By Supervisor Ortiz-Velez File No. 22-152

**A RESOLUTION**

Authorizing and directing the Office of Corporation Counsel to request the United States Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2 of the Voting Rights Act of 1965 and examine the State of Wisconsin’s shared revenue system

WHEREAS, in 2013, the State of Wisconsin adopted the 2013 Wisconsin Act 14 (“Act 14”), which altered the pay structure, term length, and pension options of the Milwaukee County Board of Supervisors, including limiting their authority to approve certain agreements; and

WHEREAS, Act 14 limits appropriations for the County Board, including salaries of County Board Supervisors and County Board employees, to 0.4 percent of the County tax levy, making Milwaukee County the only county in Wisconsin with a cap on spending for its legislative body; and

WHEREAS, Act 14 also permits the County Executive to introduce resolutions to the County Board, in essence making his position a “Super Supervisor” that is elected countywide and allows him to serve as the day-to-day administrator and as a legislator; and

WHEREAS, Act 14 does not restrict the portion of the County tax levy that the Office of the County Executive can comprise; and

WHEREAS, Act 14 applies only to Counties with a population of more than 750,000, of which Milwaukee County is the sole Wisconsin county to which this applies; and

WHEREAS, according to the Wisconsin Department of Health Services, Black residents comprise 6.1 percent of the state’s total population, while Milwaukee County is home to 69.4 percent of Wisconsin’s Black residents; and

WHEREAS, the City of Milwaukee makes up 63 percent of the County’s total population, including 96 percent of the County’s Black residents and 81 percent of the County’s Latino population; and

WHEREAS, therefore, the Milwaukee County Board of Supervisors represent the majority of the people of color in the State of Wisconsin; and

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

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

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

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

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

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

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

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

WHEREAS, the State of Wisconsin Shared Revenue Program provides general unrestricted aid to counties and municipalities through various programs and according to the 2017 Legislative Fiscal Bureau Informational Paper 18, Wisconsin’s Shared Revenue Program has declined significantly in the past two decades; and

WHEREAS, in 1994-1995, shared revenue was 12.5 percent of the total general fund budget and in 2016-2017, shared revenue made up just five percent, so as state shared funding has remained flat, Milwaukee County is constantly tasked with doing more with less funding; and

WHEREAS, the plight of the Milwaukee County Board of Supervisors warrants a federal Department of Justice review to determine if the voting rights of its residents have been violated and examine Wisconsin’s shared revenue system as Milwaukee County’s revenue share is not consistent with the cost of inflation; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and directs the Office of Corporation to request that the United States Department of Justice review the 2013 Wisconsin Act 14 to determine if it violates Section 2 of the Voting Rights Act of 1965 and examine the State of Wisconsin’s shared revenue system; and

BE IT FURTHER RESOLVED, the Office of Corporation Counsel shall provide the Milwaukee County Board of Supervisors with a written copy of the request for approval prior to submitting it to the United States Department of Justice.