

11/06/12 Election Referendum Question
Sep 04, 2012

Town of Freedom

Referendum to Change Town Clerk & Treasurer to Appointed Positions

Informational Summary

Proposed Referendum: The Town of Freedom Board, at the request of the electors, voted to hold a referendum on November 6 2012 to ask the town residents to vote on changing the town clerk and town treasurer from elected positions to appointed positions.

Referendum Questions: Following are the questions that will be on the ballot:

“Shall the person holding the office of town clerk in the Town of Freedom be appointed by the Town Board?”

“Shall the person holding the office of town treasurer in the Town of Freedom be appointed by the Town Board?”

Background: Currently the town clerk and town treasurer are elected positions. Their terms are two years, which means every two years the town holds an election to elect a clerk and treasurer.

The Town of Freedom clerk and treasurer are two separate positions, which are held by two separate individuals. The referendum will not change this structure. If the referendum is passed, the town clerk and town treasurer will continue to be separate positions.

Historically in Wisconsin it was customary to have the clerk and treasurer positions be elected. There is a trend toward changing to appointed positions, but the majority of towns still have elected clerks and treasurers. Based on records from the Wisconsin Towns Association, following are the number of appointed town officers in the 1257 towns in Wisconsin:

- Appointed Clerks – 188

- Appointed Treasurers – 122
- Appointed Clerk/Treasurers – 101

Commonly Asked Questions:

(1) What are the benefits for changing the Clerk & Treasurer positions to appointed?

- a. Over time the positions of clerk and treasurer have become more complex and detailed. As such, it can be very disruptive to a town if they have turnover every two years as a result of an election. The appointed method of filling the clerk and treasurer positions provides more stability to local government.
- b. Some also say that due to the clerk and treasurer positions having become more complex and detailed, that the positions should be filled by individuals who have had more experience, training, and have more specialized skills such as computer training, accounting, bookkeeping; etc. Elected officials don't always have these skills if the election becomes a popularity contest. The appointment method provides the Town Board with the ability to select the best person based on experience, training and other skills to fill the position or positions.
- c. The appointed clerk or treasurer is subject to the direction of the Town Board under Sec. 60.30 (1e) of Wis. Statutes. Therefore, the Town Board may have more authority over the appointed officers than an elected officer who is only subject to recall or not being elected in two years. However, note that a Town Board cannot remove an appointed clerk or treasurer or clerk-treasurer unless "cause" as defined in Sec. 17.001 of Wis. Statutes for inefficiency, neglect of duty, official misconduct, or malfeasance in office exists.
- d. The appointed officer's salary under Sec. 60.30 (1)(e) shall be set by the Town Board. This has been argued to be an advantage for an appointed office, because the Town Board can decide what is necessary salary to keep a capable and competent individual in the position, especially as the responsibilities have become more complicated. The Salary can be brought up for discussion at the annual meeting of the taxpayers and the board can take the request for consideration.

(2) What are the disadvantages of changing the Clerk & Treasurer positions to appointed office?

- a. The main disadvantage that has been expressed to having appointed officers is that the electors lose control over who serves in the offices. There is no longer an election of these offices and the only accountability of the appointed officers is to the Town Board. Remember that the town board work closely with the clerk and treasurer and who would know better than the board if they are fulfilling the duties of their office?
- b. Some people might argue that having an appointed office gives too much authority to the Town Board, but remember the town clerk, treasurer, or clerk-treasurer is not a policy making position, and therefore the appointed officers have no more authority or less authority than elected officers. The both have the same responsibilities to fulfill the duties of their office.

(3) Does Wisconsin Towns Association (WTA) recommend one approach (elective v. appointed) over another?

No. The Board of Directors of the WTA has not taken a position on whether having an elected clerk or treasurer versus an appointed clerk or treasurer is better than the other. The WTA believes it is up to the electors of the town to decide. The WTA did support the change in law under Sec. 60.30 (1e) of Wis. Statutes to give the town electors the option to go from elected clerk, treasurer or clerk-treasurer to appointed position.

(4) Does the appointed clerk & treasurer have to enroll in the State of Wisconsin Retirement System?

No. There is no difference between an elected clerk and treasurer, and appointed persons in the same offices. The Town of Freedom clerk and treasurer are currently not enrolled in the state retirement system. If the town changes to an appointed clerk and treasurer, they will not be required to enroll in the state retirement system.