

FW: Milwaukee County Board of Supervisors Directed a Request for an AG Opinion

Daun, Margaret <Margaret.Daun@milwaukeecountywi.gov>

Thu 12/2/2021 3:39 PM

To: Daun, Margaret <Margaret.Daun@milwaukeecountywi.gov>**Cc:** Bablitch, Kelly <Kelly.Bablitch@milwaukeecountywi.gov>; Brown, Scott <Scott.Brown@milwaukeecountywi.gov> 5 attachments (14 MB)

19-707 COUNTY BOARD ENGROSSED RESOLUTION.pdf; 19-707 REPORT with Exhibits (OCC).pdf; 21-76 COUNTY BOARD RESOLUTION.pdf; 21-578 OCC Opinion in Response to 21-76.pdf; 21-844 RESOLUTION.pdf;

As request by a Supervisor today. I believe the Supervisor also wanted this attached to File 21-962. Thank you,

Margaret C. Daun (*she/her*)Margaret.daun@milwaukeecountywi.gov

414-278-4315 Office

414-552-5774 Mobile

Emails and attachments received from the Office of Corporation Counsel may be protected by the attorney-client privilege, as attorney work-product, or based on other privileges or provisions of law.

Do not forward, copy, distribute, publicize, disclose or otherwise use this email or its attachments unless authorized by the OCC.

From: Daun, Margaret**Sent:** Wednesday, September 1, 2021 11:51 AM**To:** Zolik, Nathan J. <ZolikNJ@doj.state.wi.us>**Cc:** Brown, Scott (Scott.Brown@milwaukeecountywi.gov) <Scott.Brown@milwaukeecountywi.gov>**Subject:** Milwaukee County Board of Supervisors Directed a Request for an AG Opinion**Importance:** High

Attorney Zolik,

I write at the direction of the Milwaukee County Board of Supervisors to request the Attorney General's opinion "on the constitutionality of 2013 Wisconsin Act 14 in 129 light of the Voting Rights Act of 1965." See County Board Resolution 21-76 at lines 127-130.

Attached you will find 5 items relevant to the request:

1. Resolution 19-707, which requested from my office an opinion regarding whether 2013 Wis. Act 14, 2013 Wis. Act 203, and/or 2015 Wis. Act 55 (the "Acts") violate the Civil Rights Act of 1964.
2. Our opinion in response to that resolution.
3. Resolution 21-76, which requested from my office an opinion regarding whether 2013 Act 14 violate the Voting Rights Act of 1965.
4. Our opinion in response to that resolution.
5. Resolution 21-844, which directs the retention of outside counsel to address the question posed in resolution 21-76.

Please note that both orally and in both of our written opinions, my office advised the County Board of Supervisors that the Attorney General's office does not issue opinions relating to the exercise of legislative or executive judgment should not be requested, nor will the AG issue opinions regarding the applicability of federal statutes and regulations administered by federal authorities (*see* 77 Op. Att'y Gen. Preface (1988), attached as Exhibit A to our REPORT in response to File 19-707). We also respectfully note this passage from the relevant AG guidance: "A question should not be submitted simply because someone wishes it submitted. A question should

not be submitted unless, after having given the problem careful consideration, a satisfactory legal answer cannot be reached.” *Id.* at 1. We believe a correct and reliable answer has been provided, however, the County Board did adopt resolution 21-578, which directs Corporation Counsel to request the opinion.

Given that the County Board is contemplating spending up to \$25,000 on outside counsel, we would be most grateful if a response to this request for an opinion, in whatever form the Attorney General deems appropriate, be submitted as soon as possible. Please note that resolution 21-844, related to outside counsel, will be heard next Thursday, September 9.

I am happy to discuss at your convenience.

Thank you,



Margaret C. Daun | Corporation Counsel
Milwaukee County Office of Corporation Counsel
901 N 9th Street, Suite 303 | Milwaukee, WI 53233
Margaret.Daun@milwaukeecountywi.gov
(414) 278-4315 Office
(414) 552-5774 Mobile

Emails and attachments received from the Office of Corporation Counsel may be protected by the attorney-client privilege, as attorney work-product, or based on other privileges or provisions of law.

Do not forward, copy, distribute, publicize, disclose or otherwise use this email or its attachments unless authorized by the OCC.