



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 373
[2013 Assembly Bill 613]

Duties of County Clerks

2013 Wisconsin Act 373 makes various changes relating to the duties of county clerks.

Authority to Hire Assistants in Nonpopulous Counties

Prior law authorized clerks in counties with populations over 150,000 to appoint the number of assistants that the county board authorizes and prescribes. **The Act** extends that authority to all county clerks, regardless of county population size.

Appointment of an Acting Clerk

Prior law authorized a county board to appoint an acting clerk in situations in which a clerk is incapable of discharging the duties of his or her office.

The Act requires a county board to make such an appointment within 90 days after the board adopts a resolution finding that the county's clerk is incapable of discharging the duties of the office.

Role of Clerk With Respect to County Board Meetings

Prior law required a county clerk to act as clerk of the county board at the board's meetings, and to keep certain minutes and records regarding the board meetings.

The Act specifies that the clerk has that role at all of the county board's regular, special, limited term, and standing committee meetings. Additionally, the Act specifies that the clerk has the responsibility for creating agendas for such meetings, under the direction of the county board chairperson or relevant committee chairperson. The Act also specifies that the minutes of county board meetings, including committee meetings, must be kept and recorded by the clerk, in a format chosen by the clerk.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Executive Director of the Milwaukee County Board of Election Commissioners

Prior law authorized the Milwaukee County Board of Election Commissioners to hire an executive director to perform duties assigned to the executive director by the board.

The Act requires the clerk in Milwaukee County to serve as executive director of the Milwaukee County Board of Election Commissioners. The Act retains the Milwaukee County Board of Election Commissioners' authority to assign duties to the clerk.

Certain Notification Requirements in Populous Counties

Prior law required clerks in counties with populations of 150,000 or fewer people to do both of the following:

- Notify a county commissioner of highways of the commissioner's election within 10 days of the election.
- Notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

The Act also applies those notification requirements to clerks in counties with populations over 150,000.

Updates to Certain Duties to Account for Technological Changes

Prior law required a clerk to keep certain types of records, including records of proceedings, orders for payment, treasurer's reports, and money received and paid, "in a book."

The Act retains the requirements that clerks keep such records but removes the requirement that the records must be kept "in a book." In addition, the Act modifies a provision of the judicial code establishing what constitutes *prima facie* evidence for county and municipal ordinances to include matters recorded using authorized formats other than record books.

List of Local Officials

Prior law, retained by the Act, requires a county clerk to transmit an annual list to the Secretary of State showing the names and addresses of the chairperson, mayor, president, clerk, treasurer, and assessor of each municipality in the county.

The Act expands that requirement to include phone numbers and e-mail addresses, and to include council and board members of each municipality, together with the elective or appointive officials of any other local government unit located wholly or partially within the county. The Act also requires the clerk, secretary, or other relevant administrative officer to provide the needed information to the county clerk.

Codification of Additional Responsibilities

The Act adds several responsibilities to the list of actions that county clerks are required to perform under ch. 59, Stats. Each of the responsibilities is also authorized or required under

another statute but had not been codified in ch. 59, Stats., the chapter governing county government. The Act specifies that county clerks must do all of the following:

- Exercise specified authorities relating to county property, to the extent authorized by the county board.
- Apportion taxes and carry out specified related responsibilities.
- Perform specified responsibilities relating to dog licensing.
- Administer the programs for issuing marriage licenses and for forming and terminating domestic partnerships.
- Provide notice to a town chairperson regarding the harvesting of raw forest products.

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