

**Opinion No. 37-1521**

February 6, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. A. H. McLeod Assistant District Attorney Albuquerque, New Mexico

{\*48} Your letter of February 5th relative to copies of birth and death certificates has been received and you inquire why it is necessary to obtain copies of death certificates from the Public Health Department in Santa Fe.

Your attention is directed to Section 110-316 of the 1929 Compilation, wherein it is provided in the next to the last paragraph that all original birth and death certificates shall be transmitted by the County Health Officer by United States mail to the Director of Public Health, etc.

Also, in the third paragraph of said section it is provided that certified copies of birth and death certificates shall be made only from the original certificates and not from copies.

In the paragraph from which we have first quoted we find the provision that the County Health Officer is to make true and correct copies in unfading ink of all birth and death certificates filed with him and shall deliver such copies to the County Clerk. The County Clerk shall receive, file, bind and index for the permanent county record all copies of birth and death certificates delivered to him by the County Health Officer.

You can, therefore, readily see that the records in the office of the County Clerk are copies merely and that the original goes to the Director of Public Health and, therefore, under the provisions requiring certified copies to be made only from the original, the County Clerk would have no authority as any copies made by her would merely be a copy made from a copy.