



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the* COURTS

**A Manual for North Carolina Jury Commissioners and  
Clerks of Superior Court  
Fifth Edition**

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Court Services Division



# Chapter 1

## Introduction and History

### Introduction

This document describes the legal obligations of a county jury commission in fulfilling its duty to prepare a master jury list for the county. Hyperlinks to the statutes that relate to this duty, the majority of which are found in Chapter 9 of the North Carolina General Statutes (G.S.), are located in Appendix A. The statutes referenced in Appendix A or cited in the text of this manual are those in effect on August 15, 2013. Appendix B summarizes the duties that the statutes impose on local officials who play a role in the jury administration process. Each commissioner should carefully study the relevant portions of G.S. Chapter 9. This manual is intended *only* as a supplement to that material; it is not meant to be a replacement for the statutes.

### History

Impartial juries are the foundation of the American system of justice because they are composed of ordinary citizens who are selected randomly to help resolve legal disputes. In North Carolina, jury trials may be held in civil district and superior court, criminal superior courts and some special proceedings. It is the responsibility of a three person panel in each county, known as a jury commission, to prepare the list of county residents who are eligible to serve as jurors in the North Carolina trial courts. Therefore, the work of a county jury commission is vital to ensure the public's trust in the impartiality of the North Carolina jury lists.

When a person is summoned for jury service, one of their first questions is often, "How did I get selected?" Prior to 1983, there were no standardized sources from which names were drawn for inclusion in the master jury list. Some counties relied solely on property tax lists. In the past, this resulted in the inclusion of only citizens that owned property, which were generally the more wealthy citizens. Some counties used the "key man" system by which community leaders would provide the court with the names of local residents whom they believed would be reliable jurors. Such lists seldom constituted a "jury of one's peers." When only these sources were used, jurors were rarely from racial minorities or less prominent socio-economic classes, and they tended to be all males. In fact, only in 1975 did the United States Supreme Court mandate the nationwide inclusion of women on state jury lists.

In 1983, the North Carolina General Assembly enacted major changes to the jury statutes, including the requirement that the names of jurors be randomly drawn from two source lists: those registered to vote in the county and county residents who are licensed to drive motor vehicles by the Division of Motor Vehicles (DMV). It is the task of the jury commission, as an independent body, to compile the master jury list, which the courts use to summon eligible citizens for jury service. When this master list is compiled under the strict guidance and oversight of the jury commissioners, the courts are assured of a pool of qualified citizens who are representative of the local community, in the broadest sense and without the systematic exclusion of any class of citizens.

## Chapter 2

### Jury Commissioners

The vast majority of counties utilize computers in the processing and maintenance of jury lists. Computer automation has greatly increased the ease of list preparation and reduced the time required for assuring a fair, representative list. However, computerized assistance has not decreased the importance of jury commissioners. The jury commissioners' role as the independent, unbiased authorizers of the master list of jurors continues to be vital to the North Carolina Court System.

#### Composition and Appointment

In each county, there is a jury commission that is made up of a panel of three citizens who serve as jury commissioners, which are appointed positions. The senior resident superior court judge, elected clerk of superior court, and board of county commissioners each appoint one member to serve on the jury commission. The appointee must be a qualified voter in the county where they will serve. The commissioners serve a two year term although they may be re-appointed to an unlimited number of terms.<sup>1</sup> It is the ultimate decision of the official that appointed the commissioner to re-appoint that jury commissioner once his or her term expires.

Orders appointing each commissioner must be completed and filed with the clerk of superior court with other jury documentation discussed in Chapter 6. A vacancy in the jury commission shall be filled in the same manner as the original appointment, for the unexpired term. Unless there are exceptional circumstances, each member of the commission should attend all commission meetings. The North Carolina Supreme Court once approved the actions taken by the two surviving members of a commission after the death of the third member when there was not time to have a replacement appointed.<sup>2</sup>

#### Convening the Jury Commission

Typically, the clerk of superior court will set the date for the first meeting of the jury commission once all three commissioners are appointed. As a practical matter, most jury commissions do not convene until late summer or early fall since they will not have received the information required for them to begin their work until that time. However, the clerk may want to convene the jury commission sooner if one or more of the jury commissioners are new appointees in order to orient them to the process or if the clerk deems appropriate.<sup>3</sup>

Each commissioner must be administered an oath as required by G.S. 9-1, G.S. 11-7, and G.S. 11-11. (See Appendix C for the verbiage of oaths). The administration of the oath is usually done at the first meeting of the commissioners and typically administered by the elected clerk of superior court. These oaths should be filed with the clerk of superior court as a Registration filing.<sup>4</sup> The commission should then elect a chairperson. A chairperson is not required by law, but having a single commissioner responsible for administrative details may facilitate the commission's deliberations.

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<sup>1</sup> When new jury commissioners are appointed, their terms must not overlap. For example, if the previous jury commissioner's term expires June 1, 2012, the new jury commissioner's term must not begin before June 1, 2012.

<sup>2</sup> *State v. Johnson*, 317 N.C. 343(1986). In this case, the third jury commissioner was murdered days before the commission was to provide the master jury list. This is clearly an extreme case and it is not clear what level of exceptional circumstances is necessary to excuse a commission from meeting with all its members.

<sup>3</sup> Training is available through the Court Services Division of the NC Administrative Office of the Courts.

<sup>4</sup> Rules of Recordkeeping 16.5.



## Compensation

Jury commissioners are compensated at a rate determined by each county's board of commissioners, and they are paid from the general fund of the county. Therefore, the amount is not set by statute and may vary by county. Some counties pay the commissioners a daily rate, while others use a daily rate with a maximum allowable amount. Other counties pay a lump sum, regardless of the number of days the commission works. Issues with respect to compensation should be addressed to the appropriate county authorities.

## Duties and Deadlines to Complete Work

Computers are increasingly replacing the individual commissioner's knowledge of eligibility as the primary means of assessing potential jurors. Information from databases can now be used to do much of that work. For example, databases can maintain lists of those individuals who have served as a petit juror in the previous two years making them ineligible to serve as a juror for two years from the last date of service. The clerk of superior court or the trial court administrator and their staff provide clerical or other personnel assistance, as the commission may reasonably require, to assist them in accomplishing their duties.

The jury commissioners have three duties:

1. Approve the automated procedures used by the computer in the preparation of the master jury list and those procedures used by the county to randomly select jurors.
2. Determine the number of jurors that will comprise the master jury list that will be used by the county to summon jurors for either a one or two year period (depending on the county's practice).
3. Compile the master jury list by removing disqualified persons from the list.<sup>5</sup>

Most counties operate on a biennium system. This means that the master jury list is prepared for a two year period commonly referred to as the jury biennium. A biennium begins on January 1<sup>st</sup> of every even numbered year and ends on December 31<sup>st</sup> of the next odd numbered year. The list should be prepared by December 1<sup>st</sup> prior to the start of the biennium. For example, for the 2014-2015 jury biennium which would begin January 1, 2014, the list should be finalized by the commission by December 1, 2013. The 2014-2015 jury biennium ends December 31, 2015. However, some counties elect to prepare a master jury list annually. This decision is made by the senior resident superior court judge and is currently only practiced in Cumberland and Mecklenburg counties. Questions about whether a county prepares a master jury list for a biennium or annually should be directed to the clerk of superior court or the trial court administrator (TCA).

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<sup>5</sup> When data processing is used for list preparation, the jury commission's role becomes primarily one of carefully reviewing and approving the procedures to be employed by the computer and determining the number of jurors that make up the master list.



## **Chapter 3**

### **Sources for the Master Jury List**

There are two statutorily required sources that jury commissioners must use when preparing the list of names that will be used to summon jurors. These two lists come from the North Carolina Division of Motor Vehicles (DMV) and the North Carolina State Board of Elections. Although other source lists may be used if decided by the jury commission, the lists provided by these two entities are usually successful in providing a representative sample of the population in any given county since most people are either drivers and/or registered voters. There are two types of lists that jury commissioners should be familiar with for reference purposes: a raw jury list and a master jury list. The raw jury list is the combined list of voters and drivers provided to the jury commission by the DMV that the commission will use to create the master jury list. The master jury list is the final list that is used by the clerks of superior court to draw and summon jurors for the next two years (or year, in counties that prepare annual lists). Each agency or entity provides different, yet significant data points to the raw jury list.

#### **State Board of Elections**

Pursuant to G.S. 163-82.11(e), the State Board of Elections must assist the DMV in providing the raw jury list to the county jury commission of each county by providing a list of all registered voters in each county to the DMV. Before the State Board of Elections provides this list to DMV, they must remove any registered voter who has been inactive for eight years or more. This is to eliminate voters who may have moved or are deceased. The State Board of Elections may also provide the dates of birth of the registered voters to the county jury commissioners, if requested, to assist them in preparing the master list.

#### **Vital Records, Office of the State Registrar**

One of the most sensitive issues faced by the courts when jurors are summoned is the potential for calling someone who is deceased. It is distressing when a grieving family member receives a jury summons for a relative who has died. Since 2007, the State Registrar has been statutorily required to provide to DMV an alphabetical list of all residents of the State who have died in the two years prior to July 1 of each odd-numbered year (or annually if an annual list is prepared under G.S. 9-2). This statutory change was the result of an effort to remove potential jurors that are deceased that may be on the list of drivers and/or voters. The list provided to DMV includes the name, address and date of death of each deceased resident. DMV removes these names from the raw jury list provided to the jury commission.<sup>6</sup> Despite the best efforts of the State Registrar and the DMV, it is likely that some decedents will appear on the raw and master jury list.

#### **Division of Motor Vehicles (DMV)**

For its part of the raw jury list, the DMV uses the names of all persons that are residents of the county, who will be 18 years of age or older as of the first day of the biennium (January 1<sup>st</sup> of the following year) and licensed to drive as of July 1 of each odd-numbered year. The names of licensed, suspended and cancelled drivers will be included unless they have not had their licenses renewed in eight years or more. This is to prevent summoning jurors that are deceased or have moved out of state. G.S. 20-43.4 specifies that the list must include each person's name, address,

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<sup>6</sup> As a result of S.L. 2012-180, jury commissions will not receive a copy of the list from the State Registrar as they have in past years.



zip code, date of birth, sex, social security number, and driver's license number.<sup>7</sup> Individuals with state issued identification cards from the DMV are not included on the jury list unless they were a licensed, cancelled or suspended driver in the previous eight years. The list also should not include those who have registered vehicles in the state but are not licensed to drive in North Carolina.

### **Merging the Source Records**

Because many citizens are both licensed drivers and registered voters, they will appear on both the list provided by the DMV and the State Board of Elections. Since 2003, the DMV has been statutorily required to remove duplicate names from the raw jury list before it is sent to the jury commission. This is accomplished using a computer matching method to match all information fields (i.e., name, date of birth, etc.). However, if one or more data fields do not match, a duplicate person may still appear on the raw jury list. For example, if a person appears as Robert M. Smith with a date of birth of 3/15/77 on the State Board of Elections list but a person with the same name has a date of birth of 3/16/77 on the DMV list, the computer will leave both names on the raw jury list. DMV uses this same method to remove the names of decedents, as provided to DMV by the State Registrar, from the raw jury list.

### **Other Sources**

In addition to the source lists discussed above, the jury commission may use any other source of names it deems reliable. Before choosing to supplement the two required lists with a third, the commission should carefully consider whether the additional effort would be justified by the benefit to be gained. Other sources may not be as reliable as the two required lists. The General Assembly deleted the property tax list as a required source mostly because that list is not as reliable as the list of licensed drivers. Furthermore, the list of property owners is not as representative of all elements of the population as is that of licensed drivers and registered voters. In recent practice, no counties have elected to supplement the two required lists.

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<sup>7</sup> In 2007, DMV agreed to eliminate persons without social security numbers on their driving records from the list provided to the jury commission in an effort to eliminate individuals that are not United States citizens from the jury list which would make them ineligible to serve as a juror.

## Chapter 4

### Determining the Number of Names on the Final Master Jury List

Because the raw jury list is so voluminous, not all of the individuals that are qualified to serve will appear on the final master jury list. Therefore, the jury commission must determine the total number of names necessary for the new master jury list. There is a minimum and maximum number of jurors that can appear on a list. The exception are counties that use a one day/one trial system where there is no limit to the number of jurors that can be on the master jury list. Counties that use the one day/one trial system summon a new pool of jurors every day of the week in contrast to counties that summon a pool of jurors for a one week term of court. As a result, counties that summon a new pool daily need more jurors available on the master jury list. Questions about which system a county employs should be directed to the clerk of superior court or trial court administrator.

In those counties that summon jurors for weekly terms (the majority of counties), there is a specific statutory formula that has both a minimum and maximum number of jurors that may appear on the final list. It is unknown why this specific range was established, but it is mandated by law. The jury commission must use this formula to ascertain the number of jurors needed for the master jury list. **Again, it is important to note that counties that employ a one day/one trial system do not adhere to this formula.** To determine the number of names on the master jury list:

1. The clerk of superior court must advise the commission of the number of jurors that have been summoned (not just served) so far during the current biennium (or year) and how many more they expect to summon for the remainder of the year.
2. These numbers must be **added** together.
3. Multiply the total number in Step #2 by a number between one and one-fourth and three to comply with the statutory minimum and maximum multiplier. This could be one and one-half, one and three-fourth, two and one-fourth, etc. The result is the final number of potential jurors that should be on the master jury list. There must be at least 500 names on the final list even if multiplying the total number in Step #2 would yield a smaller number.<sup>8</sup>

If the final list--after removal of the names of disqualified or deceased persons--contains less than three times the number of jurors drawn in the county in the previous biennium, the list is still legal and proper. The master jury list must have at least one and one-fourth times the number drawn in the current biennium *and* at least 500 names. It is important to have a sufficient number of jurors so the jury commission does not have to reconvene to draw more jurors once the biennium has begun. Any sizable error will cost the commissioners time and the county money.

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<sup>8</sup> For example, if 5,000 jurors have been summoned during the current biennium and the clerk of superior court expects to summon 400 more, the jury commission would multiply 5,400 by a number between 1.25 and 3 to obtain the maximum number of names that will be on the master jury list. Ex:  $5,400 \times 3 = 16,200$ . No more than 16,200 names could be on the master jury list.



## Chapter 5

### Preparing the Master Jury List

One of the three main duties of the jury commission is to prepare the master jury list by removing the names of jurors that are not qualified for jury service from the raw jury list. Once the raw jury list is received, the jury commission has two options before they begin reviewing the raw jury list. They may either: 1) review the list in its entirety as it was delivered by DMV, or 2) reduce the number of names on the list to make it more manageable. The commission may select the second option but the names they use must be randomly selected.<sup>9</sup> For example, a raw jury list as prepared by DMV contains 5,000 names. The commission can begin reviewing the 5,000 names on the list to determine qualification. The alternative is to randomly select 3,000 names and determine the qualification of those individuals. If the latter option is selected and the final number on the list does not meet the statutory requirement, the commission must randomly select additional names from the raw jury list and determine their qualification to ensure the minimum number required is met. The option the commission chooses may depend on a number of factors, such as the size of the raw jury list, the number of names that must be on the final master jury list or any time constraints to prepare the master jury list. The sources and procedures document from the previous commission, discussed in Chapter 6, may indicate which practice was used. The clerk of superior court may also be able to provide this information to the commission.

#### Disqualification Criteria

As mentioned previously, the use of automation has greatly assisted jury commissions in compiling this list. A commissioner's knowledge is no longer the sole method of assessing the eligibility of potential jurors. Although jury commissions may use sources other than their personal knowledge, such as information maintained by the clerk of superior court, the commissioners may not delegate this task to anyone. Delegating this task to another official, such as a member of the clerk of superior court's staff or the sheriff, might result in a legal challenge to the legitimacy of the jury list.

The grounds for disqualification are set out in G.S. 9-3. The jury commission may not consider any factors aside from these statutory criteria when removing names from the raw jury list in the preparation of the master jury list. For example, the commission may not consider whether they think someone would want to serve as a juror or if they would be a good juror. If a person on the raw jury list meets one of the following criteria, they are disqualified from service and must be removed from the raw jury list:

- **The person is not a resident of the county.** *A juror must reside in the county where the list is being prepared because this list must be a representative sample of that particular county.*
- **The person is not a resident of the state.** *A juror must reside in NC in order to be eligible to serve on a NC county jury. Further, a person must also be a United States citizen to serve as a juror.*
- **The person will not be 18 years of age as of January 1 of the following year.** *Age is only a disqualifier if the individual will be under the age of 18 as of January 1 of the next*

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<sup>9</sup> As defined in G.S. 9-2(h), "random" or "randomly" refers to a method of selection that results in each name on a list having an equal opportunity to be selected.

year. Please note that if a person is under the age of 18 at the time the master list prepared but will be 18 as of January 1 of the next year, they should not be disqualified. For example, a person that is 17 at the time the list is being prepared in the fall is eligible to serve if his date of birth is December 31<sup>st</sup> or earlier because he will be 18 as of January 1<sup>st</sup>. There is no maximum age limit that would disqualify a juror.

- **The person cannot understand the English language.** *If a person cannot speak or understand the English language, they may not serve on a jury. They will be unable to understand the information presented at trial and unable to make a sound judgment as to the verdict. However, if a person is deaf or hard of hearing, this does not disqualify them from jury service.*
- **The person has been convicted of a felony and has not had their rights restored.**<sup>10</sup> *If a person has been convicted of a felony, this does not necessarily preclude them from serving as a juror. Once they have had their citizenship rights restored that they lost as a result of their conviction, they are again eligible to serve. Therefore, if the jury commission is unsure whether the rights of a convicted felon have been restored, the person should remain on the list. Disqualifying someone by mistake of fact can result in an otherwise qualified juror not being allowed to potentially serve on jury duty.*<sup>11</sup>
- **The person served as a petit juror in the previous two years.**<sup>12</sup> *This information can be provided to the jury commissioners by the clerk of superior court; it is usually maintained in the county's jury management system. When determining this, a person is eligible to serve as a juror two years from their last day of service. For example, if a juror were summoned the week of March 23<sup>rd</sup> and served until March 25<sup>th</sup>, 2010, they would be eligible to serve again March 25, 2012. NCAOC has taken the position that a person has "served" as a juror if, in response to a jury summons, he or she has appeared at the courthouse to make himself or herself available for jury service. Under this interpretation, a person who checked in by telephone and did not appear at the courthouse is eligible to serve next biennium.*
- **Effective January 1, 2014 (S.L. 2013-148). The person served as a grand juror in the previous six years.** *Individuals that serve a full term as grand jurors are*

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<sup>10</sup> The State Board of Elections receives data about felony convictions from the North Carolina Division of Adult Corrections for convictions that occur in the state courts and from the United States Attorney for convictions in federal courts. The State Board of Elections notifies the county boards of elections of this information so they can mark their records accordingly. However, this does not preclude a felon from appearing on the list if they are a registered driver. The State Board of Elections also receives notification when the rights have been restored of a felon that was convicted in state court. They do not receive the same notification for federal restoration of rights.

<sup>11</sup> A convicted felon may have their citizenship rights automatically restored once all terms of the conviction are completed, including service of prison time, probation or parole time, or all other required actions such as community service or restitution payments. A list of convicted felons may be obtained from the Administrative Office of the Courts (NCAOC) for use by the jury commission in deleting names of felons from the raw jury list. However, clerks and NCAOC are not notified when a convicted felon has had his or her citizenship restored and is thus eligible to serve as a juror. Therefore, extreme caution should be observed in requesting a felony list for use in the jury list compilation. It is recommended that the time period for such a felony conviction list be limited to those convictions within the last year.

<sup>12</sup> Although not required by statute to do so, most state and federal courts recognize service in the corresponding court as having served as a juror within the past two years. The only official statement of this is a resolution of the North Carolina State-Federal Judicial Council, which was approved by this Council on June 19, 1986 and which states "that the state and federal courts within North Carolina are encouraged to interpret the appropriate statutes and rules so as to excuse from service any juror who has been summoned and appeared as a member of a venire during the preceding two years in any state or federal court within North Carolina." However, granting excusal for a citizen summoned previously in a federal court in North Carolina is the burden of the trial court, not the jury commission.

*disqualified from serving as a petit or grand juror for six years. This information can be provided to the jury commissioners by the clerk of superior court; it is usually maintained in the county's jury management system. A grand juror that serves a full term is eligible to serve as a petit or grand juror six years from the date they were discharged from service. For example, if a grand juror is discharged from their full term of service on January 1, 2014, they would be eligible to serve again January 1, 2020.*

- **The person is physically or mentally incompetent.** *It is important to note that the jury commission must have personal knowledge of a person's physical or mental incompetence. This must be determined every time the list is prepared because a person may not be qualified for jury service one year but capable of serving in the next biennium; therefore, competency should be evaluated each time the list is prepared.*

Since determining that someone is legally ineligible to serve as a juror is a serious matter, the commission should be reasonably sure that it is correct before it removes a person's name from the list. If there is doubt, the name should be left on the list. For example, if the jury commissioners are unsure whether a person can understand English, that person should remain on the list. The eligibility of specific jurors will be reviewed by the Court if that person is selected to serve on a specific jury and either party to a court action may always challenge a juror's qualifications to serve. There are several checks and balances during the court process that will determine if a juror is not qualified, but if the commission removes a person who is eligible, they will not be called to serve, despite their eligibility.

As mentioned earlier, there is no maximum age that would disqualify someone from service. However, G.S. 9-6.1(a) allows persons 72 years of age or older to request a temporary or permanent exemption from the Court. It is improper to strike names from the master jury list solely on the basis of age unless that person will not be 18 on January 1<sup>st</sup> of the year the biennium begins or a juror 72 years of age or older was previously granted a permanent exemption from jury service.

In 2012, G.S. 9-6.1 was amended to allow individuals summoned as a juror to request to be excused, deferred or exempt from jury duty if they have a disability that could interfere with their ability to serve. This decision will also be made by the Court at the time they are summoned. Therefore, unless a person is physically and/or mentally incompetent, they should not be stricken from the master jury list solely on the basis they are disabled.

The State Registrar provides to DMV an alphabetical list of all residents of the State who have died in the two years prior to July 1 of each odd numbered year (or annually if an annual list is prepared under G.S. 9-2). The DMV uses this list to remove deceased voters and drivers from the list provided to each county. Because the jury commission often begins their work almost two months after this list is prepared, inevitably this list will not contain the names of individuals that have died since it was prepared by the State Registrar. It is within the authority of the jury commission to remove the names of individuals that are deceased that were overlooked by the DMV or that are deceased since July 1 if they have personal knowledge.

### **Use of Automated Jury Files**

With a fully automated jury selection system, the names of those individuals who served as jurors during the past two years or those who are deceased can be matched against the names of those



on the new list.<sup>13</sup> The computer can be programmed to remove these names from the new jury list, but if any persons were disqualified for reasons that are not permanent, then the commission must be sure that the reason for the disqualification remains if they are to be removed. Grounds that were correctly found in a previous biennium may no longer apply in the new biennium. Therefore, the jury commission should review the computer's list of persons previously found to be ineligible to be jurors regardless of the reason before any matching names are deleted from the new jury list. It is the jury commission's responsibility, not the computer programmers' task, to guarantee that the names of those who were determined in the past to be ineligible for a temporary reason are still names that should be removed and not included in the new jury list.

G.S. 9-2(k) states that decisions on the mental or physical competence of prospective jurors must continue to be made by jury commissioners even in those counties that use automation or data processing. It is important that the commission make a new judgment on each person's competence every biennium (or year) because a disqualification due to physical or mental incompetence may not apply in the current biennium.

There are two ways to use an automated system to exclude jurors who have served on a jury in the past two years. Both ensure that no juror is summoned between the time of service and the time the juror is re-eligible for service. The two options are to: (1) purge from the list the names of all jurors who served during the previous biennium; or (2) flag the names of such jurors and their date of service.

The first option, although ensuring that no one is re-summoned until at least two years have passed, may make a citizen ineligible for jury duty for as much as four years, if he or she happened to be issued a summons in the very beginning of the jury biennium. Under the second option, jurors are re-eligible exactly two years after they serve and can be called again for jury duty if their names are randomly selected. The latter option would be most useful for counties where most of the names on the master jury list are selected and used. In reviewing the computer procedures, the jury commissioners should understand which of these options is being used, and they must then determine which option they prefer to use in their county.

Although there is no statutory requirement to have the list prepared by a certain date, the general rule is that the master jury list should be completed and prepared by December 1<sup>st</sup> of every odd numbered year (e.g. 2013) or every year if preparing a list annually. This is because, for those districts that prepare a list every two years, the biennium starts on January 1<sup>st</sup> of each even numbered year (e.g. 2014). This means that the list that the jury commission prepares will be used to summon jurors for terms of court beginning January 1<sup>st</sup>. Because the summons must be served at least 15 days before the session of court for which the juror is needed, it is best to have the list prepared 30 days prior to the term for which it will be used. The length of time required to prepare the jury list depends on many factors, such as the population of the county, the efficiency of the clerical support, the zeal of the commission, and the availability of computer equipment and reliable programming.

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<sup>13</sup> Effective January 1, 2014, grand jurors that serve a full term are ineligible to serve again for six years. S.L. 2013-148.

## Chapter 6

### Preparing the Statement of Sources and Procedures and Filing the Master Jury List

Once the master jury list is finalized by the jury commission, they must file an alphabetized version of the master jury list with the clerk of superior court. G.S. 9-4(a) also requires that the jury commission file with the clerk of superior court a statement of the "sources used and procedures followed" in preparing the list. Filing the statement of sources and procedures informs jury commissioners in the next biennium, some of whom may be new, of the number of names selected and the procedures that were followed. The sources and procedures and master jury list are filed separately as Registration filings using the forms in Appendix D and Appendix E, respectively.

#### Contents of the Statement of Sources and Procedures

G.S. 9-2(j) specifies that the written statement of procedures used by the jury commission "must effectively preserve the authorized grounds for disqualification, the right of public access to the master list of prospective jurors as provided by G.S. 9-4, and the time sequence for drawing and summoning a jury panel."<sup>14</sup> For an outline of the elements to be included in the statement of sources and procedures, please refer to the suggested format provided in Appendix D.

**Computer Procedures.** When data processing is used for list preparation, the jury commission's role becomes primarily one of carefully reviewing and then approving the procedures to be employed by the computer. The statement of these procedures does not have to be technical or detailed, but it must be accurate and enable the public to understand the commission's procedures. A clear, easily understood statement will help to avoid potential legal challenges to the master jury list, and its preparation by the jury commission. Of course, any litigant can challenge the statutory validity of the jury list, in terms of who is or is not included or excluded from potential selection as a trial juror. A well-constructed summary of how the master jury list was compiled will do much to avoid a successful legal challenge.

The computer programmer, agency or entity responsible for the county's jury software system must provide the jury commissioners with a summary that describes the functionality of the computer program in regards to the jury list. At a minimum, this summary should:

- Describe how duplicate names are identified;
- Describe which categories of names are deleted electronically (for example, the names of those who served jury duty in the previous biennium or the names of deceased individuals); and
- Describe how the computer will randomly select names for jury service.

This written summary should be written with minimal computer jargon. The average citizen should be able to read the summary and understand how the above mentioned tasks are fulfilled by the computer and accomplished electronically. If the jury commissioners cannot understand the computer summary, neither will other readers.

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<sup>14</sup> Previous versions of this manual provided that the jury commission should also approve the computer programming used for drawing and summoning panels of jurors for specific court sessions and maintaining the records of jurors that were excused, deferred, disqualified and served jury duty. This language has been deleted because G.S. 9-2(j) and (k) are unclear as to whether it is the commission's responsibility to approve the procedures for performing these tasks.



In addition to including a copy of the computer summary, the name of the person or company responsible for the programming must be included in the jury commission's report. This means that the report must specify:

- the full name of the county data processor who wrote the local program.
- the name of the person hired on a contractual basis to perform the programming. or
- the company from which the county purchased a jury selection software program.

Such specificity will enable anyone concerned about the validity of the procedures to contact the responsible person for further information.

Even if the same computer program has been employed for many years, it is the responsibility of the jury commission to review this summary *each* time a new master jury list is prepared. It is also the responsibility of the jury commissioners to adopt the computer procedures to be used both in the creation of the master jury list and in the computer's method of selecting names for a particular term of court. This review and formal adoption should be reflected in the jury commission minutes and in the statement of sources and procedures.

It is also critical to be certain that there are no conflicts between the jury commission procedures described in the statement of sources and procedures and in the written summary of the computer procedures used. In past years, jury commissions, especially in counties that have used computerized systems for many years, have re-adopted the original computer summary, without reading it carefully. Some have failed to realize when the older computer proposal included options for programming procedures, with no indication as to which procedure eventually became the one used by the computer. To avoid such a discrepancy or to include changes in programming over successive years, the computer summary must be reviewed by the jury commissioners every time a new master list is prepared.

**Calculation of Final Number of Master Jury List.** As noted in Chapter 4, the North Carolina General Statutes set the minimum and maximum number of names that may be included in the final master jury list.<sup>15</sup> This range is set between one and one fourth and three times the total number of names drawn for jury duty in the past biennium, which will technically be the current biennium since that is the biennium to which the statute is referring. Therefore, the statement of sources and procedures should indicate the total number of names included on the master jury list and explain where this number falls within this statutory range (i.e., the final number represents 1.25, 1.75, 2.5, 3 or some other multiplier of the number of names drawn in the past biennium). Refer to Chapter 4 for a discussion on how to use the formula to determine the final number of names for the master jury list.

**Commission Minutes and Orders of Appointment.** The clerk of superior court will maintain files containing the jury commission's minutes (if kept), the jury appointment orders, and all other materials used in the preparation of the jury list which should also be filed along with the sources and procedures document.

**Authorized Grounds for Disqualification.** The statement does not have to give the disqualification reason for each name that was removed, but it should say that the statutory qualifications were applied. It should further state the general procedures used to determine which

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<sup>15</sup> However, this minimum and maximum range does not apply in those counties which use the "one day/one trial" system of calling jurors. G.S. 9-2(f) specifies that in counties using such a system, there is no limit to the size of the master jury list and therefore there is no need to reduce the list size in those counties.

names should be removed. The commissioners should be able to show that the list was compiled in strict accord with statutory directions and without partiality, favoritism, or other unconstitutional factors if the list is ever judicially challenged. Failure to comply strictly with the statutes would normally not be grounds to dismiss an indictment or otherwise affect the trial of a case unless that failure derived from corrupt intent and was based on systemic discrimination or irregularities that affect the actions of the jurors summoned. Nevertheless, the jury commissioners should make every effort to strictly comply with the statutes in order to avoid any question of the fairness of the jury selection system in the county.

**Right to Public Access.** The master jury list of names may be initially randomized. That is, the order in which names will be selected to be summoned can be determined at the same time that the computer is performing the other functions it must perform (e.g. removing duplicates). The randomized list is not available for public inspection. As a safeguard, it is recommended that the random list exist solely in the computer's database and only be accessed when new jurors are selected for future court dates. A paper copy of the random list should never be printed.

Both the alphabetized master jury list and the statement of sources and procedures are made available for public inspection upon request. The alphabetized list is available for public inspection in the office of the clerk of superior court during normal business hours. However, other identifying information, such as addresses and dates of birth, are not public record and may only be obtained with a court order per G.S. 9-4(b). Only authorized staff of the clerk of superior court or trial court administrator's office may access the randomized master jury list described above.

**Time Sequence for Drawing and Summoning Panels.** When selecting jurors for a term of court, the computer randomly selects names from the master jury list, following the procedures approved by the jury commission. The law requires a random method of selection. G.S. 9-2(h) defines random selection as any method by which all names on the list have an equal opportunity to be selected.

## Master Jury List

The alphabetized master jury list is filed separately from the Statement of Sources and Procedures as a Registration filing with the clerk of superior court. The master jury list may be filed in hard copy paper format or electronically. With the automation of jury procedures, the master jury list will typically be a computer file. For this reason and also due to the voluminous nature of the master jury list, some counties may elect to file the list electronically. Electronic filing may be accomplished by filing the master jury list using a media device, such as a flash drive or compact disc. Regardless of whether the master jury list is filed electronically or in paper format, the coversheet found in Appendix E must be filed with the list. The coversheet may serve as a placeholder for the full list regardless of whether an electronic or paper filing method is selected. The jury commission may wish to consult with the clerk of superior court to determine the best format for filing this list.

# Appendix

## Appendix A Juror Administration Statutes

[G.S. 7A-356](#) Duties of trial court administrator.

[G.S. 9-1](#) Jury commission in each county; membership; selection; oath; terms; expenses of jury system.

[G.S. 9-2](#) Preparation of master jury list; sources of names.

[G.S. 9-3](#) Qualifications of prospective jurors.

[G.S. 9-4](#) Preparation and custody of alphabetized list; access to list.

[G.S. 9-5](#) Procedure for drawing panel of jurors.

[G.S. 9-6](#) Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

[G.S. 9-6.1](#) Requests to be excused.

[G.S. 9-7](#) Notation on master jury list of names of jurors who have served; retention.

[G.S. 9-7.1](#) Trial court administrator may assist clerk with performance of duties.

[G.S. 9-10](#) Summons to jurors.

[G.S. 9-11](#) Supplemental jurors; special venire.

[G.S. 9-12](#) Supplemental jurors from other counties.

[G.S. 9-13](#) Penalty for disobeying summons.

[G.S. 9-14](#) Jury sworn; judge decides competency.

[G.S. 9-15](#) Questioning jurors without challenge; challenges for cause.

[G.S. 9-32](#) Discharge of juror unlawful.

[G.S. 20-43.4](#) Current list of licensed drivers to be provided to the jury commission.

[G.S. 130A-121](#) List of deceased residents for county jury commission and Commissioner of Motor Vehicles.

[G.S. 163-82.10\(d\)](#) Official record of voter registration.

[G.S. 163-82.11\(e\)](#) Establishment of statewide computerized voter registration.

[G.S. 163-82.12\(10\)](#) Promulgation of guidelines relating to computerized voter registration.



## **Appendix B**

### **Jury Administration Duties of Local and State Officials**

#### Senior Regular Resident Superior Court Judge

- Appoints one member of the jury commission. G.S. 9-1
- In his or her discretion, requests jury commissioners prepare jury list annually. G.S. 9-2
- Specifies number of jurors to be drawn for a jury session of superior court. G.S. 9-5
- Determine the appropriateness of pooling jurors between concurrent sessions of superior court and district court. G.S. 9-5
- If pooling of jurors is prescribed, fixes number of jurors to be summoned for each jury pool after consulting with the chief district judge for pooled sessions in which a district court jury is needed. G.S. 9-5
- Delegates the jury responsibilities of the clerk of superior court as set forth in Chapter 9 to the trial court administrator when the clerk of superior court consents. G.S. 9-7.1

#### Presiding Judge (Superior or District, As Appropriate)

- In his or her discretion, excuses jurors at the beginning of or during a session of court. G.S. 9-6
- Directs the calling of supplemental jurors or a special venire. G.S. 9-11
- Directs the calling of supplemental jurors from another county (superior court only). G.S. 9-12
- Decides all questions as to the competency of jurors during selection. G.S. 9-14

#### Chief District Court Judge

- Specifies number of jurors to be drawn for a jury session of district court. G.S. 9-5
- Consults with senior regular resident superior court judge if pooling of jurors is being considered. G.S. 9-5.
- Promulgates procedures whereby the chief district court judge, another district court judge, or the trial court administrator receives, hears, and rules on applications for excusal from jury duty. G.S. 9-6
- Notifies clerk of superior court of names of jurors excused. G.S. 9-6
- Promulgates procedure whereby the chief district court judge, another district court judge, or the trial court administrator receives and rules on written applications for temporary or permanent exemption by persons with a disability that may interfere with their ability to serve or by persons 72 years of age or older. A decision to accept or reject such a request for exemption shall include whether the exemption shall be temporary or permanent. G.S. 9-6.1

#### Clerk of Superior Court

- Appoints one member of jury commission. G.S. 9-1
- Provides clerical assistance to jury commission. G.S. 9-1

- Receives and files statements of sources and procedures used by jury commission to prepare jury list. G.S. 9-2, G.S. 9-4
- Receives and files master list of jurors as prepared by the jury commission. G.S. 9-4
- Prepares a randomized list of names drawn from the master jury list 30 days before a jury session of court. G.S. 9-5
- Prepares and issues jury summons or delivers summons to sheriff for service. G.S. 9-5, G.S. 9-10
- Notifies persons requesting excuse from jury service of the disposition of the request. G.S. 9-6, G.S. 9-6.1
- Maintains a record of excused jurors separate from the master jury list. G.S. 9-6
- Maintains record of the names of persons summoned for jury service and the date or dates on which each person served on the master jury list. G.S. 9-7
- Keeps a record of the names of supplemental jurors who are summoned and who report for jury service. G.S. 9-11
- Swears all jurors who are not grand jurors at the beginning of court. G.S. 9-14
- Issues execution on civil judgments entered against persons fined for not appearing as juror when summoned. G.S. 9-13
- If the senior resident superior court judge assigns any of the duties and responsibilities of the clerk of superior court to the trial court administrator, those duties will be performed by the trial court administrator. G.S. 7A-356, G.S. 9-7.1

#### Trial Court Administrator

- Performs duties and responsibilities of the clerk of superior court if assigned upon the request of the clerk of superior court and with the agreement of the senior resident superior court judge. G.S. 9-7.1
- If assigned duty by the chief district court judge, receives and rules on requests for excusal from jury service and notifies persons of rulings on the requests. G.S. 9-6, G.S. 9-6.1
- Works to improve jury utilization. G.S. 7A-356

#### Board of County Commissioners

- Appoints one member of jury commission. G.S. 9-1
- Fixes compensation of jury commission and pays the commissioners from the county's general fund. G.S. 9-1
- Provides funds for all expenses necessary to administer the county's jury system, including all data processing, document processing, supplies, postage, and similar expenses. G.S. 9-1

#### County Sheriff

- Summons jurors whose names are furnished by the clerk of superior court. G.S. 9-5, G.S. 9-10
- Summons supplemental jurors selected from the jury list if ordered by the presiding judge. G.S. 9-11



- Summons supplemental jurors without using the jury list if ordered by the presiding judge. G.S. 9-11

#### State Board of Elections, Custodian of Voter Registration Records

- Provides the Division of Motor Vehicles the list of registered voters, excluding any registered voter that has been inactive for eight or more years. G.S. 163-82.11
- Promulgates guidelines for all county boards of elections to follow which includes provisions for assisting the Division of Motor Vehicles in providing to the jury commission of each county a list of all registered voters in the county and all persons in the county with driver's license records. G.S. 163-82.12

#### Division of Motor Vehicles (DMV), Custodian of Driver's License Records

- Merges the list of licensed, cancelled and suspended drivers with the State Board of Elections' list of registered voters. The list from DMV shall not include the name of any formerly licensed driver whose license is expired and has not been renewed for eight years or more. G.S. 20-43.4
- Eliminates duplicate names after the merge occurs. G.S. 20-43.4
- Removes names of decedents and non-citizens from the merged list as provided to DMV by the State Registrar's office. G.S. 20-43.4
- Provides the merged list to each county's jury commission via the clerk of superior court or trial court administrator. G.S. 20-43.4, G.S. 9-2

#### State Registrar's Office

- Provides an alphabetical list to the DMV of the names and addresses of all residents of the State who have died in the two years prior to July 1 of each odd-numbered year, unless an annual jury list is being prepared under G.S. 9-2, in which case the list shall be of all residents of the State who have died in the year prior to July 1 of each year. G.S. 130A-121, G.S. 20-43.4

## **Appendix C**

### **Oaths for Jury Commissioners**

*Note: These oaths are required by G.S. 11-7 and G.S. 11-11. G.S. 11-4 provides that any person with conscientious scruples against swearing or appealing to God in taking an oath is permitted to substitute the word "affirm" for "swear", and eliminate the words "so help me God" from the oath.*

"I, (state your name), do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."

"I, (state your name), do swear (or affirm) that I will well and truly execute the duties of the office of Jury Commissioner of (name of county) County, according to the best of my skill and ability, according to law; so help me, God."



**Appendix D**  
**Suggested Format for Jury Commissioners' Statement of Sources and Procedures**

By using this format, jury commissioners can be assured of including all essential elements for the final report on their work. **Note:** The template **MUST** be amended based on the individual practices of each county.

**(The remainder of the page intentionally left blank.)**



File No. \_\_\_\_\_ - R - \_\_\_\_\_

**JURY COMMISSION STATEMENT OF SOURCES AND PROCEDURES USED TO  
COMPILE THE MASTER JURY LIST  
[G.S 9-2(j); 9-4(a)]**

**A. JURY COMMISSION ORGANIZATION [G.S. 9-1]**

**1. Appointments**

The following Jury Commissioners were appointed for the biennium, which begins on \_\_\_\_\_ and ends on \_\_\_\_\_. All appointees are qualified voters of the county. \_\_\_\_\_ was appointed on \_\_\_\_\_ by the Honorable \_\_\_\_\_, Senior Resident Superior Court Judge. \_\_\_\_\_ was appointed on \_\_\_\_\_ by the \_\_\_\_\_ County Board of Commissioners. \_\_\_\_\_ was appointed on \_\_\_\_\_ by the Honorable \_\_\_\_\_, \_\_\_\_\_ County Clerk of Superior Court. (Original appointments are attached.)

**2. Oaths or Affirmations**

Oaths of Office or Affirmations of Office were administered to the Jury Commissioners by the Honorable \_\_\_\_\_, \_\_\_\_\_ County Clerk of Superior Court on \_\_\_\_\_. Oaths or affirmations have been filed as a Registration with the clerk of superior court.

**3. Date of the First Jury Commission Meeting**

The Jury Commission held its first meeting on \_\_\_\_\_, electing \_\_\_\_\_ as the chair of the Commission for the current biennium. The first meeting was held in the office of the \_\_\_\_\_ County Clerk of Superior Court.

**B. AUTHORITY**

**1. Compliance with the Statute**

The Jury Commission compiled the jury list in strict accord with the directions provided in Chapter 9 of the North Carolina General Statutes. The jury commissioners removed only the names of those who were determined to be ineligible to serve as jurors, as specified in G.S. 9-3.

**2. Electronic Data Processing**

The Jury Commission utilized electronic data processing equipment for compiling the master jury list, as provided in G.S. 9-2(k), to wit: using electronic data processing equipment for "the functions of preparing and maintaining custody of the master list of prospective jurors, the procedure for drawing and summoning panels of jurors, and the procedure for maintaining records of names of jurors who have served, been excused or disqualified, or whose service has been deferred".

The contact information for the vendor that provided the data processing system is: *[Insert name of computer company, or name of county computer programmer here and include contact information for this company or person.]*

The data processing procedures, as detailed in the attached statement by the person responsible for the computer program that manages the jury system in this county, were formally adopted by the Jury Commission on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

C. SOURCES [G.S. 9-2(b)]

1. Required Sources Used

The source lists required by the North Carolina General Statutes were used. The combined list of licensed drivers and registered voters living in this county were provided to the Jury Commission by the Commissioner of Motor Vehicles, pursuant to G.S. 20-43.4 and G.S. 163-82.11. The Commissioner of Motor Vehicles removed the names of those residents of the county who are recently deceased, which was supplied to the Commissioner by the State Registrar under G.S. 130A-121.

2. Other Sources [G.S. 9-2(b)]

*[List additional sources used or indicate that no other sources were used to compile the list.]*

D. PROCEDURES

1. Preparation of the Master Jury List *[Note: If the Senior Resident Superior Court Judge has requested that the Jury Commission prepare a master jury list annually, per G.S. 9-2(a), state this here.]*

(a) Number of names to be included, per G.S. 9-2(f).

The total number of jurors randomly drawn during the current biennium was \_\_\_\_ as provided by the \_\_\_\_\_ County Clerk of Superior Court. The number of jurors the Clerk expects to draw for the remainder of the biennium is \_\_\_\_\_.

(b) Electronic culling of the names of disqualified persons [G.S. 9-3].

The names of the deceased and those who have been permanently excused by the Court were electronically removed from further consideration, based upon the name and date of birth, using a database compiled by the office of the Clerk of Superior Court. The names of convicted felons, whose citizenship had not been restored, were electronically removed from further consideration, based on name and date of birth, using a list of persons convicted of felonies within the past year, as provided by the NCAOC. (Extreme caution was exercised in using this information given that there is no notification to the Clerk, and thus to the NCAOC, when a convicted felon has had his or her citizenship rights restored which would make them eligible to serve as a juror.) Citizens who served as jurors during the previous two years were electronically removed from further consideration, based on name and date of birth, using a database compiled by the office of the Clerk of Superior Court.

(c) Selecting names for the list [G.S. 9-2(e); 9-2(f)]. ***[Select one of the following options.]***

***Option 1:*** The Jury Commission determined that it needed \_\_\_\_ times the number of names that were drawn for jury service in the current biennium. This is in compliance with the statutory minimum of 1.25 times the number of names drawn for the current biennium and the statutory maximum of 3 times the number of names drawn for the current biennium. There were \_\_\_\_ names on the raw jury list after the computer matched any names of those previously recorded as deceased or ineligible.

**OR**

***Option 2:*** The Jury Commission did not reduce the number of names on the final jury list since this county summons a different panel of jurors each day of the week (the “one

day/one trial” jury system). G.S. 9-2(f) places no limit on the number of names on the jury list in such counties. There were \_\_\_\_ names on the raw jury list after the computer matched any names of those previously recorded as deceased or ineligible.

(d) Manually culling disqualified persons from the raw list [G.S. 9-2; 9-3]

i. Lists were printed in alphabetical order of the names of jurors who have served within the past two years; or have been identified as felons and whose rights have not been restored; and who have been disqualified for disabilities or infirmity. (Extreme caution was exercised in using information concerning convicted felons given that there is no notification to the Clerk, and thus to the NCAOC, when a convicted felon has had his or her citizenship rights restored which would make them eligible to serve as a juror.)

ii. The Jury Commission manually compared these lists with the raw list to ensure the electronic processing proceeded correctly. All other persons disqualified pursuant to G.S. 9-3 were manually removed at the discretion of the Jury Commission. The Jury Commission also manually checked the raw list for any duplicates that may have been missed by the previous automation process. Any such duplicates were electronically removed.

iii. The Jury Commission applied all statutory qualifications, as statutorily prescribed, to the best of its ability.

iv. After the names of all those disqualified to serve were removed, there remained a total of \_\_\_\_\_ names on the final list, which is \_\_\_\_\_ times the number of jurors drawn for jury service in the current biennium.

2. Custody of the Jury List [G.S. 9-2 and 9-4]

(a) The Master Jury List as completed on \_\_\_\_\_ shall be maintained on the computer located \_\_\_\_\_. Only the authorized computer programmer and approved employees of the \_\_\_\_\_ County Clerk of Superior Court may access the jury data.

(b) A copy of the Master Jury List that includes only juror names listed in alphabetical order is available at the Office of the Clerk of Superior Court and is maintained there under lock and key, but the list is available for public inspection during regular office hours.

(c) Access to the file containing the full randomized list is prohibited to all except for authorized personnel, and their access is limited to the extent necessary to maintain and operate the system. “Authorized personnel” shall be those persons designated by the \_\_\_\_\_ County Clerk of Superior Court, Trial Court Administrator and/or the Jury Commission. After the Master Jury List is completed, a back-up computer file will be prepared and stored in a secure place.

3. Jury Selection and Summoning [G.S. 9-2]

(a) The procedures for the Clerk of Superior Court’s drawing and summoning of jurors for terms of court as set forth in G.S. 9-5 and G.S. 9-10 will be followed.

(b) Lists of forms printed by the computer are as follows:

4. Maintenance of the Jury List [G.S.9-2(k), 9-6(e), 9-7, 9-11(a)]

The master jury list will be updated periodically to record the disposition of a jury summons (for example, the dates of a juror’s service, and whether jurors were excused or deferred; etc.). Such updating of the jury list will only be completed by authorized personnel and is not available for public inspection.

E. Personnel to Maintain Jury Data [**Select one of the following options based on whether the Clerk or Trial Court Administrator performs the responsibilities described below.**]

**Option 1:** (CLERK OF SUPERIOR COURT) The \_\_\_\_\_ County Clerk of Superior Court is hereby directed and authorized by the Jury Commission to carry out the procedures outlined

herein for the summoning of jurors and the maintenance of the jury data. The Clerk of Superior Court is also authorized to designate such other personnel or members of the Clerk's staff, as deemed necessary, to carry out the procedures outlined herein.

**OR**

**Option 2:** (TRIAL COURT ADMINISTRATOR) The \_\_\_\_\_ District Trial Court Administrator is hereby directed and authorized by the Jury Commission to carry out the procedures outlined herein for the summoning of jurors and the maintenance of the jury data. The Trial Court Administrator is also authorized to designate such other personnel or members of the Administrator's staff, as deemed necessary, to carry out the procedures outlined herein.

F. ATTACHMENTS

1. Appointments
2. Minutes of Jury Commission Meetings (optional)
3. Procedures for performing jury selection functions by electronic data processing equipment.

We further certify that all the statutory qualifications were applied and that the list was compiled in strict accordance with the statutory directions and was prepared utterly without partiality, favoritism or other unconstitutional factors.

\_\_\_\_\_ Jury Commission Chair

\_\_\_\_\_ Jury Commissioner

\_\_\_\_\_ Jury Commissioner

Date: \_\_\_\_\_



**Appendix E**  
**Certification of Filing of the Master Jury List**

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_  
IN THE GENERAL COURT OF JUSTICE

File No. \_\_\_\_\_ - R- \_\_\_\_\_

CERTIFICATION OF FILING OF MASTER JURY LIST  
(G.S. 9-4)

The master jury list for the calendar year(s) \_\_\_\_\_ was delivered to the \_\_\_\_\_ County Clerk of Superior Court for filing on \_\_\_\_\_. Public access to the master jury list containing an alphabetical list of names is allowed by requesting the assistance of a member of the clerk of court's office who will assist the individual requesting the information. Pursuant to G.S. 9-4(b), public access to juror information is limited to the alphabetized list of the names. Addresses of prospective jurors are confidential and not subject to disclosure without an order of the Court.

\_\_\_\_\_ Jury Commissioner

\_\_\_\_\_ Jury Commissioner

\_\_\_\_\_ Jury Commissioner

Date \_\_\_\_\_

## Appendix F Frequently Asked Questions

Q. Where should the jury commissioners' oaths be filed?

**A. The original oaths should be filed in the clerk of superior court's office as a Registration filing as stated in the Rules of Recordkeeping.**

Q. How does the jury commission acquire the raw jury list to prepare the master list?

**A. The raw jury list is automatically prepared by the Division of Motor Vehicles (DMV). Once it is compiled, an email is sent to the clerk of superior court, their designee or the trial court administrator (TCA) with a link to the NC Department of Transportation's File Transfer System (FTS) where the raw jury list can be accessed. The clerk of superior court or TCA will provide the list to the jury commission.**

Q. Why does the jury commission need to prepare a document stating the sources and procedures they used to prepare the list?

**A. G.S. 9-2(j) and G.S. 9-4(a) requires the jury commission to file a statement of the sources used and procedures followed in preparing the master jury list with the clerk of superior court. This document is filed as a Registration filing with the clerk of superior court.**

Q. When should the jury commissioners initially convene?

**A. The date of the jury commission's first meeting is generally set by the clerk of superior court. There is no specific date in which the first meeting should be held. However, the raw jury list is not typically ready before September 1<sup>st</sup> of every odd-numbered year or annually if an annual list is prepared. Some counties do not convene their commission until early to mid-October but this may vary depending on the amount of time the clerk believes it may take the commission to prepare the master list. This may be done in a single meeting or multiple meetings depending on the size of the list and the efficiency of the jury commissioners.**

Q. What is the deadline for preparing the master jury list?

**A. The general rule is that it should be prepared by December 1<sup>st</sup> of every odd numbered year (or every year if a list is prepared annually) although there is no statutory requirement to have the list prepared by a certain date. This is because, for those districts that prepare a list every two years, the biennium starts on January 1<sup>st</sup> of each even numbered year (e.g. 2014). This means that the list that the jury commission prepares will be used to summon jurors for terms of court beginning January 1, 2014. Because the jury summons must be served at least 15 days before the session of court for which the juror is needed pursuant to G.S. 9-10(a), it is best to have the list prepared 30 days before the term for which it will be used.**

Q. What information on the master jury list is public record?

**A. G.S. 9-4(b) provides that only the alphabetized names of jurors on the master jury list are available for public inspection in the office of the clerk of superior court. Other information may only be obtained by court order.**

Q. May the jury commission exclude from the master list persons who do not have a permanent address, such as persons who are homeless?

**A. No, systemic exclusion of any group of people is not permitted.**

Q. Why are there individuals that are not residents of the county on the jury list?

**A. Citizens self-report their county of residence to DMV at the time they apply for or renew their driver's license. Therefore, DMV's list of drivers is based on the county resident code associated with the citizen's report of their address. In instances where the addresses between DMV and the Board of Elections do not match, the DMV address prevails.**

Q. May a court staff person use nonpublic information from the jury list (e.g., social security numbers) for other official court purposes?

**A. No, G.S. 20-43.4 provides that the jury list is to be used solely for jury selection and election records purposes and no other. Information provided to county jury commissions by the DMV and/or the Board of Elections is confidential and is not a public record.**

Q. Is there an automatic jury service exemption for persons of a certain age?

**A. A juror must be at least 18 years of age to serve as a juror but there is no maximum age that disqualifies a juror from serving (G.S. 9-3). A juror may request a temporary or permanent exemption due to age if they are 72 years of age or older (G.S. 9-6.1). However, this is not a blanket exemption for all jurors over the age of 72. Such requests are made to and granted by a judge.**

Q. Two years ago, a juror requested and was granted permanent excusal from jury duty because of age. Why is he on the raw list this year?

**A. A new raw jury list is compiled by DMV every two years (or annually). DMV does not remove individuals from their list that were permanently excused by the Court. Unless the jury software system that is used by a county denotes permanent excusals so they are not summoned after they are excused, an individual may continue to appear if they are a registered voter or licensed driver in the county.**

Q. For the purpose of determining eligibility, is a juror eligible to serve two years from the date their service began or the date it ended?

**A. The rule of thumb is to consider the last day of service. For example, if the juror was summoned the week of March 18<sup>th</sup> and served until March 20<sup>th</sup>, 2013 they would be eligible again March 20, 2015.**

Q. Is there an automatic jury service exemption for a particular job or medical condition?

**A. No. The General Assembly has declared that jury service is the obligation of all qualified citizens and that excuses should be granted only for reasons of compelling personal hardship or because requiring service would be contrary to the public welfare, health, or safety. However, G.S. 9-6.1(b) allows for a juror that has a disability that could interfere with the person's ability to serve as a juror to request either a temporary or permanent excuse from a judge when they are summoned. Requests for excusal from jury service because of a medical condition or because a person holds a particular occupation are considered on a case by case basis by the chief district court judge, their designee or the TCA in a district pursuant to G.S. 9-6.**

Q. May a non-U.S. citizen serve on a jury?

**A. A juror must be a citizen of NC and therefore a citizen of the United States.**

Q. May a non-English speaking person serve as a juror?

**A. A juror must be able to understand the English language in order to qualify for jury service.**

Q. May a person who is deaf or hard of hearing serve as a juror?

**A. Yes. The clerk of superior court or TCA's office will arrange for sign language interpreters or other reasonable accommodations that will provide the juror with the language access necessary to participate as a juror.**

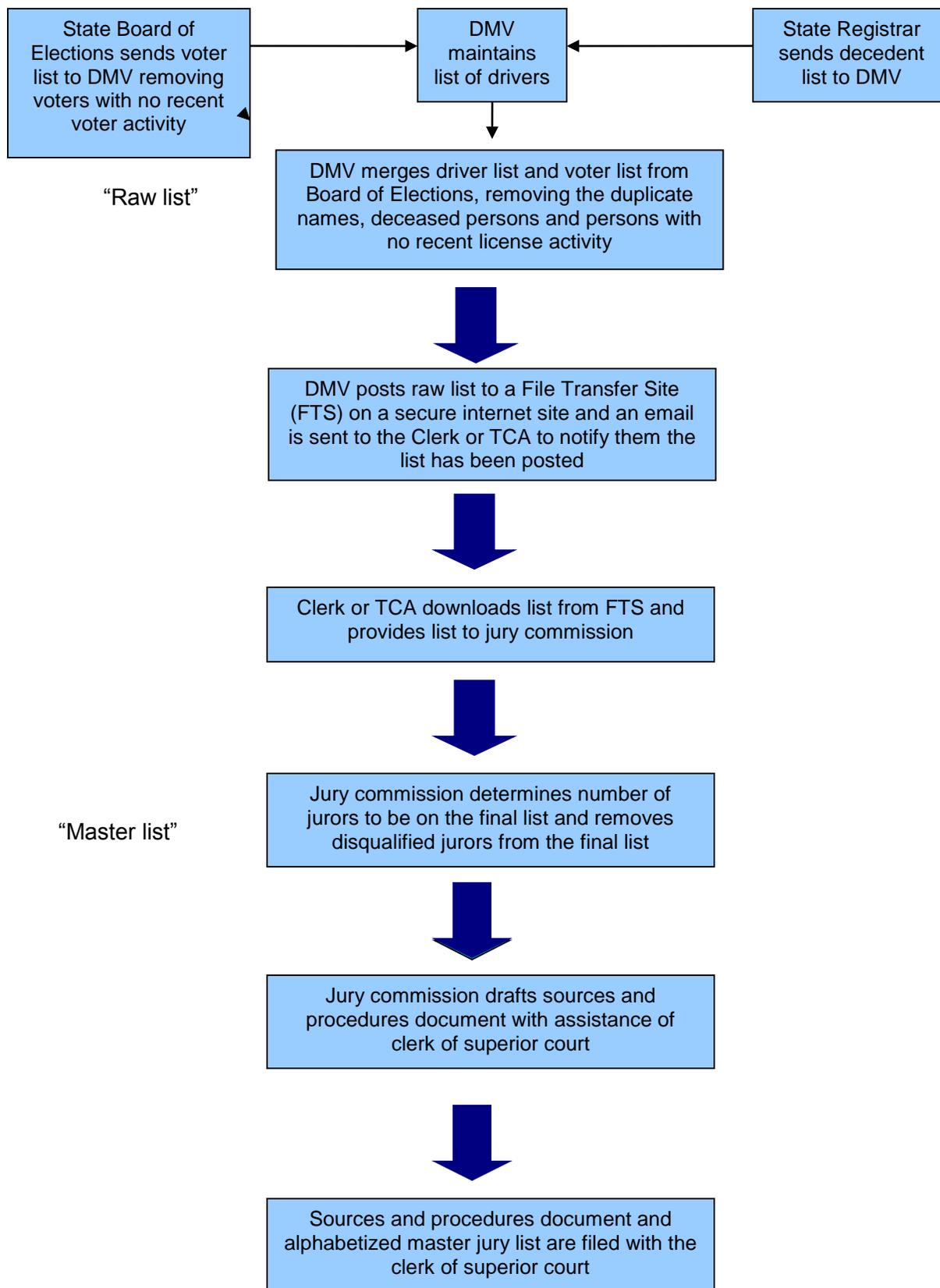
Q. Is a person who is convicted of a felony barred from ever serving on a jury?

**A. No. G.S. 9-3 provides that anyone who has been convicted of a felony or pleaded guilty or nolo contendere to a felony may not serve as a juror unless they have had their citizenship restored. Once their rights have been restored, they may serve as a juror. If the jury commission is unsure whether the rights of a convicted felon have been restored, the person should remain on the list. The presiding judge will revisit the issue when the juror is summoned for jury duty.**

Q. Is there a permanent exemption from jury service?

**A. A person summoned as a juror who is 72 years of age or older or that has a disability that could interfere with their ability to serve may request a permanent (or temporary) exemption from jury service under G.S. 9-6.1. (Note that there is no age limit on serving as a juror, so a person summoned as a juror who is 72 years of age or older is free to serve if otherwise qualified.)**

## Appendix G Master Jury List Development Flowchart



**Appendix H**  
**Jury Commission Checklist for Clerks of Superior Court in Counties that**  
**Prepare an Annual Master Jury List**

- Download raw jury list from DMV secure site (FTS) upon email notification from DMV which will occur every August or September.
- Appoint one member of jury commission (G.S. 9-1). Note: If a commissioner is not being reappointed, be sure the new commissioner's term does not overlap with the prior appointee.
- Check with board of county commissioners and senior resident superior court judge to determine the names of their appointees. (G.S. 9-1)
- Ensure orders of appointment have been completed for jury commissioners.
- Schedule meeting of jury commission by October 1<sup>st</sup> of every year or as deemed appropriate to ensure adequate time to prepare the master jury list.
- Determine what clerical assistance will be needed by the commission and what CSC staff member(s) will provide it.
- Convene jury commissioner meeting, administer oaths to jury commissioners and provide any necessary training.
- File oaths and appointment orders as 'R' filings in the clerk's office.
- Determine the number of jurors summoned during the current year and estimate how many will be summoned for remainder of year. Provide this information to the jury commission.
- Assist jury commission in determining if an individual has served in the preceding two years.
- Assist jury commission in calculating the number of prospective jurors that will need to be included on the master jury list.
- Ensure master jury list is prepared and finalized by December 1<sup>st</sup>.
- Assist commission in filing master jury list and sources and procedures document with the clerk's office.



**Appendix I**  
**Jury Commission Checklist for Clerks of Superior Court in Counties that**  
**Prepare a Master Jury List Every Biennium**

- Download raw jury list from DMV secure site (FTS) upon email notification from DMV which will occur every August or September of every odd numbered year (e.g. 2013, 2015, 2017).
- Appoint one member of jury commission (G.S. 9-1). Note: If a commissioner is not being reappointed, be sure the new commissioner's term does not overlap with the prior appointee.
- Check with board of county commissioners and senior resident superior court judge to determine the names of their appointees. (G.S. 9-1)
- Ensure orders of appointment have been completed for jury commissioners.
- Schedule meeting of jury commission by October 1<sup>st</sup> of every odd numbered year or as deemed appropriate to ensure adequate time to prepare the master jury list.
- Determine what clerical assistance will be needed by the commission and what CSC staff member(s) will provide it.
- Convene jury commissioner meeting, administer oaths to jury commissioners and provide any necessary training.
- File oaths and appointment orders as 'R' filings in the clerk's office.
- Determine the number of jurors summoned during the current biennium and estimate how many will be summoned for remainder of year. Provide this information to the jury commission.
- Assist jury commission in determining if an individual has served in the preceding two years.
- Assist jury commission in calculating the number of prospective jurors that will need to be included on the master jury list for the next biennium.
- Ensure master jury list is prepared and finalized by December 1<sup>st</sup> of every odd numbered year.
- Assist commission in filing master jury list and sources and procedures document with the clerk's office.