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Preparation of Jury List — 1981 Changes

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I. INTRODUCTION

Chapter 720, Session Laws of 1981 (H 915), effective July 1, 1981, rewrites G.S. 9-2 to make the county tax rolls an optional rather than required source of names for the jury list. For the biennium 1981-83 the only required source of names is the voter registration list. Effective July 1, 1983, the list of licensed drivers in each county must be used as a second required source list. This second source list will be supplied to each county by the Division of Motor Vehicles. The new act also changes the method of random selection of names when more than one source list is used. A copy of the act is attached (Appendix 1). This memorandum is designed to inform senior regular superior court judges, clerks of superior court, and jury commissioners how to implement the new act for the 1981-83 biennium.*

The General Assembly decided to eliminate the tax roll as a required source of names because of well-known difficulties in using that list, and because its use adds only marginally to the representativeness of a list composed of voters only. The voter list alone has been determined to be adequate in terms of representativeness, but not as representative of all cognizable demographic groups (especially

*Chapters 430 (H 779) and 9 (S 38) of the 1981 Session Laws also amended Chapter 9 of the General Statutes. These new laws deal with jury excuses and notifications to applicants for excuses, and will not be discussed here.

blacks and women) as a list composed of voters and drivers. The driver list could not be made available to counties in time for use in the 1981-83 cycle, but at least 50% of the drivers will be identified by counties in 1983, and in 1985 all drivers should be so identified. Any jury list compiled under this law from 1985 forward will be as broadly representative of all appropriate segments of the community as can be compiled, and well beyond constitutional challenge.

The new law does not amend G.S. 9-2.1 (Procedure in counties having electronic data processing equipment) or other sections in Chapter 9 used by counties with and without EDP equipment, but the random selection procedure required by new G.S. 9-2 may require some adjustment in all counties.

II. PROCEDURE IN COUNTIES THAT USE ONLY THE VOTER REGISTRATION LIST

For the 1981-83 biennium, the jury commission may choose to use the voter registration list as the sole source of names for the jury list. The only provision of the new law that may affect counties that exercise this option is G.S. 9-2(h). This defines the random selection method that must be used as one that results in giving each name on the list "an equal opportunity to be selected." In other respects, the procedures outlined in the Manual for Jury Commissioners, 1973 Edition, are still applicable. The effect of this provision on counties that select the names manually and those that use a computer for this purpose is described below.

- A. Manual Counties--This provision will not affect counties that use the procedure set out in the old law to select names--for example, every second name from the voter list. However, the procedure (used by some counties) of selecting by alphabetical sequence--for example, all names beginning with A-K (only)--will not meet the test of randomness in the new law.
- B. Computer Counties--Counties in which the interval selection method (every second name) has been programmed into a computer to select names or in which a "random number generator" computer program is used may continue this procedure.

III. PROCEDURE IN COUNTIES THAT USE MORE THAN ONE LIST

While the jury commission is required to use only the voter registration list in 1981-83, G.S. 9-2(b) provides that the commission may use additional sources "deemed by it to be reliable." The new law specifies the procedure that must be used to combine lists. The composition of the tax list (e.g., corporations, joint ownership records, etc.) will make it very inconvenient and expensive to apply these procedures

to that list, and there is very little to be gained from it. The new law outlines two methods that may be used to combine lists.

1. G.S. 9-2(d) provides that samples from the lists may be combined. To illustrate:
 - (a) A random sample is selected from the voter list and from list "X". The same percentage of names must be selected from each list, e.g., 20%.
 - (b) The names forming sample "X" are initially set aside.
 - (c) The names from the voter sample are checked against the entire list from which sample "X" was drawn.
 - (d) Names included in the voter sample, which are also on list "X", are rejected. These are "duplicate names" present on both lists. (Rejecting these names ensures that these individuals have only one chance of being included on the jury list.)
 - (e) The remaining non-duplicated names from the voter sample are then combined with the names from sample "X." This process yields a raw list free of duplicate names. (An illustration of this procedure is included in Appendix 2.)

When three lists are used, the procedure described above is supplemented by checking a sample from the third list against the entire contents of both lists 1 and 2.

2. An alternative method for combining lists is outlined in G.S. 9-2(e). The jury commission may choose to combine all of the names on all of the source lists used, remove duplicate names, and then randomly select the desired number of names to form the jury list. This procedure will be practical only for counties that use computers. Even for computerized counties, the first procedure will probably be more efficient.

Either of these methods may be done manually or programmed for computer selection under the direction of the jury commission.

While the procedures described here are more involved than those in the old law, they enhance the fairness of the selection process. They ensure that citizen A, whose name appears on two source lists--e.g., voter list and driver list (tax list)--has the same opportunity to be included on the jury list as citizen B whose name appears only on one list. Under the old law, citizen A was twice as likely to be on the jury list, and therefore twice as likely to be summoned for jury duty.

APPENDIX 1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1981
RATIFIED BILL

CHAPTER 720

HOUSE BILL 915

AN ACT TO SUBSTITUTE LISTS OF LICENSED DRIVERS FOR TAXPAYERS AS A SOURCE OF NAMES FOR JURY LISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-2 is rewritten to read as follows:

"§ 9-2. Preparation of jury list; sources of names.--(a) It shall be the duty of the jury commission beginning July 1, 1981, (and each biennium thereafter) to prepare a list of prospective jurors qualified under this Chapter to serve in the biennium beginning January 1, 1982, (and each biennium thereafter).

(b) In preparing the list, the jury commission shall use the voter registration records of the county. The commission may use fewer than all the names from the voter list if it uses a random method of selection. The commission may use other sources of names deemed by it to be reliable.

(c) Effective July 1, 1983, the list of licensed drivers residing in each county, as supplied to the county by the Division of Motor Vehicles pursuant to G.S. 20-43.4, shall also be required as a source of names for use by the commission in preparing the jury list.

(d) When more than one source is used to prepare the jury list the jury commission shall take randomly a sample of names from the list of registered voters and each additional source used. The same percentage of names must be selected from each list. The names selected from the voter registration list shall be compared with the entire list of names from the second source. Duplicate names shall be removed from the voter registration sample, and the remaining names shall then be combined with the sample of names selected from the second source to form the jury list. If more than two source lists are used, the same procedure must be used to remove duplicates.

(e) As an alternative to the procedure set forth in subsection (d), the jury commission may merge the entire list of names of each source used, remove the duplicate names, and randomly select the desired number of names to form the jury list.

(f) The jury list shall contain not less than one and one-quarter times and not more than three times as many names as were drawn for jury duty in all courts in the county during the previous biennium, but in no event shall the list include fewer than 500 names, except that in counties in which a different panel of jurors is selected for each day of the week, there is no limit to the number of names that may be placed on the jury list.

(g) The custodian of the appropriate election registration records in each county shall cooperate with the jury commission in its duty of compiling the list required by this section.

(h) As used in this section 'random' or 'randomly' refers to a method of selection that results in each name on a list having an equal opportunity to be selected."

Sec. 2. Article 3 of Chapter 20 of the General Statutes is amended to add the following new section:

"§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.--The Commissioner of Motor Vehicles shall provide to each county jury commission an alphabetical list of all persons that he has determined are residents of the county, 18 years of age or older, and licensed to drive a motor vehicle as of July 1, 1983, and as of July 1 of each biennium thereafter. The list shall include those persons whose license to drive has been suspended, and those former licensees whose license has been cancelled. The list shall contain the address and zip code of each driver, plus his date of birth and sex, and may be in either printed or computerized form, as requested by each county."

Sec. 3. G.S. 9-1 is amended in line one by deleting "October" and inserting in lieu thereof "July".

Sec. 4. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 29th day of June, 1981.

JAMES C. GREEN

James C. Green
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

APPENDIX 2

Illustration of Sample List Combination Method under G.S. 9-2(d)

For the purpose of illustration, consider a fictitious county with the following:

- Number of names needed for the jury list: 8,000 (equals A)
- Number of names on list "X": 30,000 (equals B)
- Number of names on voter registration list: 20,000
- Number of names on registration list after comparison with list "X" and removal of duplicates: 10,000 (equals C)

Step 1--The percentage of names to be drawn randomly from each list must be determined. Under G.S. 9-2(d), the same percentage must be selected from both lists. By using the same percentage, individuals on each list have the same chance of being picked. The percentage is determined in the following manner:

- *(1) Estimate the percentage of names on the voter list that will not be duplicated on list X (for example, 50%).
- (2) Using this estimate, determine the number of unduplicated names on the voter list ($50 \times 20,000 = 10,000 = C$).
- (3) Apply the following formula:

$$\frac{A}{B + C} = \% \text{ of names to be selected from each list}$$

$$\frac{8,000}{30,000 + 10,000} = \frac{8,000}{40,000} = 20\%$$

Step 2--The percentage determined above is applied to both lists to select a sample from each list:

$$\begin{array}{l} \text{List X -} \quad .20 \times 30,000 = 6,000 \text{ names} \\ \text{Voter list -} \quad .20 \times 20,000 = 4,000 \text{ names} \end{array}$$

Step 3--The 4,000 names from the voter registration sample are then compared with the entire contents of List "X." In this illustration approximately 50% of the names on the voter sample are duplicated on list X and will be rejected for this reason.

$$.50 \times 4,000 = 2,000$$

The remaining names are combined with those on the sample from list "X" to form the jury list:

$$\begin{array}{r} 2,000 \text{ unduplicated names from the voter sample} \\ + 6,000 \text{ names from the list "X" sample} \\ \hline 8,000 \text{ name jury list} \end{array}$$

*This figure simply predicts the number of names that will later be purged as duplicates. If this figure were not taken into account, the number selected would fall short of the number needed when duplicates were identified and rejected in Step 3. The 50% figure used in the illustration would be a safe estimate for counties that choose to use the tax list for the 1981-83 cycle.