

Jury in the 21st Century



The Jury Wheel Process

What is it?

- An annual process that creates a new jury source file for each county.
- The merging of the DPS Drivers License/ID Files with the statewide database of registered voters.

62.001(a) of the Texas Government Code



- Exemptions/Disqualifications are then applied and the file is provided to the county.



The Jury Wheel Process

- ❖ On the date requested by the District Clerk:
 1. The old file is removed.
 2. A new file is created with the matching criteria used to eliminate duplicates on the jury source files.

TDL # only
SSN (full 9 digits) only
Last Name/Former, First Name and DOB
Last Name/Former, First Name and Permanent address
Last Name/Former, First Name and Mailing address
Last Name/Former, First Name, SSN (4 digit)



Jury Wheel Reconstitution

There is nothing to indicate that the jury wheel has to be “reconstituted” periodically during the year to remove persons who had been exempted from service after the annual reconstitution of the jury wheel. Section 62.109(h) provides that the name and address of a person exempted from jury service under that section shall be added to or deleted from the jury list “at any time permitted by law and when the names and addresses of eligible jurors are regularly deleted or added to the list or register.”



Data from DPS

- The Secretary of State pursuant to **Sec.62.001 (f)** of the Government Code, requests from DPS the statewide database of DL and ID holders.
- DPS eliminates from the file, before submission:
 - All known non US citizens;
 - Any persons younger than the age of 18;
 - Felons;
 - Any “applicant”– persons should have an active TDL or ID number issued;
 - Any person who doesn’t have a Texas residential address;
 - Duplicates – only one record for any person with both a TDL and ID issued; defaulting to the TDL record.
- DPS to provide the file to the Texas SOS the 1st Monday in October.



Legislative Change

- **H.B. 4034** (Bohac): Allows information from the jury questionnaire “other than information provided that is related to Section 62.102(8) or (9)” (Misdemeanor Theft or Felon responses), to be shared with the voter registrar of a county in connection with any matter of voter registration or the administration of elections.”
NOTE: the registrar should still never have possession of the questionnaire. The Clerk of the Court should only provide information (other than misdemeanor theft or felon information) to the registrar.
- Effective: Immediately (June 12, 2017)
 - Mass E-mail Advisory sent June 13, 2017



Keeping up with the information....

The Voter Registrar should be receiving the following information from the court clerks in your county on a **monthly** basis:

- Compilation of list of Non U.S. Citizens
 - Send to Voter Registrar and Secretary of State
- Compilation of List of Nonresidents
 - Send to Voter Registrar **only**



COMPILATION OF LIST OF NONCITIZENS

Section 62.113 of the Texas Government Code

- The clerk of the court shall maintain a list of the name and address of each person who is excused or disqualified under this subchapter from jury service because the person is not a citizen of the United States.

Section 16.0332 of the Election Code

- After the registrar receives a list under Section [18.068](#), Texas Election Code, or Section [62.113](#), Government Code, of persons excused or disqualified from jury service because of citizenship status.



COMPILATION OF LIST OF NONRESIDENTS

Section 62.114 of the Texas Government Code

- Each person who is excused or disqualified from jury service because the person is not a resident of the county.

Section 15.081(a)(3) of the Election Code

- The registrar shall maintain a suspense list containing the name of each voter who appears on the list of nonresidents of the county provided to the registrar under Section 62.114, Texas Government Code.



Voter Registration Data – Legislative Change

- **H.B. 1103** (Hernandez): The Voter Registration List used for jury purposes must now exclude the names of persons on the suspense list. Registrars updated the Voter Registration System at the beginning of June and will not have to make any further designation to comply. Jury clerks will not see Suspense voters on future reconstituted wheels.
- Effective: Immediately (May 29, 2017)



MENTAL INCAPACITY

Section 16.002 (a)(1)(A)&(B) of the Texas Election Code

- Each month the clerk of each court having proper jurisdiction to adjudge a person mentally incapacitated shall prepare an abstract of each final judgment of a court served by the clerk, occurring in the month
- Adjudging a person 18 years of age or older who is a resident of the state to be:
- Totally mentally incapacitated; or
- Partially mentally incapacitated without the right to vote

Section 16.031(a)(3) of the Election Code

- The registrar shall cancel a voter's registration immediately on receipt of an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;



DISQUALIFICATION IN ELECTION CONTEST

Section 16.004 of the Texas Election Code

Not later than the 10th day after the date a judgment in an election contest in which a person is adjudged not be a qualified voter becomes final, an abstract of judgment should be filed with the voter registrar.

Section 16.031(a)(3) of the Election Code

The registrar shall cancel a voter's registration immediately upon receipt of an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004.



ABSTRACTS REGARDING DECEDENTS

Chapter 205, Estates Code

Monthly abstracts from the clerk of each court having probate jurisdiction of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit that is filed in the month with a court served by the clerk.

Section 16.031(a)(2) of the Election Code.

The registrar shall cancel a voter's registration immediately upon receipt of an abstract of the voter's death certificate or an abstract of an application indicating the voter is deceased.



EXEMPTIONS

In general, exemptions can be reported by one of two offices:

- Voter Registrar
- Clerk of the Court



Jury Wheel Process

Procedures for Establishing Exemptions

Under **Sec. 62.107**, Texas Government Code, an individual can request an exemption from Jury Service by:

1. Filing with the Clerk of the Court in person or by mail, a signed statement such as a response to summons.
2. Filing a sworn statement (notarized) with the sheriff, Voter Registrar, District Clerk or County Clerk. This statement claims exemption from jury service under **Section 62.106**, Texas Government Code. With a sworn statement, the person may not be placed in the jury wheel for the ensuing year.
3. If filing an exemption with the clerk due to 70+, a permanent exemption may also be claimed with the clerk by filing a signed statement requesting it. (The Clerk should send a copy to the Voter Registrar). This is a separate document from the summons.



Jury Wheel Process

Procedures for Establishing Exemptions

An individual can request an exemption may be granted by:

4. Filing a permanent exemption with the Voter Registrar due to 70+, can be filed in person or by mail by providing a signed statement.
 5. A permanent exemption due to age can be rescinded by the person at any time.
 6. Temporary or permanent exemptions due to physical or mental impairment or inability to comprehend English are granted by the judge of a district court by order. (The Clerk of the District Court should notify the Voter Registrar).
- ❖ Note: The Texas Government Code does not specify method of notification.



Question & Answer

Question: What is the difference between a signed statement and a sworn statement?

ANSWER: A sworn statement must be attested to by a notary public or other eligible officer, while a signed statement must only include the individual's signature to be effective.



Question & Answer

It should be noted that the law is not expressly clear on which officer within the county is responsible for maintaining the list of individuals claiming an exemption under Section 62.106, Texas Government Code. Because Texas Government Code does not designate the Voter Registrar as responsible for maintaining these exemptions, it is presumed the clerk of the court will maintain that list. If an individual submits a sworn statement to the voter registrar claiming an exemption that has not previously been defined, then this information should be delivered to the officer in the county delegated to maintain these exemptions and ensure these individuals are not included in the jury wheel for the ensuing year.



Jury Wheel Reconstitution

Neither Texas Government Code nor Texas Election Code requires exemptions listed under Texas Government Code 62.106 to be reported to the Secretary of State for removal from the jury wheel during the annual reconstitution. If this information is reported, however, the reconstituted wheel will not include these individuals. If this information is not reported to the Secretary of State, then the county will need to ensure that individuals qualifying for these exemptions are removed from the jury wheel for the ensuing year, in accordance with Texas Government Code.



Voter Registrar or Clerk of the Court

Under **Sec. 62.110**, Texas Government Code, an individual be granted an exemption from Jury Service through Judicial Excuse:

- A court upon receipt of any reasonable sworn excuse of a prospective juror, including any claim of an exemption or a lack of qualification, and
- If the excuse is considered sufficient shall release him from jury service entirely or until another day of the term, as appropriate.



Jury Wheel Process

The Role of the Voter Registrar

- The Voter Registrar should provide required exemption list by **(November 20, 2018)**
 1. **Not later than the 3rd Tuesday in November** or
 2. **Not later than the Suspense Mass Cancellation date under Sec.16.032 of the Election Code** whichever is earlier.



Jury Wheel Process

The Role of the Voter Registrar

- The VR shall provide to the Secretary of State a list with names of individuals exempt from jury service.
 - ❖ **Gov. Code Sections 62.107 & 62.108**
 - Permanent Exemption for Elderly
 - ❖ **Gov. Code Sec. 62.109**
 - Exemption for Physical or Mental Impairment or Inability to Comprehend English

If the Voter Registrar receives the jury summons or jury questionnaires, it must be returned to the Clerk of the Court.



Disqualifications

Clerk of the Court



Recap

- ❑ Q. **What information can/should be provided to the voter registrar when it comes to jury management information?**
 - A. The following information should be provided to the VR:
 1. Non-U.S. Citizen status (Monthly List) **Gov. Code Sec 62.113**
 2. Non residents of the county (Monthly List) **Gov. Code Sec 62.114**
 3. Perm. Exemption for over 70 (Document) **Gov. Code Sec 62.108**
 4. Exemption for Physical or Mental Impairment or Inability to Comprehend English (Court Order) **Gov. Code Sec 62.109**

- ❑ Q. **What information should not be provided to the voter registrar when it comes to jury management information?**
 - A. Information contained in a completed questionnaire
(Ex: Disqualifications due to Misdemeanor Theft or Felony)
Gov. Code Sec 62.0132



Frequently asked Q & A

- Q. **Is there information I should be sharing with the Secretary of State's Office?**
- A. Yes.
- Monthly abstracts from the clerk of each court having probate jurisdiction of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under Chapter 205, Estates Code, that is filed in the month with a court served by the clerk. These are reported in electronic format via upload through the county data website.
Election Code Sec. 16.001
 - Non-U.S. Citizen status (Monthly List). These are reported in electronic format via upload through the county data website.
Gov. Code Sec 62.113



Frequently asked Q & A

- Q. **Is there information I should be sharing with the Secretary of State's Office?**
- A. Yes, if you would like additional disqualifications to be taken into consideration during reconstitution, then disqualifications and exemptions not required to be reported by the voter registrar may be sent to our office.
- Q. **Is there information I should NOT be sharing with the Secretary of State's Office?**
- A. Yes. Some counties as part of their *monthly reporting* submit deceased information being reported on the returned summons in paper format. Our office does not enter or process that information. In addition, our office should not receive information related to a Juror indicating they are not a resident of the County.



Please visit our DocShare site for helpful information, including a Quick Reference Guide listing all of the data that is shared between the Clerk of the Court and the Voter Registrar:

JURY QUICK REFERENCE

Call our Office if you need assistance accessing this site.



Thank you for coming!

