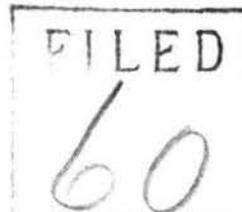


CERTIFIED COPIES: Right of State Registrar of Vital Statistics to Certify
Photostatic Copies of Birth and Death Certificates.

8.23

August 10, 1934.



Honorable E. T. McCaugh, M. D.
State Health Commissioner,
Jefferson City, Missouri.

Dear Sir:

A request for an opinion has been received from you under date of July 27th, 1934, such request being in the following terms:

"It is the plan of the State Registrar of Vital Statistics to install a photostating machine to photostat all certified copies of births and deaths sent out from this office. A definite reason for this being that it is impossible to accurately read many of the certificates from which the certified copies are written. The State Registrar feels that all photostatic copies of the original certificate duly certified by him will be much more accurate and much more acceptable than the written form which we are not using.

It is the understanding of the Registrar of Vital Statistics that by the Revised Statutes 1929, Chapter 52, Article 2, Sections 9057 and 9060 he has the authority to make any changes of this character that he desires.

A copy of the photostated material of the type which will be used for certified copies is hereby attached.

It is requested that the Attorney General render an opinion to the State Registrar as to whether or not he is correct in his assumption that it is within his power to make this change in the method of furnishing certified copies of birth and death certificates."

Revised Statutes Missouri 1929, Section 9057, provides in part as follows:

"The state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this article; * * * *"

From this statute it will be observed that the registrar is given considerable latitude in the matter of determining the form of his records.

Revised Statutes Missouri 1929, Section 9060, provides in part as follows:

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"The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this article, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated."

It will be observed that Section 9060 imposes no definite type of restriction upon the kind of copies which may be prepared and furnished by the registrar, there being nothing in such statute which would indicate that a written copy would be preferred over a photographic copy of the original certificate.

There seems to be no general provision in the statutes relating to the manner of copying public records for certification. As illustrative of other statutes relating to certified copies are the following:

"Sec. 1652. Copies of, certified by secretary of state.-- Copies of any act, law or resolution contained in any such book, now or hereafter deposited in the office of the secretary of state, certified under the hand and official seal of said secretary, shall be received in evidence."

"Sec. 1660. Copies of papers, etc., in office of auditor and treasurer.--Copies of all papers and documents lawfully deposited in the office either of the treasurer or auditor of the state, when certified by such officer and authenticated by the seal of office, shall be received in evidence in the same manner and with the like effect as the originals."

On principle it would seem that a photostatic copy of a public document or record would be more desirable than a graphically transcribed copy because there would be no possibility of error in the former assuming that the photostatic impression was clear and distinct, and likewise a photostatic copy would not involve the risk which would be involved in making a decision as to letters or words which might be indistinct, which decision would be necessary if a written copy were being made, so that it would seem that both upon a construction of the statutes and upon principle and reason there would be no objection to the use of photostatic copies of birth and death certificates.

In conclusion, it is our opinion that the Registrar of Vital Statistics would be authorized to certify photostatic copies of birth and death certificates.

Yours very truly
EDWARD M. MILLER

APPROVED:

ASSISTANT ATTORNEY GENERAL.

ATTORNEY GENERAL.