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MICROFILM COPIES—ORIGINAL REGISTRATION CARDS—WHEN PROPERLY IDENTIFIED HAVE SAME FORCE AND EFFECT AT LAW AS ORIGINAL CARDS IN HANDWRITING IF ORIGINAL CARDS HAVE BEEN DESTROYED—SECTION 32-1 G. C.

SYLLABUS:

Microfilm copies of original registration cards, if properly identified according to Section 32-1 of the General Code, would have the same force and effect at law as the original cards in handwriting if the original cards be destroyed.

Columbus, Ohio, July 18, 1950

Hon. Joel S. Rhinefort, Prosecuting Attorney
Lucas County, Toledo, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“We recently received the following communication from the Clerk of the Board of Elections of Lucas County, Ohio: * * *

“‘At a meeting of the Board of Elections today the subject of micro-filming our registration cards, as a protective measure against fire, was discussed, and the following question was raised, and I was directed to get an opinion from you on its legality:

“‘If after our white registration cards are micro-filmed, a fire should occur in our building and our records destroyed, and then the information on this film would be transcribed on new white cards, we would not have the original signature of the registrant. This original signature would be on the destroyed white card.

“‘In this event would the Board of Elections be compelled to again get the signature of each registrant on registration cards, or could the signature on the film (which is a facsimile) be considered the legal signature, in which case we could make a copy of the card and use it without the signature of the registrant. Could we again set up our white card file without the original signature?’

“It seems to me that this is a matter that requires a uniform ruling for the State of Ohio and I am therefore writing to you for your opinion in this matter.”

Section 4785-41 of the General Code of Ohio prescribes in detail the method of obtaining and filing of registration cards, both in original and in duplicate. This section reads:

“Registration forms shall consist of original cards or loose-leaf pages of one color and duplicate cards or loose-leaf pages of another color, which shall be of a size adequate to contain the information hereinafter required to be recorded thereon. When such registration forms shall have been duly filled out and filed in the office of the board, the original forms shall be filed together in one file and the duplicate forms shall be filed together in another file. The original forms shall be filed by precinct and shall constitute the precinct register for use in polling places on election day. The duplicate forms shall be filed alphabetically and shall constitute the permanent office record of the board. It shall not be removed from the office of the board except upon the order of a court. The registration records shall be open to public inspection at all times when the office of the board is open for business, under such regulations as the board may adopt, provided, however, that no person shall be permitted to inspect such records except in the presence of an employe of the board, and that no inspection shall be permitted during the period of time commencing forty days before an election and ending on the eleventh day after such election, except upon special order of the board.”

Section 4785-35 of the General Code gives the qualifications necessary to register. It includes the duration of such registration. This section reads as follows:

“Each person, who will be of the age of twenty-one years or more at the next ensuing November election, who is a citizen of the United States, and who, if he continues to reside in the precinct until the next election, will at that time have fulfilled all the requirements as to length of residence to qualify him as an elector shall, unless otherwise disqualified, be entitled to be registered as an elector in such precinct. When once registered in accordance with this act, an elector shall not be required to register again unless his registration is cancelled for reasons as hereinafter provided.”

Section 32-1 of the General Code of Ohio gives the authority for photostating, photographing or microfilming of public records and the legal status of such recording. The pertinent part of this section of the Code, in reference to your request, reads as follows:

“Whenever any officer, office, court, commission, board,

institution, department, agent or employe of the state, or of a county, or any political subdivision, being charged with the duty or authorized or required by law to record, preserve, keep, maintain or file any record, document, plat, court file, paper or instrument in writing, or to make or furnish copies of any thereof, shall deem it necessary, or advisable, when recording any such document, plat, court file, paper or instrument in writing, or when making a copy or reproduction of any thereof or of any such record, for the purpose of recording or copying, preserving and protecting the same, reducing space required for storage or any similar purpose, to do so by means of any photostatic, photographic, miniature photographic, film, microfilm or micro-photographic process, which correctly and accurately copies or reproduces, or provides a medium of copying or reproducing the original record, document, plat, court file, paper or instrument in writing, the use, by such officer, office, court, commission, board, institution, department, agent or employe, of any such photographic processes, for any such purpose, is hereby authorized; * * *.

“* * * When so recorded, or copied or reproduced to reduce space required for storage or filing of such records, said photographs, microphotographs, microfilms or films, or prints made therefrom, when properly identified by the officer by whom or under whose supervision the same were made, or who has the custody thereof, shall have the same force and effect at law as the original record or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. * * *.”

The remainder of this section gives instruction as to storage and also disposal of original records, which is not pertinent to your inquiry.

Therefore, it is my opinion that microfilm copies of the original registration cards, if properly identified according to Section 32-1 of the General Code, would have the same force and effect at law as the original cards in handwriting, if original cards be destroyed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.