

NOTE: Not sooner than 2 years after the position becomes appointive, the town board may enact an ordinance to return the office to an elective position, without a referendum or a town elector vote meeting. See Wis. Stat. §§ 60.30(1e)(d) and 60.30(1e)(g).

Q. How are the offices of town clerk and town treasurer combined?

A. The town electors may combine the offices of town clerk and town treasurer by a vote at an annual meeting or a special town meeting of the electors where that item specifically appears on the agenda. The procedure to combine offices is the same for all towns, regardless of size. See Wis. Stat. § 60.305(1)(a). A combination of offices under this provision also takes effect after the current terms of office expire. See Wis. Stat. § 60.305(4)(c). If the town wishes to try and accomplish this change, I suggest conducting the elector meeting no later than mid-November of 2022. This is because the clerk will need to provide a notice of which town offices are going to be up for election in the spring on the 4th Tuesday of November. The town will need to resolve this issue beforehand so that the notice can be accurate.

Q. Why do towns switch to having an appointed clerk or treasurer?

A. The positives or negatives often depend on one's perspective. Some of the key differences are as follows:

Appointed clerks and treasurers:

1. Do not have to be town residents.
2. Have their qualifications, job descriptions, and wages/benefits set by the town board as they are essentially town employees hired by the board.
3. Cannot be removed by the board during their term of office, unless there is "cause" for removal (misconduct in office or neglect of duties). This means there would need to be a hearing and other due process protections afforded before someone could be removed from office. That said, once his or her term expires, the town board can simply choose not to re-appoint a clerk or treasurer without having to establish cause.
4. Can be appointed for a term not to exceed 3 years at one time. Can be appointed for a shorter term such as six months or one year or whatever the board deems appropriate. The board may also re-appoint the person for successive terms, if desired.

Elected clerks and treasurers:

1. Do have to be town residents.
2. Are answerable to the electorate and cannot be required by the board to hold specific qualifications or obtain training (unless required by state law—such as election training for clerks). Cannot be required by the board to keep set hours at the town hall or be required to work a certain number of hours per week.
3. Can be recalled from office like other elected officials. Can also be removed from office by a majority vote of the board, but only if the reason for removal is continued physical inability to perform the duties of the office or gross neglect of duty. See Wis. Stat. § 17.13(2m).

Q. How many appointed town clerks and treasurers are there in Wisconsin? How many hold the combined office?

A. Out of our 1,240+ member towns, there are currently: 280 appointed clerks; 201 appointed treasurers; 153 appointed clerk-treasurers and 80 elected clerk-treasurers.