

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date September 13, 1968

To Stanley F. Hanson, Jr., Deputy Dept. Secretary of State
From Robert G. Fuller, Jr., Assistant Dept. Attorney General
Subject Definition of "population" for purposes of voter registration procedure.

SYLLABUS:

The authority for determining whether a municipality's population exceeds 5,000, for purposes of changing responsibility for voter registration from a single registrar of voters to a 3-member board of registration, as required by 21 M.R.S.A. § 43 (Supp. 1967), is the population figure for such municipality published by the U.S. Census Bureau in the most recent national decennial census.

FACTS:

A municipality has advised you that its population now exceeds 5,000 and, believing that it must now place its voter registration in the hands of a 3-member board of registration, pursuant to 21 M.R.S.A. § 43 (Supp. 1967), has asked you for advice as to how to proceed.

QUESTION:

For the purposes of 21 M.R.S.A. § 43 (Supp. 1967), what authority governs in determining whether a municipality's population exceeds 5,000?

ANSWER:

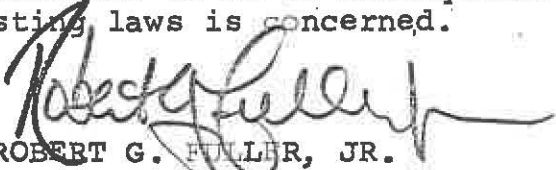
The population figures for that municipality published by the U. S. Census Bureau in the most recent national decennial census.

OPINION:

The situation presented is governed by the definition, in 21 M.R.S.A. § 1(25), (1964), of the word "population" as used in the election laws. That section defines "population" as: "(T)he population as determined by the last decennial census of the United States."

Therefore, in determining whether a municipality must change from a registrar of voters to a board of registration, reference must be had to the population figures for that municipality published in the most recent national decennial census. If a population of less than 5,000 is listed therein, no change is necessary.

The fact that the population of the municipality may exceed 5,000 during the period between censuses is of no consequence as far as interpretation of the existing laws is concerned.



ROBERT G. FULLER, JR.
Assistant Attorney General

RGFJr: vbw.