

February 3, 1975

Mr. Francis P. Burns
Executive Secretary
Election Commission
362 Green Street
Cambridge, Massachusetts 02139

Dear Mr. Burns:

As a follow up to my earlier letter regarding a street listing during the months of January and February, I would like to point out that Chapter 24 of the Acts of 1971 while containing the language "current year" should not be strictly construed as being restricted to the year 1971.

The obvious intent of the Legislature was to provide for the making of the street list and the taking of the state census, concurrently in any given year following 1971.

Also, in no event are police officers required to be used in the process of making the lists and taking the census.

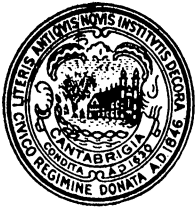
The language of the entire Act is not mandatory but merely directory.

Very truly yours,

Edward D. McCarthy
City Solicitor

EDMcC: jm

cc: Mr. James L. Sullivan
Mr. Paul E. Healy



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January 28, 1975

Mr. Francis P. Burns
Executive Secretary
Election Commission
362 Green Street
Cambridge, Massachusetts 02139

Dear Mr. Burns:

You have requested my opinion as to your obligation to conduct a street listing during the months of January or February under Section 4 of Chapter 51 of the General Laws. I am enclosing a copy of Chapter 24 of the Acts of 1971. This was an emergency Act, the primary purpose of which is stated in the preamble as follows:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that the time during which the registrars of voters shall make the annual lists be extended, and that the making of said lists and the taking of the state census required in the current year may be done at the same time,...."

This special Act clearly states:

"Notwithstanding the provisions of section four of chapter fifty-one of the General Laws, the street listing, so-called, required by said section may be taken in January, February, March or April of the current year, and, where possible, boards of registrars of voters may ascertain at

Mr. Francis P. Burns
Executive Secretary

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the same time the name, age or date of birth, occupation, nationality if not a citizen of the United States, and place of residence of every inhabitant of the commonwealth."

The Act also provides that "other persons" may be appointed to conduct these activities.

The Secretary of the Commonwealth in a memorandum dated January 23, 1975 recommends the use of CETA employees for these purposes. This is entirely permissible under the law.

Very truly yours,



Edward D. McCarthy
City Solicitor

EDMcC: jm
Enc.

cc: Mr. James L. Sullivan

Street listing and state census

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February 10, 1975