

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Counties Code is amended by changing Sections 3-2001, 3-2002, 3-2003.1, 3-2003.2, 3-2003.3, 3-2003.4, 3-2005, 3-2007, 3-2008, 3-2009, 3-2010, 3-2012, and 3-2013 as follows:

(55 ILCS 5/3-2001) (from Ch. 34, par. 3-2001)

Sec. 3-2001. Election of county clerk. In all counties there shall be an elected county clerk who shall hold office until the clerk's ~~his~~ successor is qualified. The functions and powers of the county clerks shall be uniform in the various counties of this State. The clerk ~~He~~ shall enter upon the duties of the clerk's ~~his~~ office on the first day in the month of December following the clerk's ~~his~~ election on which the office of the county clerk is required, by statute or by action of the county board, to be open.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2002) (from Ch. 34, par. 3-2002)

Sec. 3-2002. Oath. Each county clerk, before entering upon the duties of the clerk's ~~his~~ office, shall take and subscribe to the oath or affirmation prescribed by Section 3, Article

XIII of the Constitution which shall be entered at large upon the records of the clerk's ~~his~~ office.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2003.1) (from Ch. 34, par. 3-2003.1)

Sec. 3-2003.1. Appointment of deputies, assistants and personnel. The county clerk shall appoint ~~his~~ deputies, assistants and personnel to assist ~~him~~ in the performance of the clerk's ~~his~~ duties.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2003.2) (from Ch. 34, par. 3-2003.2)

Sec. 3-2003.2. Internal operations of office. The county clerk shall have the right to control the internal operations of the clerk's ~~his~~ office ~~and~~ to procure necessary equipment, materials and services to perform the duties of the clerk's ~~his~~ office.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2003.3) (from Ch. 34, par. 3-2003.3)

Sec. 3-2003.3. Monthly report of financial status. The county clerk shall file a monthly report summarizing the financial status of the clerk's ~~his~~ office in such form as shall be determined by the county board.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2003.4) (from Ch. 34, par. 3-2003.4)

Sec. 3-2003.4. Deposit of fee income; special funds. The county clerk shall deposit in the office of the county treasurer monthly by the 10th day of the month following, all fee income. The county clerk may maintain the following special funds from which the county board shall authorize payments by voucher between board meetings:

(a) Overpayments.

(b) Reasonable amount needed during the succeeding accounting period to pay office expenses, postage, freight, express or similar charges.

(c) Excess earnings from the sale of revenue stamps to be maintained in a fund to be used for the purchase of additional stamps from the Illinois Department of Revenue.

(d) Fund to pay necessary travel, dues and other expenses incurred in attending workshops, educational seminars and organizational meetings established for the purpose of providing in-service training.

(e) Trust funds, for tax redemptions, or for such other purposes as may be provided for by law.

(f) Such other funds as may be authorized by the county board.

The county clerk shall make accounting monthly to the county board of all special funds maintained by the clerk ~~him~~ in the discharge of the clerk's ~~his~~ duties.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2005) (from Ch. 34, par. 3-2005)

Sec. 3-2005. Bond. Each county clerk shall, before entering upon the duties of the clerk's ~~his or her~~ office, give bond (or, if the county is self-insured, the county through its self-insurance program may provide bonding) in such penalty and with such security as the county board shall deem sufficient, which bond shall be substantially in the following form, and shall be recorded in full in the records of the clerk's ~~his or her~~ office, and when so recorded shall be deposited with the clerk of the circuit court for safe keeping:

We, (A B) principal, and (C D) and (E F), sureties, all of the county of and State of Illinois, are obligated to the People of the State of Illinois, in the penal sum of \$...., for the payment of which, we obligate ourselves, each of us, our heirs, executors and administrators.

The condition of the above bond is such, that if the above obligated (A B) shall perform all the duties which are or may be required by law to be performed by the ~~him as~~ county clerk of the county of in the time and manner prescribed or to be prescribed by law, and when the clerk ~~he~~ is succeeded in office, shall surrender and deliver over to the clerk's ~~his or her~~ successor in office all books, papers, moneys, and other things belonging to the county, and appertaining to the clerk's ~~his or her~~ office, then the above bond to be void; otherwise to remain in full force.

Dated (insert date).

Signed and delivered in the presence of (G H).

Signature A B,

Signature C D,

Signature E F.

(Source: P.A. 91-357, eff. 7-29-99.)

(55 ILCS 5/3-2007) (from Ch. 34, par. 3-2007)

Sec. 3-2007. Office quarters and hours; violation. The county clerk shall keep the clerk's ~~his~~ office at the court house of the ~~his~~ county, or at such other place as may be provided for the clerk ~~him~~ by the authorities of such county seat and shall keep the ~~his~~ office open and attend to the duties thereof:

(a) In counties of 500,000 or more population from 9 a. m. to 5 p. m. of each working day except Saturday afternoons and legal holidays, but the clerk may open the office at 8 a. m. on each working day:

(b) In counties of less than 500,000 population from 8 a. m. to 5 p. m. of each working day except Saturdays and legal holidays, but in such counties the office shall remain open until noon the Saturday before general, primary or special election days.

Provided, that the days on which such office shall be open and the hours of opening and closing of the office of the county clerk may be changed and otherwise fixed and determined

by the county board of any county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting.

Notwithstanding any other provision of this Section, when any election is held and the results of such election are required by law to be returned to the county clerk, the office of the county clerk shall remain open for the purpose of receiving such results from the time of opening of the polls until the returns from each precinct have been received.

Any county clerk who fails to keep the clerk's ~~his~~ office open for the purpose of receiving election returns as required by this Section commits a business offense, and shall be fined not less than \$500 nor more than \$5,000.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2008) (from Ch. 34, par. 3-2008)

Sec. 3-2008. Seal. The county clerk ~~He~~ shall be keeper of the seal of the county, which shall be used by the clerk ~~him~~ in all cases where the clerk ~~he~~ is required to use an official seal.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2009) (from Ch. 34, par. 3-2009)

Sec. 3-2009. Deputies. The county clerk ~~He~~ shall appoint a chief deputy and may appoint additional deputies, who shall take and subscribe the same oath for the discharge of their

duties as is required of the county clerk, which shall be entered of record in the clerk's ~~his~~ office.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2010) (from Ch. 34, par. 3-2010)

Sec. 3-2010. Responsibility. The principal clerk shall in all cases be responsible for the acts of the principal clerk's ~~his~~ deputies. Whenever a vacancy occurs in the office of the county clerk in any county, including counties with a population of less than 60,000 inhabitants, the chief deputy clerk shall perform all the duties appertaining to the office of county clerk until the successor of such clerk is elected or appointed and qualified as provided in Section 3-2011.

(Source: P.A. 86-962.)

(55 ILCS 5/3-2012) (from Ch. 34, par. 3-2012)

Sec. 3-2012. Custody of records; public inspection. The county clerk shall have the care and custody of all the records, books and papers appertaining to and filed or deposited in the clerk's ~~their respective~~ offices, and the same, except as otherwise provided in the Vital Records Act, shall be open to the inspection of all persons without reward.

(Source: P.A. 86-962; 87-895.)

(55 ILCS 5/3-2013) (from Ch. 34, par. 3-2013)

Sec. 3-2013. General duties of clerk. Subject to the

provisions of the ~~"The~~ Local Records Act", the duties of the county clerk shall be-

1st. To act as clerk of the county board of the ~~his~~ county and to keep an accurate record of the proceedings of said board, file and preserve all bills of account acted upon by the board, and when any account is allowed or disallowed, the clerk ~~he~~ shall note that fact thereon, and when a part of any account is allowed, the clerk ~~he~~ shall note particularly the items allowed.

2nd. To keep a book in which the clerk ~~he~~ shall enter the number, date and amount of each order upon the county treasurer, and the name of the person in whose favor the same is drawn, and when such order is canceled, the clerk ~~he~~ shall note the date of cancellation opposite such entry.

3rd. Before any such order is delivered to the person for whose benefit it is drawn, the county clerk shall present the same to the county treasurer, who shall personally countersign the same.

4th. To keep a book, in which shall be entered in alphabetical order, by name of the principal, a minute of all official bonds filed in the clerk's ~~his~~ office, giving the name of the office, amount and date of bond, names of sureties and date of filing, with such reference to the number or other designation of the bond, that the same may be easily found.

5th. To keep proper alphabetical indexes of all records and papers in the clerk's ~~his~~ office.

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6th. To give any person requiring the same, and paying the lawful fees therefor, a copy of any record, paper or account in the clerk's ~~his~~ office.

7th. Such other duties as are or may be required by law.
(Source: P.A. 86-962.)

Section 99. Effective date. This Act takes effect upon becoming law.