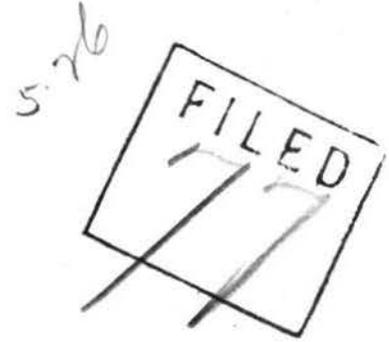


ELECTIONS: Last Federal Decennial Census only bases for determining population.

May 24, 1938



Hon. H. I. Ruth
Presiding Judge
County Court of Butler County
Poplar Bluff, Missouri

Dear Sir:

We have received your request for an opinion of May 6th, which reads as follows:

"Within the past thirty day's, Mr. Wm. Gibson, Federal Census representative from Washington, D. C., completed taking the census of the city of Poplar Bluff, with the result that the population of the city of Poplar Bluff, according to his official announcement is now 10809.

"Under the 1933 laws of our state, page 240, section 2, it provides for registration of voters in all cities having a population of 10,000 or more.

"Wish you would kindly advise me in an opinion whether or not the qualified voters of Poplar Bluff will now have to register by reason of the increase in population.

"Your early reply in this connection will be greatly appreciated."

The Laws of Missouri, 1933, Section 2 on page 240, provides as follows:

"There shall be a registration of all the qualified voters in the cities of this State, now or hereafter having a population of 10,000 and less than 30,000 in habitants, except in cities in counties which now have or

hereafter may have 150,000 inhabitants or more and in which registration is now provided for by law, whether organized under general law or special charter, which registration shall be had under the provisions hereafter set forth; and the population of cities within the State containing such population shall for the purposes of this article be ascertained from and determined by the last decennial census taken by the Federal Government."

You will observe that the above section provides specifically that the population "shall, for the purposes of this article, be ascertained from and determined by the last decennial census taken by the Federal Government". The last decennial census taken by the Federal Government gives the population, as of the year 1930, as is provided by the Federal statutes to which the registration law refers.

Section 201, Chapter 4, found in 13 U. S. C. A. contains this law. It reads, in part, as follows:

"AUTHORIZATION OF DECENNIAL CENSUSES:
SCOPE OF INQUIRIES: TERRITORY INCLUDED.

"A census of population, agriculture, irrigation, drainage, distribution, unemployment, and mines shall be taken by the Director of the Census in the year 1930 and every ten years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Puerto Rico. * * * "

The above act was passed June 18, 1929 and was enacted in lieu of and repealed a similar enactment of March 3, 1919, which provided that such census should be taken in the year 1920 and every ten years thereafter.

Section 202, Chapter 4, found in 13 U. S. C. A., provides that:

"The period of three years beginning the 1st day of January in the year 1930 and every tenth year thereafter shall be known as the decennial census period, and the reports upon the

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inquiries provided for in said section shall be completed within such period. * * * "

The effect of Section 202 is, that each periodical decennial census must be completed by the first day of January, three years after the first day of January in 1930 and 1940, etc. The decennial census period for the 1930 census therefore expired on January 1, 1933, which was prior to the time that Section 2 of the 1933 laws quoted above was passed. Consequently the recent census, which you state has just been completed for the City of Poplar Bluff, cannot be a part of or connected in anyway with the last decennial census as of the year 1930.

We have not investigated the decennial census of 1930 to ascertain the population of Poplar Bluff as given in that report. It has not been necessary to do so in order to write this opinion. If the population of Poplar Bluff is under ten thousand, according to the said decennial census of 1930, then no registration of the qualified voters will be required under the terms of Section 2 of the Laws of Missouri, 1933, page 240. If such census shows the population as more than ten thousand and less than thirty thousand, then registration will be required. The recent census to which you refer cannot, however, be the determining factor.

CONCLUSION

If the population of any city in the State of Missouri is ten thousand and less than thirty thousand according to the decennial census taken by the Federal Government, as of the year 1930, then Section 2 of the Laws of Missouri, 1933 at page 240, require that all the qualified voters therein shall register for elections.

Respectfully submitted

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APPROVED:

J. E. TAYLOR
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