

Judiciary 3/25, Pass per 3925 5/23

Senate File 345
Judiciary
Shaw, Chairman
Redmond
Coleman

the Judiciary Law Exp. 1/12, Pass 2/19

FILED MAR 24 1975

SENATE FILE 345

By DeKOSTER

Senate File 345
Judiciary and Law
Enforcement
Oakley, Chair
Nielsen of Polk
Lageschulte

Passed Senate, Date 6-10-75 (1852) Passed House, Date 5-7-76 (2527)

Vote: Ayes 47 Nays 0 Vote: Ayes 78 Nays 3

Approved 5-28-76

Repassed Senate per House amendment 5-13-76 (p. 1958) as amended 43-0
Repassed House a further amended by Senate 5-17-76 (2851) 85-4

A BILL FOR

1 An Act relating to the method used by judges of election
2 to select and certify potential jurors.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred nine point eight (609.8),
2 Code 1975, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The county commissioner of
5 elections shall submit the documents required by this section
6 to the respective judges of election not later than twelve
7 o'clock noon of the Saturday preceding the general election.

8 Sec. 2. Section six hundred nine point nine (609.9), Code
9 1975, is amended by adding the following new unnumbered
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The selection of persons to
12 serve as grand and petit jurors and talesman may be made by
13 the judges of election prior to election day. In election
14 precincts where the number of judges of election exceeds
15 three, the judges of election may appoint any three of their
16 number to prepare prior to election day tentative lists of
17 persons to serve as grand and petit jurors and talesmen.
18 On election day tentative lists prepared by not less than
19 two election judges acting jointly may be presented to the
20 election judges. The judges of election may adopt those
21 lists, or may amend those lists in the discretion of the
22 election judges. Upon adoption, or upon amendment and
23 adoption, the tentative lists shall be the lists of the judges
24 of election for all purposes.

25 EXPLANATION

26 This bill amends the jury selection process in counties
27 not having appointive jury commissioners in order to permit
28 potential jurors to be selected shortly prior to election
29 day instead of on election day. The bill requires the
30 commissioner of elections to provide judges of election with
31 election registers and other necessary documents not later
32 than Saturday, noon, prior to the day of the general election,
33 in order to give the judges of election some flexibility in
34 when potential juror selection is to be made.

35 The bill also permits the submission by not less than two

1 election judges to the entire body of election judges,
2 tentative lists which the judges may amend and adopt as the
3 lists of the judges.

4 The purpose of this bill is to enable election judges to
5 make the selection of potential grand and petit jurors and
6 talesman prior to the close of the polls on general election
7 day. Present law requires that the lists be delivered with
8 the return of the election, and this has resulted in some
9 cases in necessarily hurried preparation of the lists after
10 poll-closing.

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LSB 771
lb/rh/31

H-6567

1 Amend Senate File 345, as amended and passed by
2 the Senate, as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section six hundred eight point two
6 (608.2), Code 1975, is amended to read as follows:

7 608.2 APPOINTIVE COMMISSION TO SELECT. In each
8 county ~~having-situated-therein-a-city-with-a-popu-~~
9 ~~lation-of-fourteen-thousand-or-more~~, the judges of
10 the district court of the judicial district in which
11 said county is located shall, on or before October
12 4 first of each year in which the general election
13 is held, appoint three competent electors as a jury
14 commission to select and make lists of the names of
15 persons to serve as grand and petit jurors and talesmen
16 for the two years beginning January 4 first after
17 such election.

18 Sec. 2. Section six hundred nine point one (609.1),
19 subsections one (1), two (2) and three (3), Code 1975,
20 are amended to read as follows:

21 1. GRAND JURORS. A list of names and addresses
22 of one hundred fifty eligible electors from which
23 to select grand jurors.

24 2. PETIT JURORS. A list of names and addresses
25 of eligible electors equal to one-eighth of the whole
26 number of qualified electors in the county as shown
27 by the ~~election-registers-of-the-previous-general~~
28 ~~election~~ current list of registered voters, from which
29 to select petit jurors.

30 3. TALESMEN. A list of the names and addresses
31 of eligible electors equal to fifteen percent of the
32 whole number of qualified electors as shown by the
33 ~~election-registers-of-the-previous-general-election~~
34 current list of registered voters, in the city or
35 ~~town~~ in which the district court is held and in the
36 township or townships in which such city is located
37 (but in no case exceeding five hundred names) from
38 which to select talesmen.

39 Sec. 3. Section six hundred nine point two (609.2),
40 Code 1975, is amended to read as follows:

41 609.2 NONELIGIBLE NAMES. The appointive com-
42 mission, in the preparation of said lists, shall not
43 place thereon the name of any person:

44 1.--Who-is-not-an-electer-of-the-state.

45 2.--Who-is-not-of-good-moral-character.

46 3.--Who-is-not-of-sound-judgment.

47 4.--Who-is-not-in-full-possession-of-the-senses
48 of-hearing-and-seeing.

49 5.--Who-cannot-speak, write, and read the English
50 language.

1 ~~6.--Who-has-served-in-said-county-and-in-the~~
2 ~~district-court-as-a-grand-or-petit-juror-since-the~~
3 ~~first-day-of-January-preceding-the-last-general~~
4 ~~election.~~

5 7 1. Who by reason of the condition of his or
6 her health, business, domestic duties, or other
7 circumstances will probably be unable to serve as
8 a juror.

9 8 2. Who has, directly or indirectly, requested
10 that his or her name be placed on said lists, or on
11 any of them.

12 9 3. Who has been exempted by law from jury
13 service.

14 Sec. 4. Section six hundred nine point four
15 (609.4), Code 1975, is amended to read as follows:

16 609.4 AUDITOR TO APPORTION AND CERTIFY. On or
17 before the date of said meeting of the appointive
18 commission, the county auditor shall apportion the
19 number of grand and petit jurors to be selected among
20 the several ~~election-precincts~~ political subdivisions
21 of the county, and the talesmen of which there shall
22 be at least two, among the ~~precincts~~ political
23 subdivisions from which the same are to be drawn,
24 in each case as nearly as practicable in proportion
25 to the number of ~~electors-registered-in-such-precincts~~
26 ~~as-shown-by-the-election-registers-of-the-last-general~~
27 ~~election~~ persons residing in the respective political
28 subdivisions, and certify said apportionment to such
29 commission.

30 Sec. 5. Section six hundred nine point five
31 (609.5), Code 1975, is amended by striking the section
32 and inserting in lieu thereof the following:

33 609.5 ADDITIONAL INFORMATION PROVIDED. For the
34 purpose of aiding the appointive commission in drawing
35 the jury lists, officials of the state and its
36 political subdivisions shall furnish the appointive
37 commission with copies of the current list of
38 registered voters, tax assessments lists, lists of
39 persons holding motor vehicle operators' licenses,
40 or such other comprehensive lists of persons residing
41 in the county as the commission may request. The
42 clerk of the district court shall also deliver to
43 the commission a list of all persons who have served
44 as grand or petit jurors since January first of the
45 preceding year.

46 Sec. 6. Section six hundred nine point seven
47 (609.7), Code 1975, is amended by striking the section
48 and inserting in lieu thereof the following:

49 609.7 DEFINITIONS. As used in this chapter, the
50 term "eligible elector" has the meaning assigned the

MAY 10, 1976

PAGE 4

H-6567

Page 3

1 term by section thirty-nine point three (39.3), sub-
2 section one (1), of the Code.

3 Sec. 7. Section six hundred nine point eleven
4 (609.11), Code 1975, is amended by striking the sec-
5 tion and inserting in lieu thereof the following:

6 609.11 CERTIFICATION. When the jury lists
7 prescribed by this chapter are completed, they shall
8 be certified by the appointive commissioners in
9 substantially the following form:

10 We, ,
11 . . , and , constituting the jury
12 commission for county, do hereby
13 certify that the foregoing lists do not, to our
14 knowledge and belief, contain the name of any per-
15 son who should be excluded under section six hundred
16 nine point two (609.2) of the Code.

17 Sec. 8. Sections six hundred eight point nine
18 (608.9), six hundred nine point eight (609.8), six
19 hundred nine point nine (609.9), six hundred nine
20 point ten (609.10) and six hundred nine point thir-
21 teen (609.13), Code 1975, are repealed."

22 2. Title, line 1, by striking the words "by judges
23 of election".

H-6567 FILED, ADOPTED (2536) BY MONROE of Des Moines
MAY 7, 1976

S-5736

1 Amend Senate File 345, as amended and passed by
2 the Senate, as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section six hundred eight point two
6 (608.2), Code 1975, is amended to read as follows:

7 608.2 APPOINTIVE COMMISSION TO SELECT. In each
8 county ~~having-situated-therein-a-city-with-a-popu-~~
9 ~~lation-of-fourteen-thousand-or-more,~~ the judges of
10 the district court of the judicial district in which
11 said county is located shall, on or before October
12 4 first of each year in which the general election
13 is held, appoint three competent electors as a jury
14 commission to select and make lists of the names of
15 persons to serve as grand and petit jurors and talesmen
16 for the two years beginning January 4 first after
17 such election.

18 Sec. 2. Section six hundred nine point one (609.1),
19 subsections one (1), two (2) and three (3), Code 1975,
20 are amended to read as follows:

21 1. GRAND JURORS. A list of names and addresses
22 of one hundred fifty eligible electors from which
23 to select grand jurors.

24 2. PETIT JURORS. A list of names and addresses
25 of eligible electors equal to one-eighth of the whole
26 number of qualified electors in the county as shown
27 by the ~~election-registers-of-the-previous-general~~
28 ~~election~~ current list of registered voters, from which
29 to select petit jurors.

30 3. TALESMEN. A list of the names and addresses
31 of eligible electors equal to fifteen percent of the
32 whole number of qualified electors as shown by the
33 ~~election-registers-of-the-previous-general-election~~
34 current list of registered voters, in the city or
35 town in which the district court is held and in the
36 township or townships in which such city is located
37 (but in no case exceeding five hundred names) from
38 which to select talesmen.

39 Sec. 3. Section six hundred nine point two (609.2),
40 Code 1975, is amended to read as follows:

41 609.2 NONELIGIBLE NAMES. The appointive com-
42 mission, in the preparation of said lists, shall not
43 place thereon the name of any person:

- 44 1. ~~Who is not an elector of the state.~~
45 2. ~~Who is not of good moral character.~~
46 3. ~~Who is not of sound judgment.~~
47 4. ~~Who is not in full possession of the senses~~
48 ~~of hearing and seeing.~~
49 5. ~~Who cannot speak, write, and read the English~~
50 ~~language.~~

1 6---Who-has-served-in-said-county-and-in-the
2 district-court-as-a-grand-or-petit-juror-since-the
3 first-day-of-January-preceding-the-last-general
4 election-

5 7 1. Who by reason of the condition of his or
6 her health, business, domestic duties, or other
7 circumstances will probably be unable to serve as
8 a juror.

9 8 2. Who has, directly or indirectly, requested
10 that his or her name be placed on said lists, or on
11 any of them.

12 9 3. Who has been exempted by law from jury
13 service.

14 Sec. 4. Section six hundred nine point four
15 (609.4), Code 1975, is amended to read as follows:

16 609.4 AUDITOR TO APPORTION AND CERTIFY. On or
17 before the date of said meeting of the appointive
18 commission, the county auditor shall apportion the
19 number of grand and petit jurors to be selected among
20 the several election-precincts political subdivisions
21 of the county, and the talesmen of which there shall
22 be at least two, among the precincts political
23 subdivisions from which the same are to be drawn,
24 in each case as nearly as practicable in proportion
25 to the number of electors-registered-in-such-precincts
26 as-shown-by-the-election-registers-of-the-last-general
27 election persons residing in the respective political
28 subdivisions, and certify said apportionment to such
29 commission.

30 Sec. 5. Section six hundred nine point five
31 (609.5), Code 1975, is amended by striking the section
32 and inserting in lieu thereof the following:

33 609.5 ADDITIONAL INFORMATION PROVIDED. For the
34 purpose of aiding the appointive commission in drawing
35 the jury lists, officials of the state and its
36 political subdivisions shall furnish the appointive
37 commission with copies of the current list of
38 registered voters, tax assessments lists, lists of
39 persons holding motor vehicle operators' licenses,
40 or such other comprehensive lists of persons residing
41 in the county as the commission may request. The
42 clerk of the district court shall also deliver to
43 the commission a list of all persons who have served
44 as grand or petit jurors since January first of the
45 preceding year.

46 Sec. 6. Section six hundred nine point seven
47 (609.7), Code 1975, is amended by striking the section
48 and inserting in lieu thereof the following:

49 609.7 DEFINITIONS. As used in this chapter, the
50 term "eligible elector" has the meaning assigned the

1 term by section thirty-nine point three (39.3), sub-
2 section one (1), of the Code.

3 Sec. 7. Section six hundred nine point eleven
4 (609.11), Code 1975, is amended by striking the sec-
5 tion and inserting in lieu thereof the following:

6 609.11 CERTIFICATION. When the jury lists
7 prescribed by this chapter are completed, they shall
8 be certified by the appointive commissioners in
9 substantially the following form:

10 We, ,
11 . , and , constituting the jury
12 commission for county, do hereby
13 certify that the foregoing lists do not, to our
14 knowledge and belief, contain the name of any per-
15 son who should be excluded under section six hundred
16 nine point two (609.2) of the Code.

17 Sec. 8. Sections six hundred eight point nine
18 (608.9), six hundred nine point eight (609.8), six
19 hundred nine point nine (609.9), six hundred nine
20 point ten (609.10) and six hundred nine point thir-
21 teen (609.13), Code 1975, are repealed."

22 2. Title, line 1, by striking the words "by judges
23 of election".

S-5736 FILED
MAY 11, 1976

RECEIVED FROM THE HOUSE

S-5756

1 Amend House amendment S-5736 to Senate File 345
2 as follows:

3 1. Page 2, by striking lines 20 through 23 and
4 inserting in lieu thereof the following:

5 "the several election precincts, and the talesmen
6 of which there shall be at least two, among the
7 precincts from which the same are to be drawn,".

8 2. Page 2, lines 27 and 28 by striking the words
9 "political subdivisions" and inserting in lieu thereof
10 the words "election precincts".

S-5756 FILED. *Adopted 5/13 (p. 1957)*
MAY 12, 1976

BY LUCAS J. DE KOSTER

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 345

H-6690

1 Amend House amendment S-5736 to Senate File 345
2 as follows:

3 1. Page 2, by striking lines 20 through 23 and
4 inserting in lieu thereof the following:

5 "the several election precincts, and the tales-
6 men of which there shall be at least two, among the
7 precincts from which the same are to be drawn,".

8 2. Page 2, lines 27 and 28 by striking the words
9 "political subdivisions" and inserting in lieu thereof
10 the words "election precincts".

House concurred 5/18

H-6690 FILED

RECEIVED FROM SENATE

SENATE FILE 345

H-6568

1 Amend Senate File 345 as amended and passed by
2 the Senate as follows:

3 1. Page 1, by striking lines 1 through 7, and
4 renumbering the succeeding section accordingly.

5 2. Page 1, by striking lines 13A through 18 and
6 inserting in lieu thereof the words "at any time while
7 the polls are open on election day when their other
8 duties permit. In precincts where the number of
9 election officials exceeds three, tentative lists
10 prepared by not less than".

11 3. Title, line 1, by striking the words "by judges
12 of election".

H-6568 FILED, OUT OF ORDER BY MONROE of Des Moines
MAY 7, 1976 *with adoption*
of 6567 5/7

S-3395

- 1 Amend Senate File 345, page 1, as follows:
2 1. Lines 6, 13, 14 and 15, by striking the words
3 "judges of election" and inserting in lieu thereof
4 the words "precinct election officials".
5 2. Line 19, by striking the word "judges" and
6 inserting in lieu thereof the word "officials".
7 3. By striking line 20 and inserting in lieu
8 thereof the following:
9 "election officials. The precinct election
10 officials may adopt those".
11 4. Line 22, by striking the word "judges" and
12 inserting in lieu thereof the word "officials".
13 5. Lines 23 and 24, by striking the words
14 "judges of election" and inserting in lieu thereof
15 the words "precinct election officials".

S-3395 FILED - *Withdrawn 6/10 (1851)* BY LUCAS J. DE KOSTER
MARCH 27, 1975

S-3925

- 1 Amend Senate File 345, page 1, as follows:
2 1. Lines 6, 13, 14 and 15, by striking the
3 words "judges of election" and inserting in lieu
4 thereof the words "precinct election officials".
5 2. Line 19, by striking the word "judges" and
6 inserting in lieu thereof the word "officials".
7 3. By striking line 20 and inserting in lieu
8 thereof the following:
9 "election officials. The precinct election
10 officials may adopt those".
11 4. Line 22, by striking the word "judges" and
12 inserting in lieu thereof the word "officials".
13 5. Lines 23 and 24, by striking the words
14 "judges of election" and inserting in lieu thereof
15 the words "precinct election officials".

S-3925 FILED. *Adopted 6/10 (1851)* BY GENE W. GLENN, CHAIRMAN
MAY 23, 1975 JUDICIARY COMMITTEE

SENATE FILE 345

AN ACT

RELATING TO THE METHOD USED TO SELECT AND CERTIFY POTENTIAL JURORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section six hundred eight point two (608.2), Code 1975, is amended to read as follows:

608.2 APPOINTIVE COMMISSION TO SELECT. In each county ~~having-situated-therein-a-city-with-a-population-of-fourteen-thousand-or-more,~~ the judges of the district court of the judicial district in which said county is located shall, on or before October 4 first of each year in which the general election is held, appoint three competent electors as a jury commission to select and make lists of the names of persons to serve as grand and petit jurors and talesmen for the two years beginning January 4 first after such election.

Sec. 2. Section six hundred nine point one (609.1), subsections one (1), two (2) and three (3), Code 1975, are amended to read as follows:

1. GRAND JURORS. A list of names and addresses of one hundred fifty eligible electors from which to select grand jurors.

2. PETIT JURORS. A list of names and addresses of eligible electors equal to one-eighth of the whole number of qualified electors in the county as shown by the ~~election-registers~~ of-the-previous-general-election current list of registered voters, from which to select petit jurors.

3. TALESMEN. A list of the names and addresses of eligible electors equal to fifteen percent of the whole number of qualified electors as shown by the ~~election-registers-of-the-previous-general-election~~ current list of registered voters, in the city ~~or-town~~ in which the district court is held and

in the township or townships in which such city is located (but in no case exceeding five hundred names) from which to select talesmen.

Sec. 3. Section six hundred nine point two (609.2), Code 1975, is amended to read as follows:

609.2 NONELIGIBLE NAMES. The appointive commission, in the preparation of said lists, shall not place thereon the name of any person:

- 1.--Who-is-not-an-electors-of-the-state.
- 2.--Who-is-not-of-good-moral-character.
- 3.--Who-is-not-of-sound-judgment.
- 4.--Who-is-not-in-full-possession-of-the-senses-of-hearing-and-seeing.
- 5.--Who-cannot-speak,-write,-and-read-the-English-language.
- 6.--Who-has-served-in-said-county-and-in-the-district-court-as-a-grand-or-petit-juror-since-the-first-day-of-January-preceding-the-last-general-election.

7 1. Who by reason of the condition of his or her health, business, domestic duties, or other circumstances will probably be unable to serve as a juror.

8 2. Who has, directly or indirectly, requested that his or her name be placed on said lists, or on any of them.

9 3. Who has been exempted by law from jury service.

Sec. 4. Section six hundred nine point four (609.4), Code 1975, is amended to read as follows:

609.4 AUDITOR TO APPORTION AND CERTIFY. On or before the date of said meeting of the appointive commission, the county auditor shall apportion the number of grand and petit jurors to be selected among the several election precincts, and the talesmen of which there shall be at least two, among the precincts from which the same are to be drawn, in each case as nearly as practicable in proportion to the number of ~~electors-registered-in-such-precincts-as-shown-by-the-election-registers-of-the-last-general-election~~ persons residing in the respective election precincts, and certify

said apportionment to such commission.

Sec. 5. Section six hundred nine point five (609.5), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.5 ADDITIONAL INFORMATION PROVIDED. For the purpose of aiding the appointive commission in drawing the jury lists, officials of the state and its political subdivisions shall furnish the appointive commission with copies of the current list of registered voters, tax assessments lists, lists of persons holding motor vehicle operators' licenses, or such other comprehensive lists of persons residing in the county as the commission may request. The clerk of the district court shall also deliver to the commission a list of all persons who have served as grand or petit jurors since January first of the preceding year.

Sec. 6. Section six hundred nine point seven (609.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.7 DEFINITIONS. As used in this chapter, the term "eligible elector" has the meaning assigned the term by section thirty-nine point three (39.3), subsection one (1), of the Code.

Sec. 7. Section six hundred nine point eleven (609.11), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.11 CERTIFICATION. When the jury lists prescribed by this chapter are completed, they shall be certified by the appointive commissioners in substantially the following form:

We, , and , constituting the jury commission for county, do hereby certify that the foregoing lists do not, to our knowledge and belief, contain the name of any person who should be excluded under section six hundred nine point two (609.2) of the Code.

Sec. 8. Sections six hundred eight point nine (608.9), six hundred nine point eight (609.8), six hundred nine point nine (609.9), six hundred nine point ten (609.10) and six hundred nine point thirteen (609.13), Code 1975, are repealed.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 345, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved May 28, 1976

ROBERT D. RAY
Governor