

# HOUSE BILL No. 6287

November 10, 1998, Introduced by Rep. Wallace and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1310, 1312, 1313, 1332, 1375, and 1376 (MCL 600.1304, 600.1310, 600.1312, 600.1313, 600.1332, 600.1375, and 600.1376), sections 1304, 1310, 1312, 1375, and 1376 as amended by 1986 PA 104.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1304. ~~(1) The jury board shall select from the cur-~~  
2 ~~rent voter registration lists or books the names of persons as~~  
3 ~~provided in this chapter to serve as jurors. This subsection~~  
4 ~~applies to jurors summoned for trials beginning before~~  
5 ~~September 1, 1987.~~

6       (1) ~~(2)~~ The jury board shall select from a list ~~which~~  
7 THAT combines the driver's license list and the personal  
8 identification cardholder list the names of persons as provided

1 in this chapter to serve as jurors. This subsection applies to  
2 jurors summoned for trials beginning ~~after August 31, 1987~~  
3 BEFORE JANUARY 1, 2000.

4 (2) THE JURY BOARD SHALL SELECT FROM THE STATEWIDE QUALIFIED  
5 VOTER FILE ESTABLISHED UNDER SECTION 509<sup>o</sup> OF THE MICHIGAN ELEC-  
6 TION LAW, 1954 PA 116, MCL 168.509<sup>o</sup>, THE NAMES OF PERSONS AS PRO-  
7 VIDED IN THIS CHAPTER TO SERVE AS JURORS. THIS SUBSECTION  
8 APPLIES TO JURORS SUMMONED FOR TRIALS BEGINNING ON OR AFTER  
9 JANUARY 1, 2000.

10 Sec. 1310. ~~(1) The township or city clerk shall annually~~  
11 ~~between April 15 and May 1 deliver to and file with the county~~  
12 ~~clerk a full, current, and accurate copy of the voter registra-~~  
13 ~~tion cards containing the names and addresses of the registered~~  
14 ~~voters. In lieu of a copy of the registration card, a full, cur-~~  
15 ~~rent, and accurate list of those registered together with the~~  
16 ~~current addresses shown on the card may be filed.~~

17 ~~(2) The board shall secure from the county clerk, and the~~  
18 ~~county clerk shall provide, copies of the current voter registra-~~  
19 ~~tion cards or the current voter registration lists for each pre-~~  
20 ~~cinct in the county. The board shall treat the cards and lists~~  
21 ~~as 1 list, with voters grouped either by precinct or by city,~~  
22 ~~township, or village as they may be provided.~~

23 ~~(3) The board, in lieu of receiving a list from the county~~  
24 ~~clerk of current registered voters, may, if electronic or mechan-~~  
25 ~~ical devices are used by the township, city, or village clerks,~~  
26 ~~order the clerks to provide only the names and addresses selected~~

1 ~~by applying the key number and starting number designated by the~~  
2 ~~board.~~

3       (1) ~~-(4)-~~ Beginning in 1987 AND THROUGH 1998, the secretary  
4 of state shall transmit annually ~~—~~ before April 15 to the clerk  
5 of each county at no expense a full, current, and accurate copy  
6 of a list that combines the driver's license list and personal  
7 identification cardholder list pertaining to persons residing in  
8 the county. BEGINNING IN 1999, THE SECRETARY OF STATE SHALL  
9 TRANSMIT ANNUALLY BEFORE APRIL 15 TO THE CLERK OF EACH COUNTY AT  
10 NO EXPENSE A FULL, CURRENT, AND ACCURATE COPY OF THE STATEWIDE  
11 QUALIFIED VOTER FILE PERTAINING TO PERSONS RESIDING IN THE  
12 COUNTY. At the request of the board before March 1, the secretary  
13 of state shall transmit only a first jury list consisting of the  
14 names and addresses of persons selected at random, based on the  
15 total number of jurors required as submitted to the secretary of  
16 state by the board, using electronic or other mechanical  
17 devices.

18       (2) Upon request, the secretary of state shall furnish addi-  
19 tional lists to any federal, state, or local governmental agency,  
20 other than the clerk of each county, for the purpose of jury  
21 selection. An agency which requests and receives a list shall  
22 reimburse the secretary of state for actual costs incurred in the  
23 preparation and transmittal of the list and all reimbursements  
24 shall be deposited in the state general fund.

25       (3) ~~-(5)-~~ If an agency uses electronic or mechanical devices  
26 to carry out its duties, the agency may request and receive a  
27 copy of the combined driver's license and personal identification

1 cardholder list, OR THE STATEWIDE QUALIFIED VOTER FILE, on  
2 ~~computer tape or another~~ AN electronically produced medium  
3 under specifications prescribed by the secretary of state. The  
4 secretary of state shall establish specifications standardizing  
5 the size, format, and content of ~~computer tapes and other~~ ANY  
6 ELECTRONICALLY PRODUCED media utilized to transmit information  
7 used for jury selection.

8 ~~(6) Subsections (1), (2), and (3) shall not apply after~~  
9 ~~December 31, 1986.~~

10 Sec. 1312. (1) ~~The~~ SUBJECT TO SUBSECTION (3), THE board  
11 shall apply the key number uniformly to the names on the list  
12 received pursuant to section 1310 and compile a list or card  
13 index, to be known as the first jury list, which shall include  
14 every name and only those names as the application of the key  
15 number has designated. The board shall do this as follows:

16 ~~(a) Arrange the various voter registration lists into 1~~  
17 ~~list. The order in which the lists are arranged or the fact that~~  
18 ~~some lists are by precincts, and some lists are alphabetized, is~~  
19 ~~not relevant. This subdivision shall not apply after~~  
20 ~~December 31, 1986.~~

21 (A) ~~(b)~~ Select by a random method a starting number  
22 between 0 and the key number.

23 (B) ~~(c)~~ Count down the list the number of names to reach  
24 the starting number. That name shall be placed on the first jury  
25 list.

1 (C) ~~(d)~~ Continue from that name counting down the list,  
2 beginning to count again with the number 1, until the key number  
3 is reached. That name shall be placed on the first jury list.

4 (D) ~~(e)~~ Repeat the process provided in subdivision ~~(d)~~  
5 (C) until the whole list has been counted and the names placed on  
6 the first jury list.

7 (E) ~~(f)~~ The board shall then remove from the first jury  
8 list the name of any person who its records show served, pursuant  
9 to the provisions of this chapter, as a petit or grand juror in  
10 any court of record or district court in the county at any time  
11 in the preceding 1 year.

12 (2) The board may use electronic and mechanical devices in  
13 carrying out its duties under this section.

14 (3) IN ANY COUNTY, THE BOARD MAY EMPLOY TECHNIQUES DESIGNED  
15 TO ENSURE THAT ALL AREAS OF THE COUNTY ARE REPRESENTED PROPOR-  
16 TIONATELY ON THE FIRST JURY LIST. THESE TECHNIQUES MAY INCLUDE,  
17 FOR EXAMPLE, SELECTING A GREATER NUMBER OF NAMES FROM AREAS THAT  
18 TYPICALLY HAVE BEEN UNDERREPRESENTED IN JURY POOLS OR REPLACING  
19 UNDELIVERABLE OR UNANSWERED QUESTIONNAIRES FROM UNDERREPRESENTED  
20 AREAS WITH NAMES FROM THOSE SAME AREAS. ANY TECHNIQUES EMPLOYED  
21 UNDER THIS SECTION SHALL FIRST BE APPROVED BY THE CHIEF CIRCUIT  
22 JUDGE FOR THE COUNTY.

23 Sec. 1313. (1) The board shall supply a juror qualifica-  
24 tions questionnaire to persons on the first jury list. This  
25 questionnaire shall contain blanks for the information the board  
26 desires, concerning qualifications for, and exemptions from, jury  
27 service. Persons on the first jury list are required to return

1 the questionnaire fully answered to the jury board within 10 days  
2 after it is received.

3 (2) IN ANY COUNTY, THE JURY QUESTIONNAIRE DESCRIBED IN THIS  
4 SECTION AND THE WRITTEN SUMMONS NOTICE DESCRIBED IN SECTION 1332  
5 MAY BE PROVIDED TOGETHER.

6 Sec. 1332. (1) The clerk or sheriff shall summon jurors for  
7 court attendance at such times and in such manner as directed by  
8 the CHIEF OR presiding judge or by the judge to whom the action  
9 in which jurors are being called for service is assigned. For a  
10 juror's first required court appearance, service shall be by a  
11 written notice addressed to him OR HER at his OR HER place of  
12 residence as shown by the records of the board. ~~—, which~~ THE  
13 notice may be by ordinary mail or by personal service. For sub-  
14 sequent service notice may be in any manner directed by the  
15 judge. The officer giving notice to jurors shall keep a record  
16 ~~thereof and~~ OF THE NOTICE. THE OFFICER shall make a return if  
17 directed by the court, ~~—Such return~~ WHICH shall be presump-  
18 tive evidence of the fact of service.

19 (2) THE WRITTEN SUMMONS NOTICE DESCRIBED IN THIS SECTION MAY  
20 BE PROVIDED TOGETHER WITH THE JURY QUESTIONNAIRE AS PROVIDED IN  
21 SECTION 1313(2).

22 Sec. 1375. ~~—(1) The township or city clerk shall annually~~  
23 ~~between April 15 and May 1 deliver to and file with the county~~  
24 ~~clerk a full, current, and accurate copy of the voter registra-~~  
25 ~~tion cards containing the names and addresses of the registered~~  
26 ~~voters. In lieu of a copy of the registration card, a full,~~  
27 ~~current, and accurate list of those registered together with the~~

1 ~~current addresses shown on the card may be filed. The clerk~~  
2 ~~shall provide a monthly update of the list or of the registration~~  
3 ~~cards to the county clerk.~~

4 ~~(2) If electronic or mechanical devices are used by the~~  
5 ~~township, city, or village clerk, the clerk shall provide a copy~~  
6 ~~of the list on computer tapes, punch card, or in any other form~~  
7 ~~as ordered by the board.~~

8 ~~(3) The board shall secure from the county clerk, and the~~  
9 ~~county clerk shall provide, copies of the current voter registra-~~  
10 ~~tion cards or the current voter registration lists for each pre-~~  
11 ~~cinct in the county. The board shall treat the cards and lists~~  
12 ~~as 1 list, with voters grouped either by precinct or by city,~~  
13 ~~township, or village as they may be provided.~~

14 ~~(4) The board, in lieu of receiving a list from the county~~  
15 ~~clerk of current registered voters, may, if electronic or mechan-~~  
16 ~~ical devices are used by the township, city, or village clerks,~~  
17 ~~order the clerk to provide only the names and addresses selected~~  
18 ~~by applying the key number and starting number designated by the~~  
19 ~~board.~~

20 (1) ~~(5)~~ Beginning in 1987 AND THROUGH 1998, the secretary  
21 of state shall transmit annually, before April 15, to the clerk  
22 of each county a full, current, and accurate copy of a list that  
23 combines the driver's license and personal identification card-  
24 holder lists pertaining to persons residing in the county.

25 BEGINNING IN 1999, THE SECRETARY OF STATE SHALL TRANSMIT ANNUALLY  
26 BEFORE APRIL 15 TO THE CLERK OF EACH COUNTY AT NO EXPENSE A FULL,  
27 CURRENT, AND ACCURATE COPY OF THE STATEWIDE QUALIFIED VOTER FILE

1 PERTAINING TO PERSONS RESIDING IN THE COUNTY. At the request of  
2 the board before March 1, the secretary of state shall transmit  
3 only a first jury list consisting of the names and addresses of  
4 persons selected at random, based on the total number of jurors  
5 required as submitted to the secretary of state by the board,  
6 using electronic or other mechanical devices.

7 (2) Upon request, the secretary of state shall furnish addi-  
8 tional lists to any other federal, state, or local governmental  
9 agency, other than the clerk of each county, for the purpose of  
10 jury selection. An agency which requests and receives a list  
11 shall reimburse the secretary of state for actual costs incurred  
12 in the preparation and transmittal of the list and all reimburse-  
13 ments shall be deposited in the state general fund.

14 (3) ~~(6)~~ If an agency uses electronic or mechanical devices  
15 to carry out its duties, the agency may request and receive a  
16 copy of the combined driver's license and personal identification  
17 cardholder list, OR THE STATEWIDE QUALIFIED VOTER FILE, on  
18 ~~computer tape or another~~ AN electronically produced medium  
19 under specifications prescribed by the secretary of state. The  
20 secretary of state shall establish specifications standardizing  
21 the size, format, and content of ~~computer tapes and other~~ ANY  
22 ELECTRONICALLY PRODUCED media utilized to transmit information  
23 used for jury selection.

24 ~~(7) Subsections (1), (2), (3), and (4) shall not apply~~  
25 ~~after December 31, 1986.~~

26 Sec. 1376. (1) Upon recommendation of the district court  
27 judge or a majority of the judges of a district, circuit judge or

1 a majority of the circuit judges of a circuit, probate court  
2 judge or a majority of the judges of the county or probate court  
3 district, or a judge of a municipal court of record or a majority  
4 of the judges of a municipal court of record, the court may adopt  
5 a plan for the selection of persons for jury service with the aid  
6 of mechanical or electronic means.

7 (2) A plan adopted pursuant to subsection (1) shall conform  
8 to the following requirements:

9 (a) ~~For jurors summoned for trials beginning before~~  
10 ~~September 1, 1987, it shall specify that the sources from which~~  
11 ~~names are to be taken for jury purposes are all voter registra-~~  
12 ~~tion lists from all precincts in the district, circuit, county,~~  
13 ~~or probate court district, or city.~~ For jurors summoned for  
14 trials beginning after August 31, 1987 BUT BEFORE JANUARY 1,  
15 2000, it shall specify that the source from which names are to be  
16 taken for jury purposes is the combined driver's license and per-  
17 sonal identification cardholder list pertaining to all precincts  
18 in the district, circuit, county — or probate court district,  
19 or city. FOR JURORS SUMMONED FOR TRIALS BEGINNING ON OR AFTER  
20 JANUARY 1, 2000, IT SHALL SPECIFY THAT THE SOURCE FROM WHICH  
21 NAMES ARE TO BE TAKEN FOR JURY SELECTION PURPOSES IS THE STATE-  
22 WIDE QUALIFIED VOTER FILE PERTAINING TO ALL PRECINCTS IN THE DIS-  
23 TRICT, CIRCUIT, COUNTY OR PROBATE COURT DISTRICT, OR CITY.

24 (b) It shall provide a fair, impartial, and objective method  
25 of selecting persons for jury service with the aid of mechanical  
26 or electronic equipment.

1 (c) It shall designate the official to be in charge of the  
2 selection and management of jurors and shall define his or her  
3 duties.

4 (d) It shall specify that a true and complete written list  
5 showing the names and addresses of the persons summoned to begin  
6 jury service on a particular date shall be filed of record with  
7 the county clerk at least 10 days before the date the persons are  
8 to begin jury service.