

## **CLERK OF THE CIRCUIT COURT**

Article 6, Section 2, of the Indiana Constitution establishes the office of the Clerk of the Circuit Court. The General Assembly, by statute, has assigned responsibility for many of the administrative functions of the county courts to the Clerk of the Circuit Court, which is sometimes referred to as the County Clerk. In addition, the General Assembly has assigned other non-court related governmental duties to the office of the Clerk. The following is a brief description of the functions of the Clerk of the Circuit Court.

### **Judicial Related Functions.**

- The Clerk, or a deputy, shall keep a record of all judgments, orders and decrees for the court which serves as the historical record of the court's verbatim orders.
- The Clerk also must certify and attest to any court filed documents where a complete court record is required.
- The Clerk maintains all records of pleadings, motions, papers, evidence and court rulings of the court.
- The Clerk may grant motions and petitions for process, such as for the enforcement and execution of previous orders of the court, judgments by default and other proceedings that do not require the order of the court.
- The Clerk keeps on file a record of all foreign judgments against citizens of the county and from other states and counties.
- The Clerk receives complaints and initial pleadings in matters brought before the court, may place cases on the court docket and may prepare, under the direction of the judge, calendars of cases awaiting trial.
- The Clerk also issues summonses and subpoenas to witnesses ordering them to appear in court.
- The Clerk may draw the names of prospective jurors for the empanelment of grand and petit (trial) juries and may issue summonses to prospective jurors.
- The Clerk receives payment of fines and money judgments levied by the court. In the case of a money judgment, the Clerk pays the money to the person or entity entitled to the judgment. This office also collects child support and assists in maintaining the records of the Indiana Child Support Enforcement System.
- The Clerk charges and receives court costs and fees (or clerk's costs) in connection with court actions or other legal business and service of the court.
- The Clerk prepares budget estimates for their offices, and in addition, may prepare budgets for the Voter Registration/Election department. They are submitted to the county council for review and approval.
- The Clerk is also secretary to the County Commission on Public Record. This is governed under Indiana Code 5-15-5.
- The Clerk is also responsible for microfilming court related records as required in Administrative Rule 7.

## **Election Related Functions.**

- The Clerk serves as an ex-officio member and secretary of the county election board and as a member and clerk of the county board of canvassers.
- These appointments must be made from each of the two major political parties and from nominations filed in writing by the county chairs of the two major parties.
- The Clerk receives filings of candidacy from persons seeking certain elective public offices and issues certificates of election to successful local candidates except in the cases of constitutional officers, who receive their commissions from the Governor.
- The County Clerk serves as the voter registration officer in all counties having a population of less than 125,000 persons that do not have a board of voter registration. Serving in this capacity, the Clerk has full charge and control of the process of registering voters in the county, including certification of deputy registration officers. Counties having a population of 125,000 or more must have a board that performs these functions. {IC 3-7-12-3}
- As Voter Registration Official, the Clerk registers all voters within the county; maintains official records of voter registration and voter turnout histories; generates records for use by precinct election board members to verify registered voters to polling locations; instructs and gives credentials to outside registrars; notifies voters of precinct changes and provides certification for petition of candidates' and independent political parties' names to be on the ballot.
- The Clerk, as a member of the Election Board, is responsible for preparing and proof reading the ballots, processes candidate declarations and campaign finance reports, trains and compensates precinct election day staff members; provides and allocates supplies and equipment for all precincts; redefines precinct boundary lines; demonstrates and instructs in the use of voting machines and verifies the accuracy and integrity of the voting machines and training poll workers before Election Day.
- Secures voting precinct locations; complies with federal handicapped accessibility requirements (HAVA); recommends adjustments to facilities; and mediates any contracts.
- The Clerk is in charge of the absentee voter board, which receives requests, determines voter's eligibility and accepts applications; provides appropriate ballots to enable voting in federal, state, county, municipal, township, school board and special elections; conducts voting for confined voters at private homes, nursing homes and hospitals.
- On Election Day, the Clerk and their staff provides assistance to poll workers, media and the general public.
- The Clerk verifies absentee and write-in votes and prepares the certification of the official vote totals.

### **Other Administrative Functions.**

- The Clerk also performs certain services to the public that are not directly or obviously judicial functions, but concern legal or quasi-legal affairs. These may include the issuance of various licenses and certificates such as licenses for distress sales, hunting and fishing licenses, passports, registration of bail agents and record keepers for all non-judicial orders, such as ordinances, resolutions, bonds of numerous public officials of the county and other miscellaneous records.
- The Clerk processes marriage applications; issues marriage licenses and may also perform weddings. No Clerk's fees are charged for these services.
- The Clerk may administer oaths, including the oaths of office of county officials and new deputies.
- Prepares notary public certifications, keeps records of all Breath Test Operator Certification and Recertification, all Certificate of Inspection and Compliance of Breath Test Instruments testing for intoxication, Conflict of Interest disclosures, all Bankruptcy's and State Tax Warrants.
- The Clerk is subject to regular audits by State Board of Accounts. Reports are filed with appropriate agencies including the Auditor, Treasurer, Bureau of Motor Vehicles, Indiana State Child Support Division, State Treasurer, etc....