



## OFFICE OF CORPORATION COUNSEL

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*Client-Driven. Community-Focused.*

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**DATE:** October 6, 2021

**TO:** Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

**FROM:** Margaret Daun, Corporation Counsel

**SUBJECT:** Attorney General Opinion on the Constitutionality of 2013 Wisconsin Act 14 in light of the Voting Rights Act of 1965

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It is requested that this matter be referred to the Committee on Judiciary, Safety, and General Services as an informational update regarding Resolution 21-76, which was adopted of February 4, 2021. Said resolution required that the Milwaukee County Office of Corporation Counsel request an opinion on the constitutionality of 2013 Wisconsin Act 14 in light of the Voting Rights Act of 1965 from the State of Wisconsin Attorney General. Attached to this report is the response from the Department of Justice of State of Wisconsin declining to provide the requested opinion.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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September 30, 2021

VIA EMAIL (Margaret.Daun@milwaukeecountywi.gov)

Attorney Margaret C. Daun  
Milwaukee County Office of Corporation Counsel  
901 North 9th Street, Suite 303  
Milwaukee, WI 53233

Re: Milwaukee County Board of Supervisors request for an  
Attorney General Opinion

Dear Ms. Daun:

You wrote to our office on September 1, 2021, explaining that the Milwaukee County Board of Supervisors directed you to request an Attorney General opinion "on the constitutionality of 2013 Wisconsin Act 14 in light of the Voting Rights Act of 1965." As you explain, Act 14, among other things, affected the pay structure and terms of Milwaukee County Board Supervisors and affected appropriation and contracting authority. In your request, you correctly recognize that that the Department of Justice has provided guidance on the criteria applicable to Attorney General opinions in 77 Op. Att'y Gen. Preface (1988).

We appreciate your contacting us, but your request for an opinion does not meet that criteria. As the criteria state, DOJ generally does not issue opinions concerning the applicability of federal statutes and regulations, which is the question posed by your request. In addition, DOJ will not issue an opinion if, after giving the problem careful consideration, the requester has reached a satisfactory legal answer. As your request indicates, you believe you have arrived at a correct and reliable answer. Further, DOJ is tasked by statute to act as legal counsel to the Governor, the two branches of the Legislature, and state agencies, including with respect to the defense of state laws. The question you pose may conflict with DOJ's duties if the state law you inquire about were the subject of litigation.

Attorney Margaret Daun  
September 30, 2021  
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Thank you for contacting us. I regret that we cannot be of more assistance.

Sincerely,



Charlotte Gibson  
Administrator  
Division of Legal Services

CG:BPK:jrs