

1971 O. A. G.

OFFICIAL OPINION NO. 1

January 13, 1972

Hon. Edgar D. Whitcomb  
Governor, State of Indiana  
206 State House  
Indianapolis, Indiana 46204

Dear Governor Whitcomb:

This is in response to your question as to when the State of Indiana is officially notified of the results of the United States Decennial Census of 1970, because there are various laws which are keyed to the decennial census figures.

ANALYSIS

The United States Code (13 U.S.C.A. § 141a and b, and 2 U.S.C.A. § 2a) provides that the Census Bureau figures are first reported by the Secretary of Commerce to the President of the United States, who in turn officially reports such information to the Congress of the United States, which in turn notifies the Chief Executives of each of the 50 states.

2 U.S.C.A. § 2 provides as follows:

(a) "On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one member  
\* \* \*

(b) "\* \* \* It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number

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of Representatives to which such State is entitled under this section \* \* \*”

## CONCLUSION

Therefore, it is my official opinion that the first official notification which you will receive as Governor of Indiana concerning the results of the 1970 Decennial Census pertaining to Indiana will be the certificate which the Clerk of the United States House of Representatives will send you within 15 days after he has received that information from the President of the United States.

Since Congress convenes on January 21, 1971, and since federal law requires the President to submit that information to Congress “on the first day, or within one week thereafter,” and the Clerk of the United States House of Representatives is required to transmit the same information to the Governors within 15 days thereafter, it would be my estimate that you should receive the official notification of the Decennial Census figures for Indiana sometime during the first two weeks of February, 1971.