

### **3.30. Population Certificate [CPLR 4530]**

**(a) Prima facie evidence.** A certificate of the officer in charge of the census of the United States, attested by the United States secretary of commerce, giving the result of the census is, except as hereinafter provided, prima facie evidence of such result.

**(b) Conclusive evidence.** Where the population of the state or a subdivision, or a portion of a subdivision of the state is required to be determined according to the federal or state census or enumeration last preceding a particular time, a certificate of the officer in charge of the census of the United States, attested by the United States secretary of commerce, as to such population as shown by such federal census, or a certificate of the secretary of state as to such population as shown by such state enumeration, is conclusive evidence of such population.

#### **Note**

Except for the heading, this rule restates verbatim CPLR 4530.

Subdivision (a) sets forth a hearsay exception for a certificate made by the officer in charge of the census of the United States and attested by the United States Secretary of Commerce giving the results of the census. When admitted, the certificate is prima facie evidence of the result.

Subdivision (b) applies to a subset of the census, that is, where the population of New York or a subdivision or a portion of a subdivision of New York is required to be determined according to the most recent census. In that instance, the statute provides a hearsay exception for the admission of a certificate by the officer in charge of the census of the United States and attested by the United States Secretary of Commerce as to such population, as shown by such federal census, or a certificate by the secretary of state as to such population, as shown by such “state enumeration.” Beyond the hearsay exception, the statute makes the certificate conclusive evidence of the reported population.