

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **01hr_ajr0022_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **



Supreme Court of Wisconsin

110 E. Main Street, Suite 215
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MADISON, WISCONSIN 53701-1688

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Chief Justice
William A. Bablitch
Jon P. Wilcox
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Justices

Telephone (608) 266-1880
Facsimile (608) 267-0640
Web Site: www.courts.state.wi.us

J. Denis Moran
Director of State Courts

Cornelia G. Clark
Clerk

March 15, 2001

Rep. Stephen Freese, Chair
Assembly Campaigns and Elections Committee
115 West, State Capitol Building
Madison, WI

Dear Rep. Freese:

I write regarding AJR 22 that I understand has a public hearing before your committee today. This joint resolution allows counties to elect or appoint various county officials. Clerks of circuit court are included among the affected officials. A change from elective to appointive would have to be approved by the county voters at a referendum. If approved the appointment would be made by the county board or the chief county executive if the position exists.

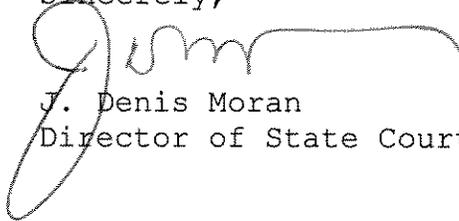
This bill was discussed at a recent meeting of the Chief Judges of the ten judicial administrative districts and they asked me to express their opposition to that part of the bill that allows a county board or executive to appoint a clerk of circuit court. While the Chief Judges have not taken an official position on the issue of whether clerks should be appointed or elected, they feel strongly that if they are appointed, the appointing authority should be in the judicial branch. By Supreme Court Rule a chief judge is responsible for the administration of judicial business within his or her district. This includes the activities of clerk of court offices within the district. The committee feels that allowing the county board/executive, an executive branch entity, to appoint the clerk of circuit court, a judicial branch employee, would compromise the line of authority between the chief judge and the clerk. Giving the county board/executive appointing power allows that person to wield an inappropriate amount of control over the clerk,

Rep. Stephen Freese, Chair
March 15, 2001
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particularly in budget or personnel matters. The Chief Judges ask your committee to consider removing clerks of circuit court from the bill.

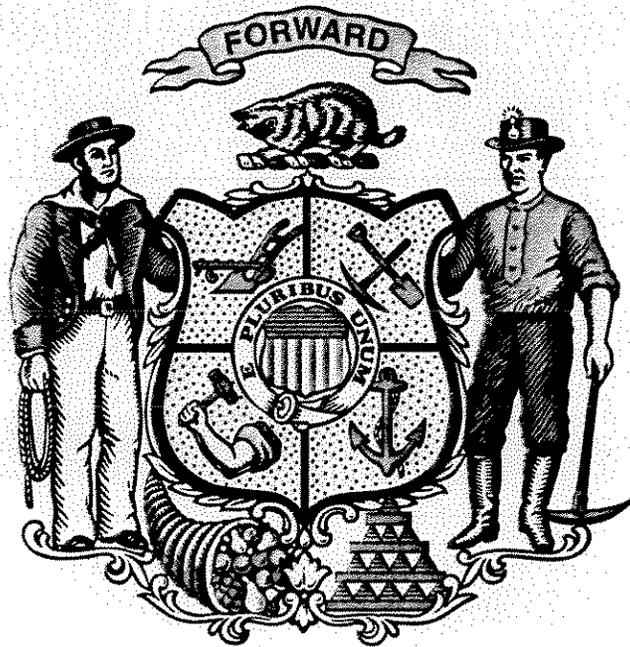
Thank you for your consideration of this matter. If you have any questions please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "JDM", with a long horizontal flourish extending to the right.

J. Denis Moran
Director of State Courts

cc: All Committee Members
Chief Judges





BOB ZIEGELBAUER

STATE REPRESENTATIVE • TWENTY FIFTH ASSEMBLY DISTRICT

Committee on Campaigns & Elections

Representative Stephen Freese, Chair

Thursday, March 15, 2001

9:00 a.m. – 415 NW

Support for AJR 22

Mr. Chairman and Members:

Thank you for scheduling this hearing on AJR 22 and for your consideration of it.

AJR 22 is proposing, on first consideration, a change to the State Constitution which would allow Wisconsin counties the *option* of converting any of the currently constitutionally required elected offices to appointed positions.

All Wisconsin counties are now required by the State Constitution to *elect* a number of courthouse officials who have mostly administrative rather than policy duties (Register of Deeds, Clerk, Clerk of Courts, Treasurer, Sheriff and District Attorney).

This proposal which was a recommendation of the Governor's Blue-Ribbon Commission on State-Local Relations, also known as the Kettl Commission, would amend the State Constitution to give counties the option of appointing these officials and reorganizing their functions. The option would be implemented by resolution of the County Board and subsequent ratification by voters in a countywide referendum.

Enacting this local option would increase the clarity of accountability of county operations to voters. Ideally, Legislative policy flows directly through the County Board while administrative/operational responsibilities flow directly from the executive elected by the people (or the administrator chosen by the County Board).

It can also be argued that autonomously elected administrative positions discourage innovative restructuring and further confuses accountability to the electorate. Keep in mind that this proposed mechanism to allow this option for Counties would require a countywide referendum – another safeguard for accountability. Elected officials can plead their case for indispensability to the electorate if they feel that they are being treated unfairly by the County Board.

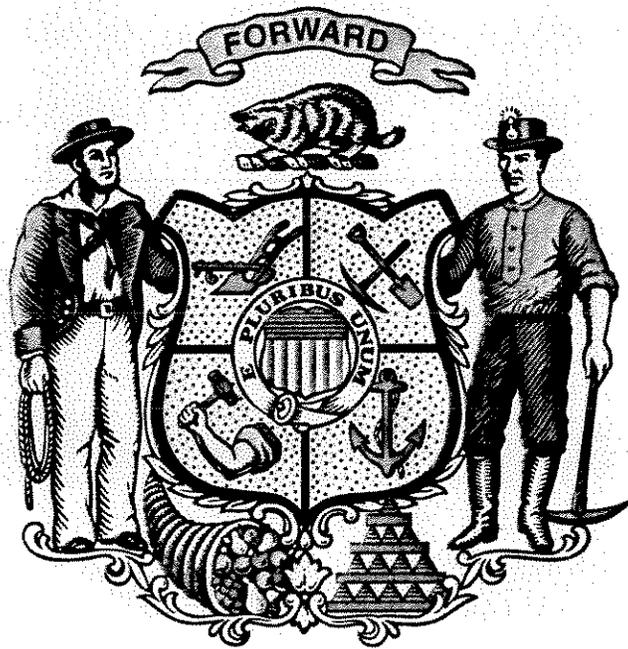
Thank you again for your consideration. I would be happy to answer any questions you might have.

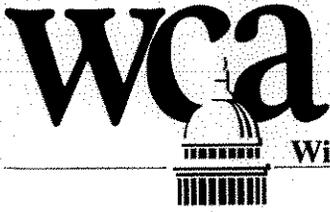
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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Campaigns and Elections

FROM: Jennifer Sunstrom, Legislative Associate JS

DATE: March 15, 2001

RE: AJR 24 and AJR 22

The Wisconsin Counties Association (WCA) would like to offer our support for Assembly Joint Resolution 24, which would amend the Wisconsin Constitution to establish four-year terms of office for clerks of circuit court and AJR 22 which would permit counties to elect or appoint county constitutional officers upon approval in a county referendum.

As the legislature considers this constitutional amendment, we would respectfully request that you also consider some of the broader issues surrounding these county elective offices. Over the last fifty years county government, not unlike all levels of government, has become increasingly technical and complicated. As the functions of county government have expanded, the role of county officers has evolved to meet these new demands. County elected officers have a number of specific responsibilities, however, with the exception of the county board and the county executive, policy making is not among those responsibilities.

WCA supports Constitutional language that would authorize counties to either elect or appoint county officers and to provide elected county officers with a four-year term of office. We believe that granting both the county option to appoint and the four-year term of office will increase the organizational stability of these offices and the professionalism of the individuals serving these important functions. The Constitutional language regarding these county elected officers could be drafted broadly enough to enable the appointment of these officers and four-year terms. Once broad Constitutional language is approved, then the details regarding the process for filling these county offices could be written into the statutes.

Despite the grant of Administrative Home Rule Authority, county boards and county executives have been straddled with a constitutionally established system of government that limits their ability to effectively organize the operations of the county. With the establishment of the office of county executive, the legislature demonstrated an understanding for the need for flexibility to accommodate the varying organizational needs of different counties.

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March 15, 2001

Therefore, some counties have chosen to elect a county executive, while others appoint a county administrator, and others have chosen to maintain the powers of these offices within the structure of the county board. Creating the option for counties to determine the best way to provide services to their citizens has resulted in a variety of systems that reflect the diversity of our counties.

We have many competent, experienced, skilled individuals serving in county government. It is not our intent to call into question the capabilities of individuals currently serving as county elected officers. However, we are questioning the limitations that the current constitutional provisions place upon county government. Counties are struggling to meet the needs of their citizens and streamline their operations in the process, but the one-size-fits-all system of county government often frustrates and impedes those efforts.

We believe a constitutional amendment to allow four-year terms of office may help improve the effectiveness of these positions. We also believe it is time to address the inability of the current system to meet the organizational and administrative needs of county government.

If you have any questions, please do not hesitate to contact the WCA office.

Thank you for considering our comments.