

EXHIBIT 16
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HB 341

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For Distribution to House Judiciary Committee by Marty Phippen, Lobbyist for Montana
Association of Clerks of District Court

HB 341 FACT SHEET

Purpose:

Revise the laws relating to the preparation of juror lists. The proposed changes provide for a more streamlined process for implementing HB540 (from the 2003 legislative session).

Background:

HB540 was passed during the 2003 legislative session and provided that "trial jurors be selected from a combined list of qualified electors, licensed drivers and holders of Montana identification cards..." In 2005 the effective date of HB540 was extended from October 1, 2005 to October 1, 2007 (HB598-2005). This change was made at the request of a number of groups including associations representing Montana District Court Clerks and Montana Clerk and Recorders, the Department of Justice, and the Secretary of State's Office. (HB598-2005)

In December 2005 a task force was formed to identify the tasks necessary to successfully create and use the combined list for the selection of jurors in trial courts throughout Montana. The task force has met four (4) times.

Members of the task force include:

Shirley Faust, Missoula County Clerk of Court, Chair
Lori Malone, Silver Bow County Clerk of Court
Mary McMahan, Silver Bow County Clerk and Recorder
Greg Noose, Montana Department of Justice, Motor Vehicle Division
Elaine Graveley, Office of the Secretary of State
James Thomas, Office of the Secretary of State
Mark Van Alstyne, Office of the Secretary of State
Karen Nelson, Office of the Court Administrator, Court Technology Program
Dana Corson, Office of the Court Administrator, Court Technology Program

HB540 envisioned that the Department of Justice would provide a certified list of licensed drivers and identification holders to each county Clerk of the District Court (61-5-127, MCA). The Clerk of the District Court would provide that list to the Secretary of State. The Secretary of State would combine the Department of Justice list with the current list of registered electors, remove duplicates and then provide the list to the County Commissioners and Clerk and Recorders in each county to certify the list for use

by the Clerk of District Court (3-15-402, MCA). The Secretary of State would then provide the list to the Clerk of the District Court (3-15-403, MCA). The Clerk of the District Court would then draw juror lists for all courts within the county (3-15-404, MCA and 46-17-202, MCA). Statutory language requiring the Clerk and Recorder to maintain a list of all persons permanently excused from jury service in the county remained in statute (3-15-402 (2), MCA).

One of the first issues the HB540 Task Force wrestled with was the HB540 process flow. Several key observations were made:

- 1) The Secretary of State's Office has implemented a new statewide voter system called "Montana Votes" as required by the Help America Vote Act (HAVA). This system was implemented in the spring of 2006. The Montana Votes system is a central system located in Helena and replaces a variety of county systems used by Clerk and Recorders to register voters. The Montana Votes system was used to produce jury lists for the 2006 term.
- 2) One requirement of HAVA is to verify and validate the identities of persons registering to vote. In the fall of 2005, the SOS and the DOJ entered into a Memorandum of Understanding permitting the SOS to use DOJ driver license data to verify social security numbers and physical addresses. Consequently, the DOJ is already providing a list of drivers and identification card holders to the SOS.
- 3) The DOJ is also in the midst of a major system upgrade. The DOJ project is called "MERLIN" and is expected to be operational in the spring of 2008.

All Task Force members agreed that the most logical way to create the combined list was for the DOJ to provide the information to the SOS and for the SOS to provide the combined list directly to the Clerk of the District Court. This streamlined process eliminates the involvement of the County Clerk and Recorder and Board of County Commissioners. The Clerks of the District Court have drafted HB 341 to make these modifications.

HB 341 also provides for changes in current statutes (not related to HB 540) to reflect the current practices of producing and preparing jury lists. The current practices are in place as a result of the implementation of Montana Votes.