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**SUBSTITUTE HOUSE BILL 1084**

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**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson)

Read first time 02/01/93.

1            AN ACT Relating to jury source lists; amending RCW 2.36.010,  
2 2.36.055, 2.36.063, 2.36.065, 2.36.095, 29.04.160, and 29.07.220;  
3 adding new sections to chapter 2.36 RCW; adding new sections to chapter  
4 46.20 RCW; making an appropriation; providing effective dates; and  
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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. In the interim, and  
14 until such court rules become effective, the methodology and standards  
15 provided in section 3 of this act shall apply. An expanded jury source  
16 list shall be available to the courts for use by September 1, 1994.

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

1 Not later than January 1, 1994, the secretary of state, the  
2 department of licensing, and the department of information services  
3 shall adopt administrative rules as necessary to provide for the  
4 implementation of the methodology and standards established by this act  
5 or by supreme court rule.

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

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

11 (1) The superior court of each county, after consultation with the  
12 county clerk and county auditor of that jurisdiction, shall annually  
13 notify the department of information services not later than March 1 of  
14 each year of its election to use either a jury source list that is  
15 merged by the county or a jury source list that is merged by the  
16 department of information services. The department of information  
17 services shall annually furnish at no charge to the superior court of  
18 each county a separate list of the registered voters residing in that  
19 county as supplied annually by the secretary of state and a separate  
20 list of driver's license and identicard holders residing in that county  
21 as supplied annually by the department of licensing, or a merged list  
22 of all such persons residing in that county, in accordance with the  
23 annual notification required by this subsection. The lists provided by  
24 the department of information services shall be in an electronic format  
25 specified by the superior court requesting it. The annual merger of  
26 the list of registered voters residing in each county with the list of  
27 licensed drivers and identicard holders residing in each county to form  
28 a jury source list for each county shall be in accordance with the  
29 standards and methodology established in this act or by superseding  
30 court rule whether the merger is accomplished by the department of  
31 information services or by a county.

32 (2) Persons on the lists of registered voters and driver's license  
33 and identicard holders shall be identified by a minimum of last name,  
34 first name, middle initial where available, date of birth, gender, and  
35 county of residence. Within four years of a person's social security  
36 number being authorized by federal law for use in jury matters, persons  
37 on all such lists shall also be identified by social security number.  
38 Identifying information shall be used when merging the lists to ensure

1 to the extent reasonably possible that persons are only listed once on  
2 the merged list. Conflicts in addresses are to be resolved by using  
3 the most recent record by date of last vote in a general election, date  
4 of driver's license or identicard address change or date of voter  
5 registration.

6 (3) The department of information services shall provide counties  
7 that elect to receive a jury source list merged by department of  
8 information services with a list of names which are possible duplicates  
9 that cannot be resolved based on the identifying information required  
10 under subsection (2) of this section. If a possible duplication cannot  
11 subsequently be resolved satisfactorily through reasonable efforts by  
12 the county receiving the merged list, the possible duplicate name shall  
13 be stricken from the jury source list until the next annual jury source  
14 list is prepared.

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

17 Unless the context clearly requires otherwise the definitions in  
18 this section apply throughout this chapter.

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

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

23 (b) To try a question of fact.

24 (2) "Court" when used without further qualification means any  
25 superior court or court of limited jurisdiction in the state of  
26 Washington.

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

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

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

35 (6) "Petit jury" means a body of persons twelve or less in number  
36 in the superior court and six in number in courts of limited  
37 jurisdiction, drawn by lot from the jurors in attendance upon the court

1 at a particular session, and sworn to try and determine a question of  
2 fact.

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

6 (8) "Jury source list" means the list of all registered voters for  
7 any county, ~~((as compiled by each county auditor pursuant to the  
8 provisions of chapter 29.07 RCW))~~ merged with a list of licensed  
9 drivers and identicard holders who reside in the county. The list  
10 shall specify each ~~((voter's))~~ person's name((,)) and residence  
11 address~~((, and precinct as shown on the original registration card of  
12 each qualified voter))~~ and conform to the methodology and standards set  
13 pursuant to the provisions of section 3 of this act or by supreme court  
14 rule. The list shall be filed with the superior court by the county  
15 auditor.

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

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

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

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

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

32 The ~~((county auditor shall prepare and file with the))~~ superior  
33 court at least annually~~((, at a time or times set forth in an order of  
34 the judges of the superior court from the original registration files  
35 of voters of the county a list of all registered voters. The list may  
36 be divided into the respective voting precincts))~~ shall cause a jury  
37 source list to be compiled from a list of all registered voters and a  
38 list of licensed drivers and identicard holders residing in the county.

1 The superior court upon receipt of the jury source list (~~of~~  
2 ~~registered voters filed by the county auditor shall use that list as~~  
3 ~~the jury source list and~~) shall compile a master jury list (~~from the~~  
4 ~~source list~~). The master jury list shall be certified by the superior  
5 court and filed with the county clerk. All previous jury source lists  
6 and master jury lists shall be superseded. In the event that, for any  
7 reason, a county's jury source list is not timely created and available  
8 for use at least annually, the most recent previously compiled jury  
9 source list for that county shall be used by the courts of that county  
10 on an emergency basis only for the shortest period of time until a  
11 current jury source list is created and available for use.

12 Upon receipt of amendments to the list of registered voters (~~from~~  
13 ~~the county auditor~~) and licensed drivers and identicard holders  
14 residing in the county the superior court may update the jury source  
15 list and master jury list as maintained by the county clerk  
16 accordingly.

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

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

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

25 It shall be the duty of the judges of the superior court to ensure  
26 continued random selection of the master jury list and jury panels,  
27 which shall be done without regard to whether a person's name  
28 originally appeared on the list of registered voters, or on the list of  
29 licensed drivers and identicard holders, or both. The judges shall  
30 review the process from time to time and shall cause to be kept on file  
31 with the county clerk a description of the jury selection process. Any  
32 person who desires may inspect this description in said office.

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

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

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

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

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

17       NEW SECTION. **Sec. 9.** A new section is added to chapter 2.36 RCW  
18 to read as follows:

19       Each court shall establish a means to preliminarily determine by a  
20 written declaration signed under penalty of perjury by the person  
21 summoned, the qualifications set forth in RCW 2.36.070 of each person  
22 summoned for jury duty prior to their appearance at the court to which  
23 they are summoned to serve. Upon receipt by the summoning court of a  
24 written declaration stating that a declarant does not meet the  
25 qualifications set forth in RCW 2.36.070, that declarant shall be  
26 excused from appearing in response to the summons. If a person  
27 summoned to appear for jury duty fails to sign and return a declaration  
28 of his or her qualifications to serve as a juror prior to appearing in  
29 response to a summons and is later determined to be unqualified for one  
30 of the reasons set forth in RCW 2.36.070, that person shall not be  
31 entitled to any compensation as provided in RCW 2.36.150. Information  
32 provided to the court for preliminary determination of statutory  
33 qualification for jury duty may only be used for the term such person  
34 is summoned and may not be used for any other purpose, except that the  
35 court, or designee, may report a change of address or nondelivery of  
36 summons of persons summoned for jury duty to the county auditor.

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

3       No later than February 15th and no later than August 15th of each  
4 year, the secretary of state shall provide a duplicate copy of the  
5 master state-wide computer tape or data file of registered voters to  
6 the state central committee of each major political party(~~(7)~~) at  
7 actual duplication cost, (~~and~~) shall provide a duplicate copy of the  
8 master state-wide computer tape or data file of registered voters to  
9 the statute law committee without cost, and shall provide a duplicate  
10 copy of the master state-wide computer tape or electronic data file of  
11 registered voters to the department of information services for  
12 purposes of creating the jury source list without cost. The master  
13 state-wide computer tape or data file of registered voters or portions  
14 of the tape or file shall be available to any other political party, at  
15 actual duplication cost, upon written request to the secretary of  
16 state. Restrictions as to the commercial use of the information on the  
17 state-wide computer tape or data file of registered voters, and  
18 penalties for its misuse, shall be the same as provided in RCW  
19 29.04.110 and 29.04.120 as now existing or hereafter amended.

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

22       Each county auditor shall maintain a computer file on magnetic tape  
23 or disk, punched cards, or other form of data storage containing the  
24 records of all registered voters within the county. Where it is  
25 necessary or advisable, the auditor may provide for the establishment  
26 and maintenance of such files by private contract or through interlocal  
27 agreement as provided by chapter 39.34 RCW, as it now exists or is  
28 hereafter amended. The computer file shall include, but not be limited  
29 to, each voter's last name, first name, middle initial, date of birth,  
30 residence address, sex, date of registration, applicable taxing  
31 district and precinct codes and the last date on which the individual  
32 voted. Within four years of a person's social security number being  
33 authorized by federal law for the use in jury matters, the computer  
34 file shall also include the voter's social security number. The county  
35 auditor shall subsequently record each consecutive date upon which the  
36 individual has voted and retain at least the last five such consecutive  
37 dates: PROVIDED, That if the voter has not voted at least five times

1 since establishing his or her current registration record, only the  
2 available dates shall be included.

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

5 At such time as a person's social security number is authorized by  
6 federal law for use in jury matters, the application for an instruction  
7 permit, original driver's license, and identicard, and the application  
8 for the renewal, replacement, or change of the same shall also state  
9 the applicant's social security number.

10 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20 RCW  
11 to read as follows:

12 (1) Except as provided in subsection (2) of this section, the  
13 department shall annually provide to the department of information  
14 services at no charge a computer tape or electronic data file of all  
15 licensed drivers and identicard holders who are eighteen years of age  
16 or older and whose records have not expired for more than two years and  
17 which shall contain the following information on each such person:  
18 Full name, date of birth, residence address including county, sex,  
19 social security number when available, and most recent date of  
20 application, renewal, replacement, or change of driver's license or  
21 identicard.

22 (2) Before complying with subsection (1) of this section, the  
23 department shall remove from the tape or file the names of any  
24 certified participants in the Washington state address confidentiality  
25 program under chapter 40.24 RCW that have been identified to the  
26 department by the secretary of state.

27 NEW SECTION. **Sec. 14.** The sum of . . . . dollars, or as much  
28 thereof as may be necessary, is appropriated for the biennium ending  
29 June 30, 1995, from the general fund to the administrator for the  
30 courts for the purpose of reimbursing the counties, the department of  
31 licensing, the secretary of state, and the department of information  
32 services for expenses directly associated with the implementation of  
33 this act.

34 NEW SECTION. **Sec. 15.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 16.** (1) Sections 1, 2, 3, 6, 8, and 14 of this  
4 act are necessary for the immediate preservation of the public peace,  
5 health, or safety, or support of the state government and its existing  
6 public institutions, and shall take effect July 1, 1993.

7 (2) Sections 10 and 13 of this act shall take effect March 1, 1994.

8 (3) Section 11 of this act shall take effect February 1, 1994.

9 (4) The remainder of this act shall take effect September 1, 1994.

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