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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-275

COUNTY OFFICERS:
Section 4, Article VII,
Constitution of Illinois 1970

Honorable Robert A. Downs
State's Attorney
Fulton County
Lewistown, Illinois 61542

Dear Sir:

I have your recent letter wherein you state:

"Would you please answer the following question as regards the new Constitution and the office of Coroner:

Question

According to Article VII, Section 4, Sub-paragraph C, each County shall elect a Sheriff, County Clerk and Treasurer, and may elect or appoint a Coroner, Recorder, Assessor, Auditor and such other officers as provided by law or County Ordinance. My question concerns whether or not the Legislature must first act before a County may pass an ordinance

providing for either the election or appointment of a Coroner.

I believe it to be the position of Fulton County that they would prefer to continue the office of Coroner, but I have been asked by my Board of Supervisors to inquire whether or not implementing legislation is first required by the State of Illinois before the County may act in this area."

Section 9 of the transition schedule of the 1970

Constitution of Illinois provides as follows:

"The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution. The validity of all public and private bonds, debts and contracts, and of all suits, actions and rights of action, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto."

From the foregoing provision it can be observed that all laws which are not inconsistent with the provisions of the 1970 Constitution of Illinois remain in force until they

expire or are altered or repealed pursuant to the 1970 Constitution. Since the office of coroner is now an elected office, it will remain an elected office unless the office is abolished or altered pursuant to the 1970 Constitution.

Subparagraph c of Section 4, Article VII of the 1970 Illinois Constitution reads as follows:

"Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance."

An examination of the foregoing provisions of Subparagraph c of Section 4 of Article VII indicates that each county may elect or appoint a coroner pursuant to any legislation enacted by the General Assembly. Furthermore, the office of coroner may be eliminated or the term

Honorable Robert A. Downs

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of office and manner of selection of the coroner may be changed by a county-wide referendum. In the absence of any legislation or county-wide referendum to the contrary, the office of coroner would remain an elected office.

Very truly yours,

ATTORNEY GENERAL