

land bank" prevents New Jersey savings banks from investing in such consolidated bonds.

A literal reading of the statutes involved leads to the conclusion that the consolidated bonds are legal investments for New Jersey savings banks since "joint and several obligations" are the obligations of each and every one of the twelve Federal land banks, and hence the obligations of "a Federal land bank."

We understand that while prior to 1933 the farm loan bonds were issued individually by each Federal land bank, since that date only consolidated bonds have been issued. We also understand that all presently outstanding farm loan bonds are in the form of consolidated obligations. It must be assumed that in enacting P.L. 1948, c. 67, the Legislature acted with knowledge of the existing provisions of the related federal legislation and thus intended that the consolidated bonds under consideration be legal investments for savings banks in this State. *Goldberg & Co., Inc. v. Division of Employment Security, etc.*, 21 N.J. 107 (1956).

As above stated, only consolidated bonds have been issued by land banks since 1933. To conclude that such bonds are not eligible for investment would be to preclude investment by New Jersey Savings Banks in any Federal land bank obligations. This would violate the general rule that a construction which renders a part of a statute inoperative, superfluous or meaningless is to be avoided. *Abbotts Dairies v. Armstrong*, 14 N.J. 319 (1954).

It is our opinion and you are so advised that consolidated farm loan bonds issued as the joint and several obligation of the twelve Federal land banks qualify as legal investments for savings banks in New Jersey.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: DONALD M. ALTMAN  
*Legal Assistant*

DMA:ad

FEBRUARY 21, 1957

Mrs. RUTH WILLIAMSON, *Clerk*  
*Hunterdon County Board of Elections*  
Hall of Records  
Flemington, New Jersey

MEMORANDUM OPINION—P-5

MY DEAR MRS. WILLIAMSON:

Receipt is acknowledged of your letter of January 30, 1957 by which you request, on behalf of the Hunterdon County Board of Elections, the opinion of this office as to the interpretation to be given to R.S. 19:31-10.

R.S. 19:31-10 in pertinent part provides that there shall be kept on file in the office of the Commissioner of Registration original and duplicate permanent voter registration forms. The duplicate voter registration forms and the corresponding voting record shall constitute and be known as the signature copy register. The sig-

nature copy registers shall at all times, except when they are in process of delivery to or from or in the possession of the various district boards of election, be open to public inspection subject to reasonable rules and regulations.

You first inquire whether the phrase "public inspection" as used in R.S. 19:31-10 would include the right to copy voting records from the register.

The answer to your inquiry is in the affirmative.

You will note that R.S. 19:31-10 provides that the binders containing the duplicate permanent registration forms and the corresponding record of voting forms shall constitute and be known as the signature copy registers.

You will also note that except during certain specified times the signature copy registers shall, by the terms of R.S. 19:31-10, be open to public inspection.

Although R.S. 19:31-10 expressly grants the right to inspect the signature copy registers it is silent as to whether copies may be made of these registers.

The authorities are agreed that at common law a person may inspect public records in which he has an interest or make copies or memoranda thereof and that where a statute grants the right of inspection of public records such grant gives the right to inspect with all of its common law incidents. (76 C.J.S., Records, § 35, p. 133, 135).

It has been held in this State that registration lists on file with a county board of elections are public records which may be inspected and copied. *Higgins v. Lockwood*, 74 N.J.L. 158 (Sup. Ct. 1906).

Mr. Justice Garrison expressed the theory which underlies the rule allowing inspection of public records when he said in the case of *Fagan v. State Board of Assessors*, 80 N.J.L. 516, 518 (Sup. Ct. 1910):

"As a citizen and a taxpayer he has that abiding interest in the administration of his government and of every department of it that affects him or his fellows that marks the difference between a citizen and a subject. It is to the failure of the citizen to assert these rights that we must look for those evils that are incident to our form of government rather than to a superabundant zeal in this respect. It would be unfortunate in the extreme for the courts of a republic to erect technical barriers by which these duties of citizenship were discouraged or denied; and no more effectual barrier could be set up than the rule that records required by public law for the performance of their public duties by public servants are possessed of a privacy into which the mere citizen, however patriotic his purposes, may not inquire."

It is our opinion that the term public inspection as used by R.S. 19:31-10 contemplates both the inspection and copying of the signature copy registers required to be kept on file in the office of the Commissioner of Registration.

You also ask if the phrase "reasonable rules and regulations", which may be adopted by the Commissioner of Registration to govern the inspection of the signature copy registers, could justify a rule to require that a person seeking to inspect and copy the signature copy registers be required to demonstrate to the Commissioner that his reason for inspecting and copying the record is in the public interest.

The right to inspect public records has, in this State, been subject to qualifications. Thus, in the case of *Casey v. MacPhail*, 2 N.J. Super. 619, 624 (Law Div. 1949) the court said:

"The general principle of the right of any citizen and taxpayer to inspect and have access to public records when such inspection and access can be had without undue interference with the conduct of public business is qualified not only by the right in the judicial discretion of the trial judge to deny the inspection or access when the motive is improper but also is qualified by any enactments by the legislature which may bear upon his right of use of the information which he gains through the inspection or access."

The right of citizens and taxpayers to inspect public records should be broadly recognized in the furtherance of good government. *Taxpayers Ass'n. of Cape May v. City of Cape May*, 2 N.J. Super. 27 (App. Div. 1949).

It is our opinion that pursuant to R.S. 19:31-10 "reasonable rules and regulations" may be promulgated with reference to the safekeeping of the records and the prevention of any interference with the performance of official duties. We advise you specifically that such regulations may not require that persons declare their reasons for inspecting and copying the voting records.

We do not exclude, however, the right of the Commissioner of Registration and the County Board of Elections to bar any access to the signature copy registers for an illegal purpose in violation of the criminal laws of the State.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: JAMES J. McLAUGHLIN  
*Deputy Attorney General*

JJM:jeb

MARCH 6, 1957

HONORABLE ROBERT L. FINLEY  
*Deputy State Treasurer*  
State House  
Trenton, New Jersey

MEMORANDUM OPINION—P-6

DEAR MR. FINLEY:

You have requested our opinion as to whether members of the Public Employees' Retirement System who are on leave of absence in the military or naval service of the United States, or who hereafter take such leave, are entitled to the continued death benefit protection available to members of that System under Sections 41(c) and 57 of P.L. 1954, c. 84, as amended, for longer than 93 days after their entry into such service.

Sections 41(c) and 57 of P.L. 1954, as amended, provide for the payment of death benefits to members of the Public Employees' Retirement System who die "in service". P.L. 1955, c. 261 (N.J.S.A. 43:15A-108) provides:

"a. For the purposes of section 41(c) and section 57 of chapter 84 of the public laws of 1954, a member of the Public Employees' Retirement System