

Role of the County Clerk

Written by Jacqueline J. Byers Research Director/November 2008

County clerks come in all forms and levels of authority. Some are elected, some are appointed. Some are clerks to the governing board only and others have responsibilities for carrying out many services for the citizens of the county.

The Clerk is one of the oldest known officials in local government with beginnings back in Ancient Greece. The title is derived from the Latin clericus where it meant a person who could read, write and serve as a notary or recorder. English history shows that the role of the city clerk can be traced to 1272 AD. A quote from Chief Justice Lord Caldecote, in a ruling in a legal case before the English Court during the Middle Ages says “The office of town clerk is an important part of the machinery of local government. He may be said to stand between the local council and the ratepayers...”

When colonists arrived in America, they invariably established the forms of government with which they were most familiar. In colonial Massachusetts one of the earliest offices created was that of the recorder, whose role it was to keep vital records of births, marriages and deaths for the church. This individual also maintained records of all of the governmental appointments, the deeds, the meetings and the elections of town officials. Early clerks in New England also had to sweep the meeting room, sell seats, ring the bell and other responsibilities that no longer exist. The title clerk started to appear around the middle of the 17th century. At that same time, the clerk’s responsibilities also included maintenance of a list of each resident’s property and its value to verify voting rights if necessary. The clerk also administered the oath of office taken by elected officials and was authorized to call local government meetings.

Early clerks in Connecticut were required to keep a record of every man’s house and land,” and present a “fairly written” copy to the General Court for recordation. The first local government election in New York City, conducted in 1686, included candidates for the offices of Sheriff, Mayor and City Clerk.

As the nation grew and states established laws and statutes governing county governments, many states decided that the county clerk should be a county-wide elected officials. Currently the states that elect the county clerk include:

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| Alabama | Missouri | Tennessee |
| Arkansas | Mississippi | Texas |
| Colorado | Montana | Utah |
| Delaware | Nebraska | Vermont |
| Idaho | Nevada | Washington |
| Illinois | New Jersey | West Virginia |
| Indiana | New Mexico | Wisconsin |
| Michigan | Oklahoma | Wyoming |

In California and New York, it is discretionary whether counties elect their clerks or appoint them. Of the remaining states, the role either is an appointed position, or does not exist.

Today, County Clerks are generally responsible for maintaining records of all governing body transactions including resolutions and ordinances. They are responsible for keeping records of deeds and marriage licenses and most other public records. They also issue permits for various parades and parties, as well as many licenses.

Another major duty of many elected County Clerks is that of receiving all nominations and petitions for elections. The Clerk also is responsible for preparing ballots, procuring and maintaining voting machines and recruiting and training poll workers and the conduct of all elections.

As an example of the role of the clerk as authorized by law – The New Mexico Constitution outlines the role of the office as follows:

1. Recorder of the county, on behalf of the Board of County Commissioners
2. Chief election officer responsible for the administration of elections in the
3. Clerk of the Probate Court in handling informal proceedings only
4. Miscellaneous duties including those of notary public, administration of oaths, certification of acknowledgements, declarations, instruments and protests.

The county clerk is responsible for keeping records, resolutions and ordinances adopted by the Board of County Commissioners. The county clerk also serves as the secretary to the commission and performs all of the following:

- Records all proceedings of the board and makes regular entries of all resolutions and decisions in all questions that concern the raising of money; records the vote of each commissioner on any question submitted to the board.
- Signs all orders issued by the board for payment of money, records the action and records the receipts of the county treasurer that show the income and expenditures of the county.

Many clerks across the country belong to national organizations such as the International Institute of Municipal Clerks or the National Association of County Recorders, Election Officials and Clerks. These organizations usually establish ethical standards and guidelines that clerks follow in the performance of their duties.

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