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SPRINGFIELD

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FILE NO. S-1260

**COUNTIES:**

Management of the  
County Clerk's Office

Honorable Lloyd Middleton  
State's Attorney  
Perry County  
Pinckneyville, Illinois 62274

Dear Mr. Middleton:

I have your letter wherein you ask whether the county board of a non-home rule county has the power to contract with a private firm for the data processing of voter registration lists, county payroll checks and distribution reports for the county mobile home privilege or local services tax or, whether under section 1.2b of "AN ACT to revise the law in relation to county clerks" (Ill.

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Rev. Stat. 1975, ch. 35, par. 1.2b), the county clerk has authority to manage these three items.

It is my opinion that the county board does not have the power to regulate or contract for the three items mentioned, unless the board does so pursuant to the request of the county clerk. Section 1.2b provides as follows:

"The county clerk shall have the right to control the internal operations of his office; to procure necessary equipment, materials and services to perform the duties of his office. This amendatory Act of 1971 does not apply to any county which is a home rule unit."

This provision clearly encompasses the purchasing of a data processing service for the three items. Section 9 of "AN ACT to revise the law in relation to county clerks" (Ill. Rev. Stat. 1975, ch. 35, par. 9) provides that the county clerk shall have the care and custody of all records. This includes the voter registration lists. Section 10 of the same Act (Ill. Rev. Stat. 1975, ch. 35, par. 10) requires the county clerk to keep a record of each order upon the county treasurer. This includes the county payroll checks. Sections 5 and 6 of the Mobile Home Local Services Tax Act

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(Ill. Rev. Stat. 1975, ch. 120, par. 1205; and Ill. Rev. Stat. 1976 Supp., ch. 120, par. 1206) provide for the county clerk to keep the county mobile home privilege or local services tax records. For the county board to contract with a private firm for the data processing of the records for these three items would violate the county clerk's right to procure the necessary equipment, materials and services to perform the duties of his office, which include the keeping of the above mentioned records.

In general, a county board's authority to manage county funds and county business (Ill. Rev. Stat. 1975, ch. 34, par. 403) and its authority to alter powers and functions of county officers (Ill. Rev. Stat. 1975, ch. 34, par. 429.18) is limited to that which is not otherwise specifically provided for by law. Furthermore, section 26 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1975, ch. 34, par. 432) imposes a duty on the county board to provide and keep in repair an office for the county clerk and to provide reasonable and necessary expenses for the use of the county clerk. However, the county board establishes

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the budget of the county clerk and has control over the expenses of the office. See opinion No. S-1075, issued April 21, 1976.

Very truly yours,

A T T O R N E Y   G E N E R A L