



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

April 8, 1985

(501) 371-2007

OPINION NO. 85-97

Honorable Henry Wilkinson
Circuit Judge
P. O. Box 429
Forrest City, Arkansas 72335

Dear Judge Wilkinson:

You have requested an opinion on the following issue:

Please let me know whether §39-205.2 would allow the circuit clerks and circuit judges to use in-house or contracted computer equipment to select jury panels from the voter registration lists maintained by the county clerks.

I refer you to Attorney General Opinion 85-82 issued by this office on March 15, 1985, and in which I stated that Ark. Stat. Ann. §39-205.2 (Supp. 1983) only authorizes the use of computers in preparation of the master list of prospective jurors as mentioned in Ark. Stat. Ann. §39-205.1 (Supp. 1983). I also stated that I do not read §39-205.2 to authorize the use of the computer in place of the jury wheel or the jury box selection process as outlined in Ark. Stat. Ann. §§39-206 and 39-209.1 (Supp. 1983).

Also, you correctly note in your letter that §39-205.2 provides that "all circuit clerks who maintain voter registration lists on computers. . . may utilize such computers. . . for the purpose of selecting jury panels from the voter registration lists" and that circuit clerks by law do not maintain voter registration lists. By virtue of Amendment 51, §2, the county clerk, not the circuit clerk, is permanent registrar of the voter registration list.

Although the statute is ambiguous because in fact no circuit clerk maintains a voter registration list, I cannot determine that this error in the statute in any way affects the ability of the circuit judge and the circuit clerk to utilize the county's computer in the preparation of the master list of prospective jurors. The circuit judge and the circuit clerk would have to first obtain the list of registered voters from the county clerk, who by law maintains it, whether or not the master jury list was prepared

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by hand or by aid of the computer.

This opinion which I hereby approve, was prepared by
Assistant Attorney General Jack Gillean.

Sincerely,



STEVE CLARK
Attorney General

SC:JG:jh