

THE ROLE OF THE COUNTY CLERK IN COUNTY GOVERNMENT

An Overview Presentation for
House of Representatives
Local Government Committee

DUTIES OF THE CLERK

- The Clerks Office is one of the most diversified in county government, governed by 596 statutes, which fall into four major divisions
 - Clerk to the Board of Commissioners
 - Clerk of the Circuit Court
 - Registrar of Vital Statistics
 - Chief Election Official for the County

Clerk to the Board of Commissioners

- Attend every Board meeting in which a quorum is present
- Record and maintain the official minutes of each Board of Commissioner's regular, special and executive session meetings
- Depending on county size, County Clerks may be:
 - Preparing Board agendas and Board packets
 - Corresponding on the Board's behalf
- Boards have the ability to affect change within the office of the Clerk by:
 - Combining the office of Clerk with the Register of Deeds
 - 35 of the 83 counties have combined Clerk/Register
 - Delegating statutory duties to the Controller or Finance/Accounting office:
 - Maintaining the General Ledger
 - Accounts Payable
 - Payroll & Human Resources

Clerk of the Circuit Court

File and maintain all Circuit Court files

- Civil claims over \$25,000
- Felonies
- Domestic Relations
 - Divorce, Paternity, Custody
- PPO's (Personal Protection Orders)

Beginning Jan. 1, 1998 the Legislature created the “Family Court”, aggregating the responsibilities that Circuit and Probate Courts traditionally handled separately.

- Depending on how Courts have written their Family Court plans, many Clerks now maintain Family Court files that were traditionally handled in Probate Court, such as:
 - Adoptions, Name Changes, Cases involving Juveniles, Guardianship of Minors and Dependant/Neglect cases

Clerk of the Circuit Court cont.

- Collect all Court Ordered Fees:
 - Fines, Costs and Restitution
 - Clerks transmit monies collected to the State, the County and Victims
- Clerks are statutorily required to attend every session of Circuit Court
- The Court function is very cumbersome, hence the majority of the clerk's staff is assigned to the Court function
- Clerk to the Jury Board
 - Maintain all Jury Records
 - Perform various duties based on county size

Registrar of Vital Statistics

- Record and maintain all Vital Statistics occurring in the county
 - Birth Certificates
 - Death Certificates
 - Marriage Certificates
 - Military Discharges
 - Assumed Names Certificates or DBA's
 - Notary Bonds

Registrar of Vital Statistics cont.

Concealed Pistol Licenses

- The County Clerk is the access point for your constituents to obtain a Concealed Pistol License
- The Clerk accepts all CPL (Concealed Pistol License) applications, attends every meeting of the Gun Board, keeps all official minutes and ultimately issues permits to those applicants that are approved.
- A permanent file is kept on each applicant
- The Michigan Association of County Clerks have been working with Senator Green on SB 34 so that, should the bill be enacted to eliminate Gun Boards and transfer the duties to MSP and the County Clerks, it can be smoothly implemented.

Chief Election Official

- The County Clerk is the Chief Election Official and presides over every election held within the County
 - 4 election dates per year: February, May, August and November
- Responsible for:
 - Accepting candidate filings
 - Programming voting equipment
 - Testing coding on the ballots and machines
 - Preparing and ordering the printing of all ballots
 - Distributing ballots to all local jurisdictions
 - Maintaining all campaign finance reports
 - Training of all election inspectors
 - Tabulation of election results

Chief Election Official cont.

■ Clerk of the Board of Canvassers

- The County Clerk attends all meetings of the Board of Canvassers to review, audit and certify all local election results.
- Clerks maintains all minutes and keep a permanent record of all official election results
- Clerk oversees and manages all recounts conducted in county

■ County Election Commission

- Duties are to:
 - Proof all ballots prior to printing
 - Approve all precinct consolidations and polling location changes
 - Conduct Clarity Hearings when recall wording has been filed

Chief Election Official cont.

■ Election Consolidation and Coordinating Committees

- County Clerks serve as the Election Coordinator for school districts, community colleges and intermediate school districts
 - Must draft agreements every 4 years between the districts and all of the local units of government that the districts fall into; even townships and cities that fall outside of the County.
 - Consolidation is complicated because of “splits” in precincts due to the irregularity of school district boundaries; congressional, state senate, state house and county commissioner districts; as well as village boundaries.

Chief Election Official cont.

■ Additional Election Related Responsibilities

– Qualified Voter File

(State-wide voter registration system which is tied to the drivers license file)

- Depending on the County's size, and the size of their local units, County Clerks may be maintaining the Voter Registration and Street Index files for their local units

– Electronic Poll Books

(Laptop computers in the voting precincts that contain the list of voters)

- Again, depending on the County's and local units size, Clerks may be working within the global geography of the QVF to indentify voters to ensure that all voters get the proper ballots and are assigned to the proper voting precincts on election day , as well as uploading voter history in QVF following elections

– Post Election Audits

- Random audits of voting precincts, as well as the functions performed by the local clerks prior to election day

Chief Election Official cont.

■ Current Voting Technology

- In 2004 Secretary of State, Terry Lynn Land, designated Optical Scan as the state-wide system for Michigan
- Under HAVA (Help America Vote Act) the Federal Government allocated funds for States to improve voting technology
- Optical Scan voting system were implemented beginning in 2004
- AutoMARK's (marking devices to help visually disabled voters mark their ballots) were installed in every precinct in 2006

■ New Voting Equipment Needed

- Current Voting Systems are 10 years old and in need of replacement
- Funding is needed from the Legislature to assist local units of government in the purchase of new equipment

County Clerk Outreach

- Duties of Clerks are very diversified
- Clerks offices are cumbersome in comparison to any other elected office
- Clerks interact with nearly all county offices
- Clerks work very closely with Board of Commissioners; County Administrators; Circuit & Probate Judges; local units of government, in and outside of their county; school districts; community colleges and intermediate schools districts
- Many clerks provide additional services to constituents such as processing passport applications
- Clerk outreach is very widespread and customer service oriented

Statute Revisions Needed and Future Legislative Goals

- Of the 596 statutes that govern the office of clerk, many are outdated and in need of revision or repealing
 - Currently on the forefront:
 - Reasonable legal notice reform is needed on statutes such as MCL 129.32 which calls for clerks to biennially send notices to banks soliciting sealed bids for the deposit of public funds.
- Some 2015 Legislative Goals:
 - Appropriation for new voting equipment
 - Eliminate Feb. election date and align three election dates: March, August & November or March, June & November
 - Prohibit a person who is appearing on the ballot from also filing as a write-in for another office
 - Moving the precinct delegate write-in deadline to the Friday before the election instead of filing election day.