provided in RCW 2.36.150. Information
19 provided to the court for preliminary determination of statutory
20 qualification for jury duty may only be used for the term such person
21 is summoned and may not be used for any other purpose, except that the
22 court, or designee, may report a change of address or nondelivery of
23 summons of persons summoned for jury duty to the county auditor.

24 **Sec. 10.** RCW 29.04.160 and 1977 ex.s. c 226 s 1 are each amended
25 to read as follows:

26 No later than February 15th and no later than August 15th of each
27 year, the secretary of state shall provide a duplicate copy of the
28 master state-wide computer tape or data file of registered voters to
29 the state central committee of each major political party((7)) at
30 actual duplication cost, ((and)) shall provide a duplicate copy of the
31 master state-wide computer tape or data file of registered voters to
32 the statute law committee without cost, and shall provide a duplicate
33 copy of the master state-wide computer tape or electronic data file of
34 registered voters to the department of information services for
35 purposes of creating the jury source list without cost. The master
36 state-wide computer tape or data file of registered voters or portions
37 of the tape or file shall be available to any other political party, at

1 actual duplication cost, upon written request to the secretary of
2 state. Restrictions as to the commercial use of the information on the
3 state-wide computer tape or data file of registered voters, and
4 penalties for its misuse, shall be the same as provided in RCW
5 29.04.110 and 29.04.120 as now existing or hereafter amended.

6 **Sec. 11.** RCW 29.07.220 and 1991 c 81 s 22 are each amended to read
7 as follows:

8 Each county auditor shall maintain a computer file on magnetic tape
9 or disk, punched cards, or other form of data storage containing the
10 records of all registered voters within the county. Where it is
11 necessary or advisable, the auditor may provide for the establishment
12 and maintenance of such files by private contract or through interlocal
13 agreement as provided by chapter 39.34 RCW, as it now exists or is
14 hereafter amended. The computer file shall include, but not be limited
15 to, each voter's last name, first name, middle initial, date of birth,
16 residence address, sex, date of registration, applicable taxing
17 district and precinct codes and the last date on which the individual
18 voted. The county auditor shall subsequently record each consecutive
19 date upon which the individual has voted and retain at least the last
20 five such consecutive dates: PROVIDED, That if the voter has not voted
21 at least five times since establishing his or her current registration
22 record, only the available dates shall be included.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.20 RCW
24 to read as follows:

25 (1) Except as provided in subsection (2) of this section, the
26 department shall annually provide to the department of information
27 services at no charge a computer tape or electronic data file of all
28 licensed drivers and identicard holders who are eighteen years of age
29 or older and whose records have not expired for more than two years and
30 which shall contain the following information on each such person:
31 Full name, date of birth, residence address including county, sex, and
32 most recent date of application, renewal, replacement, or change of
33 driver's license or identicard.

34 (2) Before complying with subsection (1) of this section, the
35 department shall remove from the tape or file the names of any
36 certified participants in the Washington state address confidentiality

1 program under chapter 40.24 RCW that have been identified to the
2 department by the secretary of state.

3 NEW SECTION. **Sec. 13.** If specific funding for section 11 of this
4 act, referencing section 11 of this act by bill number, is not provided
5 by June 30, 1994, in the omnibus appropriations act, section 11 of this
6 act is null and void.

7 NEW SECTION. **Sec. 14.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 15.** (1) Sections 1, 2, 3, 6, 8, and 13 of this
12 act are necessary for the immediate preservation of the public peace,
13 health, or safety, or support of the state government and its existing
14 public institutions, and shall take effect July 1, 1993.

15 (2) Sections 10 and 12 of this act shall take effect March 1, 1994.

16 (3) The remainder of this act shall take effect September 1, 1994."

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18 By Committee on Ways & Means

19 ADOPTED 4/13/93

20 On page 1, line 1 of the title, after "lists;" strike the remainder
21 of the title and insert "amending RCW 2.36.010, 2.36.055, 2.36.063,
22 2.36.065, 2.36.095, 29.04.160, and 29.07.220; adding new sections to
23 chapter 2.36 RCW; adding a new section to chapter 46.20 RCW; creating
24 a new section; providing effective dates; and declaring an emergency."

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