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4 **A RESOLUTION**

5
6 Providing for an advisory referendum on the November 8, 2022 election ballot to
7 measure public opinion on whether the Wisconsin Legislature should prohibit the import,
8 sale, manufacture, transfer, or possession of semi-automatic “military-style” firearms,
9 whose prohibition is allowable under the Wisconsin and United States Constitutions

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12 WHEREAS, the Gun Violence Archive and other groups define the term “mass
13 shooting” as “four or more shot (injured or killed) in a single incident, at the same
14 general time and location, not including the shooter”; and

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16 WHEREAS, the recent mass shootings involving the massacre of 10 Black
17 Americans in Buffalo on May 14, 2022, and 19 children and two teachers in Uvalde,
18 Texas on May 24, 2022, have reignited the anger among many regarding gun violence
19 in the United States and particularly mass shootings; and

20
21 WHEREAS, according to a March 25, 2021 Institute for Health Metrics and
22 Evaluation report updated on May 31, 2022, “On gun violence, the United States is an
23 outlier,” “Among 64 high-income countries and territories, the United States stands out
24 for its high levels of gun violence. The US ranks eight out of 64 for homicides by firearm
25 (age-adjusted).”; and

26
27 WHEREAS, on May 25, 2022, WISN 12 posted to its website an article titled
28 “‘Gun control is public health’: chief medical advisor calls for stricter gun laws,” whereby
29 the Milwaukee County Chief Medical Advisor, who specializes in emergency medicine,
30 reportedly posted on Twitter, “#GunViolence is a #PublicHealthCrisis”, telling a WISN
31 reported, “The impact of gun violence goes far beyond [the individual]. It affects
32 communities, it affects families, and it affects individuals”; and

33
34 WHEREAS, while firearms do not have a monopoly on being used to end lives,
35 firearms, particularly semi-automatic military-style weapons and those modified to mimic
36 automatic weapons, do ease the ability to murder and slaughter *en masse*, and
37 excessive ease of firearm acquisition facilitates accidental and intentional gun suicide
38 and ; and

40 WHEREAS, the perpetrator of the 2012 Sikh Temple Shooting in the City of Oak
41 Creek used a semi-automatic pistol to kill six people, and the perpetrator of the 2017
42 Las Vegas Shooting used 14 semi-automatic rifles with bump-stocks and high capacity
43 magazines to kill 60 people; and

44

45 WHEREAS, Article I, § 25 of the Wisconsin Constitution allows for a right to keep
46 and bear arms in public or otherwise “for security, defense, hunting, recreation or any
47 other lawful purpose” subject to specific laws and restrictions such as banning felons
48 from possessing firearms (Wis. Stat. § 941.29(1m)(a)) or carrying a firearm in a public
49 building (Wis. Stat. § 941.235); and

50

51 WHEREAS, the State of Wisconsin preempts local government regulation of
52 firearms as Wis. Stat. § 66.0409(2) indicates “no political subdivision may enact or
53 enforce an ordinance or adopt a resolution that regulates the sale, purchase, purchase
54 delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing,
55 permitting, registration, or taxation of any knife or any firearm or part of a firearm. .
56 .unless the ordinance or resolution is the same as or similar to, and no more stringent
57 than, a state statute”; and

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59 WHEREAS, in the United States Supreme Court case, *District of Columbia v.*
60 *Heller* 554 U.S. 570 (2008), the High Court ruling authored by Justice Antonin Scalia,
61 found among other things:

62

- 63 • “There seems to us no doubt, on the basis of both text and history, that the
64 Second Amendment conferred an individual right to keep and bear arms. Of
65 course the right was not unlimited, just as the First Amendment’s right of free
66 speech was not. . .”
- 67 • “From Blackstone through the 19th-Century cases, commentators and courts
68 routinely explained that the right was not a right to keep and carry any weapon
69 whatsoever in any manner whatsoever and for whatever purpose.”
- 70 • “We also recognize another important limitation on the right to keep and carry
71 arms. Miller said, as we have explained, that the sorts of weapons protected
72 were those ‘in common use at the time.’ . . . We think that limitation is fairly
73 supported by the historical tradition of prohibiting the carrying of ‘dangerous and
74 unusual weapons.’”

75

76 ; and

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78 WHEREAS, semi-automatic firearms are “dangerous and unusual weapons”
79 designed to maim and serve no purpose in self-defense or hunting; and

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81 WHEREAS, the Committee on Judiciary, Law Enforcement and General
82 Services, at its meeting of July 15, 2022, recommended adoption of File No. 22-776
83 (vote 3-2); and

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85 WHEREAS, the Committee on Finance, at its meeting of July 21, 2022,
86 recommended adoption of File No. 22-776 (vote 4-3); now, therefore,

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88 BE IT RESOLVED, by the County Board of Supervisors of Milwaukee County,
89 Wisconsin, as follows:

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91 Section 1. Referendum Election. The County Clerk is hereby directed to call an
92 advisory referendum election to be held in the County at the regularly scheduled
93 election to be held on November 8, 2022, for the purpose of submitting to the qualified
94 electors of the County the proposition of whether the State of Wisconsin should prohibit
95 the import, sale, manufacture, transfer, or possession of semi-automatic “military-style”
96 firearms. The referendum shall be held, noticed, and conducted following the
97 procedures set forth in §59.52(25) of the Wisconsin Statutes.

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99 Section 2. Official Referendum Ballot Form. The ballot to be used at the
100 referendum election shall be prepared in accordance with the provisions of sections
101 §5.64(2) and §7.08(1)(a) of the Wisconsin Statutes. The ballot shall be substantially in
102 the form attached hereto as Exhibit A.

103

104 ; and

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106 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
107 hereby authorizes the Office of Strategy, Performance and Budget and the Office of the
108 Comptroller to process an appropriation transfer of \$18,000 from Org. Unit 1800-1945 –
109 Appropriation for Contingencies to appropriate accounts in Org. Unit 3270 – County
110 Clerk Election Commission Division to offset the cost of the referendum 2022.

111

112

113 07/21/22

114 S:\Committees\2022\July\FINANCE\Resolutions\22-776 SemiAutomatic Firearms Referendum - no edits.docx

EXHIBIT A
OFFICIAL REFERENDUM BALLOT

November 8, 2022

ADVISORY REFERENDUM

Should the Wisconsin Legislature prohibit the import, sale, manufacture, transfer, or possession of semi-automatic “military-style” firearms whose prohibition is allowed under the Wisconsin and United States Constitutions?

Yes

No