

## Opinion No. 59-170

October 21, 1959

**BY:** HILTON A. DICKSON, JR., Attorney General

**TO:** Mrs. Betty Fiorina Secretary of State Santa Fe, New Mexico

{\*263} This opinion is in response to your recent request on the following question:

May an individual or company be permitted to photocopy voter registrations filed in the office of the County Clerk?

In our opinion the answer to your question is Yes.

The answer to the question raised by you is found by making an analysis of Sections 3-2-9 and 71-5-2 of New Mexico Statutes Annotated, 1953 Compilation. The first above mentioned section provides that the voter registration records shall be "public records". The second above mentioned section provides that all officers having custody of public records "shall furnish proper and reasonable opportunities for the inspection and examination of all the records" and "reasonable facilities for making memoranda abstracts therefrom during the usual business hours".

The right to inspect or examine public records commonly includes the right of making copies thereof as the right to inspect would be valueless without this correlative right. The right to copy as well as to examine records is frequently granted by decisions that hold that persons engaged in the business of searching records are entitled to access to the records. 45 Am. Jur., Records and Recording Laws, Section 15.

Reasonable restrictions and conditions may be imposed however with respect to the right to use public records. In our opinion, it is not only the prerogative but the duty of the officer having public records within his or her custody to adopt such procedures in permitting public inspection and copying as will protect the integrity of the records. While the courts have commonly sustained the right to reproduce or copy in any legitimate manner the records available for public inspection, they have without exception sustained the right of the custodian of the records to adopt all reasonable precautions to not only protect the records but also to insure that they will be readily available for examination and inspection by others who also have an interest in them.

Therefore, it is our conclusion, in response to your above question, that it is permissible for an individual or a company such as an abstracter to photocopy voter registrations in the offices of the county clerks so long as adequate precautions are taken to insure the integrity of the records and to preserve their availability for inspection by others.

We trust this answers your inquiry.

Thomas O. Olson

Assistant Attorney General