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Date: April 29, 2014

To: Supervisors  
County Executive  
Interested Parties

From: Paul Bargren *PB*  
Corporation Counsel

Re: Vacancy in County Treasurer's Office (Revised)

I have been asked for some background information on filling the vacancy in the office of Treasurer of Milwaukee County that will occur on May 12, 2014. This information clarifies some potentially confusing language in the memo I issued (in haste, in the few minutes before the April 24, 2014, meeting of the County Board). In summary:

- The Deputy Treasurer performs the duties of the office of treasurer immediately upon the vacancy. § 59.25(2)(a), Stats.
- The Deputy Treasurer continues to perform the duties of the office until one of the following:
  - the end of the term on January 2, 2017, § 59.25(2)(a), (b);
  - the County Board appoints an individual as Treasurer for the remainder of term (see below), § 59.25(2)(b), or
  - a new Treasurer is selected through a special election to fill the remainder of the term (see below), § 17.21(3), § 8.50(1)(a).

If the County Board chooses to appoint a Treasurer under § 59.25(2)(b), the action would be a direct Board action, not a confirmation of a nomination. The action can be taken upon the properly noticed motion of any Board member. A supervisor who wishes to be appointed Treasurer must resign from the Board before the Board votes. § 66.0501(2); § 59.25(1).

If the County Board calls a special election:

- The election must be held either on the fall general election date or the spring general election date. § 17.21(3).

- If the election is to be held in Fall 2014 (August 12 primary if needed, November 4 general election), the Board must order the election no later than May 12, 2014, which is the required minimum 92 days before the primary. § 8.50(2)(a). As a practical matter this would require a special Board meeting May 12. The election cannot be ordered until the vacancy actually occurs.
- If the election is to be held in Fall 2014, nomination papers must be filed by 5 p.m. June 2, 2014. § 8.50(3). Nomination papers may be circulated no sooner than the day the order for the special election is filed, *id.* so not before May 12, 2014, assuming the order is adopted and filed that day.
- A special election for the Spring 2015 cycle could be ordered later in 2014. *Id.*