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4 **A RESOLUTION**

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6 Authorizing and directing the Government Affairs Liaison to request the United States
7 Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2
8 of the Voting Rights Act of 1965
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10 WHEREAS, in 2013, the State of Wisconsin adopted the 2013 Wisconsin Act 14
11 (“Act 14”), which altered the pay structure, term length, and pension options of the
12 Milwaukee County Board of Supervisors, including limiting their authority to approve
13 certain agreements; and
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15 WHEREAS, Act 14 limits appropriations for the County Board, including salaries
16 of County Board Supervisors and County Board employees, to 0.4 percent of the
17 County tax levy, making Milwaukee County the only county in Wisconsin with a cap on
18 spending for its legislative body; and
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20 WHEREAS, Act 14 also permits the County Executive to introduce resolutions to
21 the County Board, in essence making his position a “Super Supervisor” that is elected
22 countywide and allows him to serve as the day-to-day administrator and as a legislator;
23 and
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25 WHEREAS, Act 14 does not restrict the portion of the County tax levy that the
26 Office of the County Executive can comprise; and
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28 WHEREAS, Act 14 applies only to Counties with a population of more than
29 750,000, of which Milwaukee County is the sole Wisconsin county to which this applies;
30 and
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32 WHEREAS, according to the Wisconsin Department of Health Services, Black
33 residents comprise 6.1 percent of the state’s total population, while Milwaukee County is
34 home to 69.4 percent of Wisconsin’s Black residents; and
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36 WHEREAS, the City of Milwaukee makes up 63 percent of the County’s total
37 population, including 96 percent of the County’s Black residents and 81 percent of the
38 County’s Latino population; and
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40 WHEREAS, therefore, the Milwaukee County Board of Supervisors represent the
41 majority of the people of color in the State of Wisconsin; and
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43 WHEREAS, the Civil Rights Acts of 1964 and the 14th Amendment of the U.S.
44 Constitution guarantees equal access to public accommodations including, public
45 transportation, and require states to treat citizens equally regardless of their place of
46 residence within the state; and

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48 WHEREAS, Section 2 of the Voting Rights Act of 1965 prohibits voting practices
49 or procedures that discriminate based on race, color, or membership in one of the
50 language minority groups and in 1982, the U.S. Congress determined the intention of a
51 practice or procedure was not relevant to whether or not a practice or procedure was
52 discriminatory and that violations were to be evaluated solely based on the resulting
53 disparate impact of a practice or procedure; and

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55 WHEREAS, 1982 U.S. Congressional guidance stipulates that evaluation of a
56 violation should include analysis of the extent to which voting in the election of a state or
57 political subdivision is racially polarized and the extent to which minority group members
58 bear the effects of discrimination in areas such as education, employment, and health,
59 which may hinder the group's ability to participate effectively in the political process,
60 amongst other provisions; and

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62 WHEREAS, Milwaukee County adopted File No. 19-707 in November 2019
63 requesting the Office of Corporation Counsel review whether Act 14 violates the Civil
64 Rights Act of 1964; and

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66 WHEREAS, on February 4, 2021, Milwaukee County adopted File No. 21-76
67 requesting the Office of Corporation Counsel to provide a written opinion on whether Act
68 14 violates the Voting Rights Act of 1965; and

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70 WHEREAS, the Office of Corporation Counsel's opinion suggested there is no
71 direct link between Act 14 and the Voting Rights Act of 1965 and Milwaukee County
72 Government and its allocation of powers and authorities among its branches of
73 government are matters of state control and not subject to review; and

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75 WHEREAS, additionally, File No. 21-76 directs the Office of Corporation Counsel
76 to request an opinion from the State of Wisconsin Attorney General on the
77 constitutionality of 2013 Wisconsin Act 14 in light of the Voting Rights Act of 1965; and

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79 WHEREAS, at the December 2, 2021 meeting of the Committee on Judiciary,
80 Safety and General Services, the Office of Corporation Counsel submitted informational
81 File No. 21-962, which included a response from the Wisconsin Attorney General who
82 determined that the Milwaukee County Board of Supervisors request for an opinion did
83 not meet the criteria for review; and

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85 WHEREAS, per the Wisconsin Attorney General, they do not issue opinions
86 concerning the applicability of federal statutes and regulations; and

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88 WHEREAS, the plight of the Milwaukee County Board of Supervisors warrants a
89 federal Department of Justice review to determine if the voting rights of its residents
90 have been violated; and

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92 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
93 meeting of March 10, 2022, recommended adoption of File No. 22-295 (vote 5-0);
94 now, therefore,

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96 BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and
97 directs the Government Affairs Liaison to submit a request that the United States
98 Department of Justice review the 2013 Wisconsin Act 14 to determine if it violates
99 Section 2 of the Voting Rights Act of 1965; and

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101 BE IT FURTHER RESOLVED, the Government Affairs Liaison shall provide the
102 Milwaukee County Board of Supervisors a written copy of the request within 30 days of
103 adopting this resolution.

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106 03/10/22
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