

# State of Wisconsin



2013 Assembly Bill 613

Date of enactment: April 23, 2014  
Date of publication\*: April 24, 2014

## 2013 WISCONSIN ACT 373

AN ACT *to repeal* 59.23 (2) (j) and 59.23 (2) (k); *to amend* 5.62 (4) (b), 7.20 (1), 7.21 (2), 59.23 (1) (a), 59.23 (1) (b), 59.23 (1) (c), 59.23 (2) (a), 59.23 (2) (b), 59.23 (2) (c), 59.23 (2) (e), 59.23 (2) (f), 59.23 (2) (h), 59.23 (2) (m) 2., 59.23 (2) (n), 59.23 (2) (q), 59.23 (2) (r), 59.23 (2) (s) and 889.04; and *to create* 59.23 (2) (cm), 59.23 (2) (de), 59.23 (2) (dg), 59.23 (2) (di), 59.23 (2) (i) and 59.23 (2) (nm) of the statutes; **relating to:** modifying the duties of a county clerk; the counties in which a board of election commissioners is required; and staffing of a board of election commissioners in populous counties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 5.62 (4) (b) of the statutes is amended to read:

5.62 (4) (b) The county board of election commissioners in counties having a population of more than ~~500,000~~ 750,000 shall prepare the official primary ballot. The commissioners shall arrange the names of all candidates for each office whose nomination papers are filed at the county level, using the same method as that used by the government accountability board under s. 5.60 (1) (b).

**SECTION 2.** 7.20 (1) of the statutes is amended to read:

7.20 (1) A municipal board of election commissioners and a county board of election commissioners shall be established in every city and county over 500,000 population. A county board of election commissioners shall be established in every county over 750,000 population.

**SECTION 3.** 7.21 (2) of the statutes is amended to read:

7.21 (2) The county clerk shall serve as executive director of the county board of election commissioners

~~may hire an executive director who.~~ The clerk shall perform whatever duties the board of election commissioners assigns to him or her. The county board shall determine the salary of that executive director. Appointment and removal of that executive director shall be subject to civil service standards. An executive director of the city board of election commissioners shall be appointed under s. 62.51.

**SECTION 4.** 59.23 (1) (a) of the statutes is amended to read:

59.23 (1) (a) Every clerk shall appoint in writing one or more deputies and file the appointment in the clerk's office. The deputy or deputies shall aid in the performance of the duties of the clerk under the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy in the clerk's office, unless another is appointed therefor as provided in par. (c), shall perform all of the duties of the clerk during the absence or until the vacancy is filled. The board may, at any meeting its annual meeting or at any special meeting, provide a salary for the deputy or deputies.

**SECTION 5.** 59.23 (1) (b) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

59.23 (1) (b) In each county ~~having a population exceeding 150,000 according to the last state or national census,~~ the clerk may also appoint the number of assistants that the board authorizes and prescribes, and the assistants shall receive salaries that the board provides and fixes.

**SECTION 6.** 59.23 (1) (c) of the statutes is amended to read:

59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board ~~may~~ shall appoint an acting clerk, ~~who shall within 90 days after the board adopts a resolution finding that the clerk is incapable of discharging the duties of the office. The acting clerk shall~~ serve until the disability is removed. If the board is not in session at the time of the incapacity, the chairperson of the board may appoint an acting clerk, whose term shall not extend beyond the next regular or special meeting of the board. A person appointed as acting clerk or appointed to fill a vacancy in the office of clerk, upon giving an official bond with sureties as required of a clerk, shall perform all of the duties of the office; and thereupon the powers and duties of the deputy of the last clerk shall cease.

**SECTION 7.** 59.23 (2) (a) of the statutes is amended to read:

59.23 (2) (a) *Board proceedings.* Act as clerk of the board at all of the board's regular, special, limited term, and standing committee meetings thereof; under the direction of the county board chairperson or committee chairperson, create the agenda for board meetings; keep and record in a book therefor true minutes of all the proceedings of the board; in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee; file in the clerk's office copies of agendas and minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; publish ordinances as provided in s. 59.14 (1); and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.

**SECTION 8.** 59.23 (2) (b) of the statutes is amended to read:

59.23 (2) (b) *Recording of proceedings.* Record at length ~~in a book therefor~~ every resolution adopted, order passed and ordinance enacted by the board.

**SECTION 9.** 59.23 (2) (c) of the statutes is amended to read:

59.23 (2) (c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep ~~in a book therefor~~ a true and correct account ~~thereof of such orders,~~ and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall

not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. 65.90 (5).

**SECTION 10.** 59.23 (2) (cm) of the statutes is created to read:

59.23 (2) (cm) *Apportionment of taxes.* Apportion taxes and carry out other responsibilities as specified in s. 70.63 (1).

**SECTION 14.** 59.23 (2) (de) of the statutes is created to read:

59.23 (2) (de) *Property.* To the extent authorized by the board, exercise the authority under s. 59.52 (6).

**SECTION 15.** 59.23 (2) (dg) of the statutes is created to read:

59.23 (2) (dg) *Dogs.* Perform the responsibilities relating to dog licensing, which are assigned to the clerk under ch. 174, and the dog fund specified in ch. 174.

**SECTION 16.** 59.23 (2) (di) of the statutes is created to read:

59.23 (2) (di) *Marriage licenses, domestic partnerships.* Administer the program for issuing marriage licenses as provided in ch. 765 and the program for forming and terminating domestic partnerships as provided in ch. 770.

**SECTION 17.** 59.23 (2) (e) of the statutes is amended to read:

59.23 (2) (e) *Reports of receipts and disbursements.* Record ~~in a book therefor~~ the reports of the treasurer of the receipts and disbursements of the county.

**SECTION 18.** 59.23 (2) (f) of the statutes is amended to read:

59.23 (2) (f) *Recording receipts and disbursements.* Keep a true and accurate account ~~in a book therefor~~ of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.

**SECTION 19.** 59.23 (2) (h) of the statutes is amended to read:

59.23 (2) (h) *Books of account.* Keep all of the accounts of the county and all books of account as in a manner that the board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

**SECTION 20.** 59.23 (2) (i) of the statutes is created to read:

59.23 (2) (i) *Chief election officer, election duties.* As the chief election officer of the county, perform all duties that are imposed on the clerk in relation to the preparation and distribution of ballots and the canvass and return of votes at general, judicial, and special elections.

**SECTION 21.** 59.23 (2) (j) of the statutes is repealed.

**SECTION 22.** 59.23 (2) (k) of the statutes is repealed.

**SECTION 23.** 59.23 (2) (m) 2. of the statutes is amended to read:

59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge therefor the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.

**SECTION 24.** 59.23 (2) (n) of the statutes is amended to read:

59.23 (2) (n) ~~*Taxes; election duties.*~~ Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes, ~~and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial and special elections.~~

**SECTION 25.** 59.23 (2) (nm) of the statutes is created to read:

59.23 (2) (nm) *Timber harvest notices.* Provide notice to a town chairperson regarding the harvesting of raw forest products, as described in s. 26.03 (1m) (a) 2.

**SECTION 26.** 59.23 (2) (q) of the statutes is amended to read:

59.23 (2) (q) *County highway commissioner; notify of election.* ~~Except in counties having a population of 150,000 or more, notify~~ Notify a county commissioner of highways of the commissioner's election within 10 days thereafter.

**SECTION 27.** 59.23 (2) (r) of the statutes is amended to read:

59.23 (2) (r) *County tax for road and bridge fund.* ~~Except in counties having a population of 150,000 or more, notify~~ Notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

**SECTION 28.** 59.23 (2) (s) of the statutes is amended to read:

59.23 (2) (s) ~~*List of municipal officers*~~ *local officials.* Annually, on the first Tuesday of June, transmit to the secretary of state a ~~typewritten or printed~~ list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other local governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as defined in s. 66.0137 (1) (ae), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.

**SECTION 29.** 889.04 of the statutes is amended to read:

**889.04 County and municipal ordinances.** Matter entered or recorded in any ordinance ~~or~~ record book, or other format authorized under ss. 59.23 (2) (b), 60.33 (1) and (2), 61.25 (3) and 62.09 (11) (c) or printed in any newspaper, book, pamphlet, or other form purporting to be so published, entered or recorded by any county, town, city or village in this state as a copy of its ordinance, bylaw, resolution or regulation, is prima facie evidence thereof; and after 3 years from the date of such publication, entry or recording such book or pamphlet shall be conclusive proof of the regularity of the adoption and publication of the ordinance, bylaw, resolution or regulation.