



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2252

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-2001	from Ch. 34, par. 3-2001
55 ILCS 5/3-2002	from Ch. 34, par. 3-2002
55 ILCS 5/3-2003.1	from Ch. 34, par. 3-2003.1
55 ILCS 5/3-2003.2	from Ch. 34, par. 3-2003.2
55 ILCS 5/3-2003.3	from Ch. 34, par. 3-2003.3
55 ILCS 5/3-2003.4	from Ch. 34, par. 3-2003.4
55 ILCS 5/3-2005	from Ch. 34, par. 3-2005
55 ILCS 5/3-2007	from Ch. 34, par. 3-2007
55 ILCS 5/3-2008	from Ch. 34, par. 3-2008
55 ILCS 5/3-2009	from Ch. 34, par. 3-2009
55 ILCS 5/3-2010	from Ch. 34, par. 3-2010
55 ILCS 5/3-2012	from Ch. 34, par. 3-2012
55 ILCS 5/3-2013	from Ch. 34, par. 3-2013

Amends the Clerk Division of the Counties Code. Makes all provisions of the Division gender neutral. Makes some technical and grammatical changes. Effective immediately.

LRB101 04718 AWJ 52457 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Sections 3-2001, 3-2002, 3-2003.1, 3-2003.2, 3-2003.3,
6 3-2003.4, 3-2005, 3-2007, 3-2008, 3-2009, 3-2010, 3-2012, and
7 3-2013 as follows:

8 (55 ILCS 5/3-2001) (from Ch. 34, par. 3-2001)

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

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

19 (55 ILCS 5/3-2002) (from Ch. 34, par. 3-2002)

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

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

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

4 (55 ILCS 5/3-2003.1) (from Ch. 34, par. 3-2003.1)

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

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

10 (55 ILCS 5/3-2003.2) (from Ch. 34, par. 3-2003.2)

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

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

17 (55 ILCS 5/3-2003.3) (from Ch. 34, par. 3-2003.3)

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

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

1 (55 ILCS 5/3-2003.4) (from Ch. 34, par. 3-2003.4)

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

8 (a) Overpayments.

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

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

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

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

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

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

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

1 (55 ILCS 5/3-2005) (from Ch. 34, par. 3-2005)

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

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

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

1 Dated (insert date).

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

3 Signature A B,

4 Signature C D,

5 Signature E F.

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

7 (55 ILCS 5/3-2007) (from Ch. 34, par. 3-2007)

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

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

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

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

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

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

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

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

15 (55 ILCS 5/3-2008) (from Ch. 34, par. 3-2008)

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

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

21 (55 ILCS 5/3-2009) (from Ch. 34, par. 3-2009)

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

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

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

4 (55 ILCS 5/3-2010) (from Ch. 34, par. 3-2010)

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

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

14 (55 ILCS 5/3-2012) (from Ch. 34, par. 3-2012)

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

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

22 (55 ILCS 5/3-2013) (from Ch. 34, par. 3-2013)

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

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

3 1st. To act as clerk of the county board of the ~~his~~ county
4 and to keep an accurate record of the proceedings of said
5 board, file and preserve all bills of account acted upon by the
6 board, and when any account is allowed or disallowed, the clerk
7 ~~he~~ shall note that fact thereon, and when a part of any account
8 is allowed, the clerk ~~he~~ shall note particularly the items
9 allowed.

10 2nd. To keep a book in which the clerk ~~he~~ shall enter the
11 number, date and amount of each order upon the county
12 treasurer, and the name of the person in whose favor the same
13 is drawn, and when such order is canceled, the clerk ~~he~~ shall
14 note the date of cancellation opposite such entry.

15 3rd. Before any such order is delivered to the person for
16 whose benefit it is drawn, the county clerk shall present the
17 same to the county treasurer, who shall personally countersign
18 the same.

19 4th. To keep a book, in which shall be entered in
20 alphabetical order, by name of the principal, a minute of all
21 official bonds filed in the clerk's ~~his~~ office, giving the name
22 of the office, amount and date of bond, names of sureties and
23 date of filing, with such reference to the number or other
24 designation of the bond, that the same may be easily found.

25 5th. To keep proper alphabetical indexes of all records and
26 papers in the clerk's ~~his~~ office.

1 6th. To give any person requiring the same, and paying the
2 lawful fees therefor, a copy of any record, paper or account in
3 the clerk's ~~his~~ office.

4 7th. Such other duties as are or may be required by law.
5 (Source: P.A. 86-962.)

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