

ACCESS RIGHTS FOR CENSUS AND POLL TAKERS

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Apartment communities are compelled by law to allow access to two different types of “takers”: census takers and poll takers.

Census takers

The United States will begin its decennial census in 2010. Census questionnaires will be delivered to households beginning in March. From April through July, census takers will follow up with households that do not return their questionnaires. This means they will be going door to door in apartment communities. As always, residents and management should be wary of strangers wandering the grounds or requesting private information. However, the owner, proprietor, manager, superintendant, or agent of any apartment community has a duty, imposed by law, to furnish the names of occupants and to give free ingress and egress to any duly accredited representative of the United States Department of Commerce. Note that only the names of the occupants are required. Information such as social security numbers, job locations and any other personal or private information should not be disclosed. These requirements appear in the United States Code under Title 13, Section 223. Anyone who refuses or willfully neglects to provide the requested information, ingress or egress can be fined a maximum of \$500.

Of course, in this day and age there are likely to be scams and scammers who will attempt to take advantage of these information and access requirements. Property management must be diligent in “keeping an eye out” for this type of activity. All census takers should have identification issued by the United States Department of Commerce. In the event any questions or issues arise involving a census taker, property management should contact the local census office. The local census office can be found at *2010.census.gov*.

Poll takers

The year 2010 will also mark the return of Election Days in May and November. Indiana Code Section 3-6-11-5, requires the “proprietor” or “manager” of each apartment to maintain a complete and accurate list of all residents during the period beginning seventy (70) days before each election and ending fifty days (50) days before each election. The list must state the name and address (including apartment, room, or unit number) of each person residing in the apartment and the address of each vacant apartment. In 2010, Indiana’s primary election will be on May 4. Accordingly, the list of all residents (and vacant units) should be kept from February 25, 2010 through March 16, 2010. For the November 2nd general election, the list should be kept from August 25, 2010 to September 14, 2010. If a poll taker requests a copy of the list it must be provided within ten (10) days after the request. It may be mailed to the poll taker or made available on site. The list must be maintained for at least forty (40) days after the election.

In addition, this statute allows a poll taker for a political party or an independent candidate for a federal or state office to enter an apartment during reasonable hours to take a poll of its residents. In the event the proprietor or manager of the apartments denies entry to a poll taker; fails to maintain the list; or fails to provide a copy of the list upon request, such person or persons may be prosecuted, under certain circumstances, for the equivalent of a traffic ticket.

As with census takers, property management should be diligent in asking poll takers to provide identification (and, perhaps, make a copy of that identification) that establishes that person as a poll taker.