



## 2013 ASSEMBLY BILL 613

1     **AN ACT** *to repeal* 59.23 (2) (j) and 59.23 (2) (k); *to amend* 5.62 (4) (b), 7.20 (1),  
2           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  
3           (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  
4           (2) (q), 59.23 (2) (r), 59.23 (2) (s) and 889.04; and *to create* 59.23 (2) (cm), 59.23  
5           (2) (de), 59.23 (2) (dg), 59.23 (2) (di), 59.23 (2) (i) and 59.23 (2) (nm) of the  
6           statutes; **relating to:** modifying the duties of a county clerk; the counties in  
7           which a board of election commissioners is required; and staffing of a board of  
8           election commissioners in populous counties.

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*Analysis by the Legislative Reference Bureau*

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

9           **SECTION 1.** 5.62 (4) (b) of the statutes is amended to read:  
10           5.62 (4) (b) The county board of election commissioners in counties having a  
11           population of more than ~~500,000~~ 750,000 shall prepare the official primary ballot.

**ASSEMBLY BILL 613****SECTION 1**

1 The commissioners shall arrange the names of all candidates for each office whose  
2 nomination papers are filed at the county level, using the same method as that used  
3 by the government accountability board under s. 5.60 (1) (b).

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

5 7.20 (1) A municipal board of election commissioners ~~and a county board of~~  
6 ~~election commissioners~~ shall be established in every city ~~and county~~ over 500,000  
7 population. A county board of election commissioners shall be established in every  
8 county over 750,000 population.

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

10 7.21 (2) The county clerk shall serve as executive director of the county board  
11 of election commissioners ~~may hire an executive director who.~~ The clerk shall  
12 perform whatever duties the board of election commissioners assigns to him or her.  
13 ~~The county board shall determine the salary of that executive director. Appointment~~  
14 ~~and removal of that executive director shall be subject to civil service standards.~~ An  
15 executive director of the city board of election commissioners shall be appointed  
16 under s. 62.51.

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

18 59.23 (1) (a) Every clerk shall appoint in writing one or more deputies and file  
19 the appointment in the clerk's office. The deputy or deputies shall aid in the  
20 performance of the duties of the clerk under the clerk's direction, and in case of the  
21 absence or disability of the clerk or of a vacancy in the clerk's office, unless another  
22 is appointed therefor as provided in par. (c), shall perform all of the duties of the clerk  
23 during the absence or until the vacancy is filled. The board may, at any meeting its  
24 annual meeting or at any special meeting, provide a salary for the deputy or deputies.

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

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

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

6           59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board  
7 may shall appoint an acting clerk, ~~who shall~~ within 90 days after the board adopts  
8 a resolution finding that the clerk is incapable of discharging the duties of the office.  
9 The acting clerk shall serve until the disability is removed. If the board is not in  
10 session at the time of the incapacity, the chairperson of the board may appoint an  
11 acting clerk, whose term shall not extend beyond the next regular or special meeting  
12 of the board. A person appointed as acting clerk or appointed to fill a vacancy in the  
13 office of clerk, upon giving an official bond with sureties as required of a clerk, shall  
14 perform all of the duties of the office; and thereupon the powers and duties of the  
15 deputy of the last clerk shall cease.

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

17           59.23 (2) (a) *Board proceedings.* Act as clerk of the board at all of the board's  
18 regular, special, limited term, and standing committee meetings thereof; under the  
19 direction of the county board chairperson or committee chairperson, create the  
20 agenda for board meetings; keep and record in a book therefor true minutes of all the  
21 proceedings of the board; in a format chosen by the clerk, including all committee  
22 meetings, either personally or through the clerk's appointee; file in the clerk's office  
23 copies of agendas and minutes of board meetings and committee meetings; make  
24 regular entries of the board's resolutions and decisions upon all questions; record the  
25 vote of each supervisor on any question submitted to the board, if required by any

**ASSEMBLY BILL 613****SECTION 7**

1 member present; publish ordinances as provided in s. 59.14 (1); and perform all  
2 duties prescribed by law or required by the board in connection with its meetings and  
3 transactions.

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

5 59.23 (2) (b) *Recording of proceedings.* Record at length ~~in a book therefor~~ every  
6 resolution adopted, order passed and ordinance enacted by the board.

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

8 59.23 (2) (c) *Orders for payment.* Sign all orders for the payment of money  
9 directed by the board to be issued, and keep ~~in a book therefor~~ a true and correct  
10 account ~~thereof~~ of such orders, and of the name of the person to whom each order is  
11 issued; but he or she shall not sign or issue any county order except upon a recorded  
12 vote or resolution of the board authorizing the same; and shall not sign or issue any  
13 such order for the payment of the services of any clerk of court, district attorney or  
14 sheriff until the person claiming the order files an affidavit stating that he or she has  
15 paid into the county treasury all moneys due the county and personally collected or  
16 received in an official capacity; and shall not sign or issue any order for the payment  
17 of money for any purpose in excess of the funds appropriated for such purpose unless  
18 first authorized by a resolution adopted by the county board under s. 65.90 (5).

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

20 59.23 (2) (cm) *Apportionment of taxes.* Apportion taxes and carry out other  
21 responsibilities as specified in s. 70.63 (1).

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

23 59.23 (2) (de) *Property.* To the extent authorized by the board, exercise the  
24 authority under s. 59.52 (6).

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

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1           59.23 (2) (dg) *Dogs*. Perform the responsibilities relating to dog licensing,  
2           which are assigned to the clerk under ch. 174, and the dog fund specified in ch. 174.

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

4           59.23 (2) (di) *Marriage licenses, domestic partnerships*. Administer the  
5           program for issuing marriage licenses as provided in ch. 765 and the program for  
6           forming and terminating domestic partnerships as provided in ch. 770.

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

8           59.23 (2) (e) *Reports of receipts and disbursements*. Record ~~in a book therefor~~  
9           the reports of the treasurer of the receipts and disbursements of the county.

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

11          59.23 (2) (f) *Recording receipts and disbursements*. Keep a true and accurate  
12          account ~~in a book therefor~~ of all money which comes into the clerk's hands by virtue  
13          of the clerk's office, specifying the date of every receipt or payment, the person from  
14          or to whom the receipt or payment was received or paid, and the purpose of each  
15          particular receipt or disbursement, and keep the book at all times open to the  
16          inspection of the county board or any member of the board.

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

18          59.23 (2) (h) *Books of account*. Keep all of the accounts of the county and all  
19          books of account as in a manner that the board directs. Books of account shall be  
20          maintained on a calendar year basis, which shall be the fiscal year in every county.

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

22          59.23 (2) (i) *Chief election officer, election duties*. As the chief election officer  
23          of the county, perform all duties that are imposed on the clerk in relation to the  
24          preparation and distribution of ballots and the canvass and return of votes at  
25          general, judicial, and special elections.

**ASSEMBLY BILL 613****SECTION 21**

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

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

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

4           59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths  
5 and bonds of all county officers and upon request shall certify under the clerk's  
6 signature and seal the official capacity and authority of any county officer so filing  
7 and charge therefor the statutory fee. Upon the commencement of each term every  
8 clerk shall file the clerk's signature and the impression of the clerk's official seal in  
9 the office of the secretary of state.

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

11          59.23 (2) (n) *Taxes; election duties.* Perform all duties that are imposed on the  
12 clerk in relation to the assessment and collection of taxes, ~~and to the preparation and~~  
13 ~~distribution of ballots and the canvass and return of votes at general, judicial and~~  
14 ~~special elections.~~

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

16          59.23 (2) (nm) *Timber harvest notices.* Provide notice to a town chairperson  
17 regarding the harvesting of raw forest products, as described in s. 26.03 (1m) (a) 2.

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

19          59.23 (2) (q) *County highway commissioner; notify of election.* ~~Except in~~  
20 ~~counties having a population of 150,000 or more, notify~~ Notify a county commissioner  
21 of highways of the commissioner's election within 10 days thereafter.

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

23          59.23 (2) (r) *County tax for road and bridge fund.* ~~Except in counties having~~  
24 ~~a population of 150,000 or more, notify~~ Notify the proper town officers of the levy and  
25 rate of any tax for the county road and bridge fund.

