

Key bullet points/timeline for changing to an appointed Clerk/Treasurer

- Process must be completed during *even years* when the general election is held in November. This year is a general election year – November 5, 2024
- Enact an ordinance that provides for the appointment of the position. This needs to be done 70 days prior to going to referendum. (see statute below) Posting the ordinance as an Agenda item for the August 21, 2024 Regular Board meeting would work as it would be 75 days prior to the November election.
- Referendum would be placed on the November 5th ballot.
- If passed, the board would be able to appoint the clerk and treasurer positions.

Burnett County townships that have gone to appointed clerks/treasurer positions:

- | | | |
|--|----------------------|-------------------------|
| • Town of Anderson | • Town of Lincoln | • Village of Grantsburg |
| • Town of Blaine | • Town of Oakland | (combined positions) |
| • Town of Grantsburg
(combined positions) | • Town of Sand Lake | • Village of Siren |
| • Town of Jackson | • Town of Trade Lake | (combined positions) |
| • Town of LaFollette | • Town of Webb Lake | • Village of Webster |
| | • Town of Wood River | (combined positions) |

The towns of Marshland, Union, Swiss, Siren, Rusk, Roosevelt, Meenon, and Daniels still elect their clerks and treasurers.

Wisconsin Statute §60.30(1e)(b):

(1e) APPOINTED TOWN OFFICERS.

(b) An ordinance enacted under par. (a) may not take effect until it is approved in a referendum called by the town board for that purpose at the next spring or general election, to be held not sooner than 70 days after the referendum is called by the town board. *The referendum question shall be: "Shall the person holding the office of ... [town clerk or town treasurer, or both; or the combined office of town clerk and town treasurer] in the town of ... be appointed by the town board?"*.)

Appointed Clerk, Treasurer or Clerk-Treasurer

- **How is the elective office of clerk, treasurer or clerk-treasurer turned into an appointive office, the selection of which is vested in the town board?**

The procedural options that are available to convert the position(s) to “appointed” vary depending on the size of the town. In a town with a population over 2,500, the electors may vote to have the position(s) become appointed at a town meeting of the electors. See Wis. Stat. § 60.10(1)(b)(2m) & 60.30(1e)(e). **Towns with smaller populations, and towns exceeding 2,500 that choose not to use the above procedure, may also convert the office(s) to “appointed” by following a different set of steps.**

First, the town board must **enact an ordinance that provides for the appointment of the position(s)**. See Wis. Stat. § 60.10(1e)(a). A sample appointment ordinance is available in the Information Library. *Next*, the town **board must call a referendum for the electors to approve the ordinance**--the call for the referendum is made a part of our sample ordinance. The referendum *must be held not sooner than 70 days* after the referendum is called by the town board and the referendum must be held at the next spring or general election. See Wis. Stat. § 60.30(1e)(b).

That means that a town board wishing to use this method **should adopt such an ordinance at a properly noticed town board in early August in order to have the question go on the ballot at the General Election in November of an even-numbered year**. (If the town waits to put the question on the Spring Election ballot, the change will not become effective until the start of the next term.) If such an ordinance is approved in a referendum or the switch will occur because of a town elector meeting vote, the change from an elective to an appointive office may not take effect until the term of the incumbent expires. For example, if the ordinance is approved at the general election this fall, the ordinance takes effect upon the expiration of the term(s) of the incumbent officer(s). However, if the ordinance were adopted after the August deadline and placed on the spring election ballot at which the office of the town clerk and/or treasurer is filled, the ordinance would take effect upon the expiration of the term or terms of each officer who is elected at that election. That means the town would essentially have to wait 2 more years for the office to become appointive. As a result, any town attempting to make the switch by referendum needs to be sure to get the ordinance passed at least 70 days in advance of a General Election in an even numbered year, if it wants the switch to become effective in April of an odd numbered year.

NOTE: Not sooner than 2 years after the position becomes appointive, the town board may enact an ordinance to return the office to an elective position, without a referendum or a town elector meeting vote. See Wis. Stat. § 60.30(1e)(d) & 60.30(1e)(g).

- **How many appointed and elected town clerks and treasurers are there in Wisconsin? How many hold the combined office?**

Out of 1,249 towns, there are currently: 240 appointed clerks and 800 elected clerks; 165 appointed treasurers and 875 elected treasurers; 126 appointed clerk-treasurers and 102 elected clerk-treasurers.

- **Why do towns switch to having an appointed clerk or treasurer?**

The positives or negatives often depend on one's perspective. But some of the key differences are as follows:

Appointed clerks and treasurers:

- Do not have to be town residents.
- Have their qualifications, job descriptions, and wages/benefits set by the town board as they are essentially town employees hired by the board.
- Cannot be removed by the board during their term of office, unless there is "cause" for removal (misconduct in office or neglect of duties). The board can simply choose not to re-appoint an official at the end of his or her term without having to establish cause.
- Can be appointed for a term not to exceed 3 years at one time. Can be appointed for a shorter term such as six months or one year or whatever the board deems appropriate.

Elected clerks and treasurers:

- Do have to be town residents.
- Are answerable to the electorate and cannot be required by the board to hold specific qualifications or obtain training (unless required by state law-such as election training for clerks).
- Can be recalled from office like other elected officials.
- Are elected for two-year terms at the spring election in odd-numbered years.

Sample Ordinance: Clerk/Treasurer Appointment

[Following is a sample ordinance that triggers a referendum vote to have the electors approve the conversion of an elected office of a town clerk, town treasurer or combined office of town clerk-treasurer into a town board appointed office. Towns with at least 2,500 population may use this method, but may also use a town electors' meeting per § 60.10(1)(b)2m; towns with less than 2,500 population can only use this method to change an elected office into an appointed one. This ordinance must be adopted by the town board and properly noticed by the town clerk *a minimum of 70 days prior to the referendum*, § 60.30(1e)(b).]

ORDINANCE No. _____

The Town Board of the Town of _____, _____ County, Wisconsin, does hereby ordain as follows:

That, pursuant to Wis. Stat. § 60.30(1e)(a), the office of the [insert whatever is desired: town clerk or town treasurer, or both; or the combined office of town clerk and town treasurer] shall be filled by appointment of a majority of the members-elect of the town board.

The term of office for the appointed position(s) shall be set by the town board, but may not exceed 3 years per § 60.30(1e)(c). The town board may re-appoint the officer(s) for additional terms. However, removal by the town board during a given term of office may only be for "cause" as defined under § 17.001 and required by § 60.30(1e)(f).

This ordinance is subject to approval by the town electors in a referendum, which is hereby called by the Town Board to be held on _____ [insert either the next general election or spring election date]. The referendum question(s) shall be:

"Shall the person holding the office of _____ [insert whatever is desired: town clerk or town treasurer, or both; or the combined office of town clerk and town treasurer] in the Town of _____ be appointed by the town board?"

The salary of the appointed position(s) shall be set by the town board and may not be reduced during the term of office.

This ordinance shall be in full force and effect from and after the date of its town board passage, notice after passage per § 60.80 and also its referendum approval by the town electors as required by § 60.30(1e)(b).

Adopted this ____ day of _____, 20____.

Town of _____, _____ County, Wisconsin.

_____, Chairperson

Attestation:

_____, Clerk

Published/Posted: _____