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4 **A RESOLUTION**

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6 authorizing and directing the use of outside legal counsel to review the constitutionality  
7 of the State of Wisconsin 2013 Act 14 relating to changes that impacted the Milwaukee  
8 County Board of Supervisors and Section 2 of the Voting Rights Act of 1965 that  
9 prohibits voting practices or procedures that discriminate based on race, color, or  
10 membership in one of the language minority groups  
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13 WHEREAS, 2013 Wisconsin Act 14 (“Act 14”), enacted May 31, 2013, made  
14 sweeping changes to the governance model of Milwaukee County that included limiting  
15 Milwaukee County Board of Supervisor’s (“the Board”) authority, altering the Board’s  
16 pay structure, term length, and pension options; and  
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18 WHEREAS, Act 14 also increased the Milwaukee County Executive’s (“County  
19 Executive”) authority and now allows the County Executive to introduce resolutions to  
20 the County Board, in essence making his position a “Super Supervisor” that is elected  
21 countywide and allows him to serve as the day-to-day administrator and as a legislator;  
22 and  
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24 WHEREAS, Act 14 only applies to counties with a population of 750,000 or more,  
25 and Milwaukee County has a population of 945,726, making it the sole county in  
26 Wisconsin to which the law applies; and  
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28 WHEREAS, the majority of people the Board represents are people of color as  
29 51 percent of the residents in Milwaukee County identify as a person of color according  
30 to the United States Census Bureau; and  
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32 WHEREAS, the Civil Rights Act of 1964 prohibits discrimination based on race,  
33 color, religion, sex, or national origin and bans unequal application of voter registration  
34 requirements and racial segregation in schools, employment, and public  
35 accommodations; and  
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37 WHEREAS, Milwaukee County adopted File No. 19-707 in November 2019  
38 requesting the Office of Corporation Counsel review whether Act 14 violates the Civil  
39 Rights Act of 1964; and  
40

41 WHEREAS, on May 25, 2019, Milwaukee County adopted File Nos. 19-416 and  
42 19-397, supporting the Office on African American Affairs' long-term racial equity action  
43 plan and Milwaukee County's commitment to achieve racial equity, respectively; and  
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45 WHEREAS, Milwaukee County's commitment to achieve racial equity includes  
46 addressing racial bias in organizational culture and decision-making and aims to  
47 improve racial equity in operations, fiscal appropriations, information systems, policies  
48 and programs, legislation, workforce, organizational culture, and community  
49 engagement; and  
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51 WHEREAS, on February 4, 2021, Milwaukee County adopted File No. 21-76  
52 requesting the Office of Corporation Counsel to provide a written opinion on whether Act  
53 14 violates the Voting Rights Act of 1965; and  
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55 WHEREAS, the Milwaukee County Board of Supervisors are elected officials and  
56 subject to the provisions of Act 14 and requests that all provisions of Act 14 are  
57 examined by outside counsel to determine if it violates the Voting Rights Act of 1965  
58 based on race, color, religion, sex, or national origin; and  
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60 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its  
61 meeting of September 9, 2021, recommended **REJECTION** of File No. 21-844  
62 (vote 5-0); now, therefore,  
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64 BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and  
65 requests the Chairperson of the Milwaukee County Board of Supervisors to select a  
66 legal firm that could assist with issues relating to the implementation and legality of  
67 various provisions contained in Act 14; and  
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69 BE IT FURTHER RESOLVED, the designated legal firm shall provide the  
70 Milwaukee County Board of Supervisors a written opinion that examines all the  
71 provisions of Act 14 and determine if it violates Section 2 of the Voting Rights Act of  
72 1965, which prohibits voting practices or procedures that discriminate based on race,  
73 color, or membership in one of the language minority groups; and  
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75 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors  
76 authorizes the use of up to \$25,000 of funds already appropriated to the Litigation  
77 Reserve (Org. 1940) to retain a legal firm to help obtain the legal opinion.  
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