

1 By Supervisors Clancy, Taylor (Dist. 5), Coggs-Jones,  
2 Martinez, Burgelis, Martin, Johnson, Jr., and  
3 Wasserman  
4

File No. 22-1199

5  
6 **A RESOLUTION**  
7

8 In support of access to abortion care and providing for an advisory referendum on the  
9 April 4, 2023, election ballot to measure public opinion on whether Wis. Stat. § 940.04,  
10 which bans abortion at any stage of pregnancy without exception for rape, incest, or  
11 health of the patient, should be repealed to allow legal access to abortion care and  
12 allocating \$16,500 from the Appropriation for Contingencies to the Election Commission  
13 to offset the cost of the referendum  
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15  
16 WHEREAS, the 1973 U.S. Supreme Court ruling in *Roe v. Wade* made access to  
17 safe and legal abortion a constitutional right in the United States; and

18 WHEREAS, in a nearly unprecedented taking of a settled right in the United  
19 States, the U.S. Supreme Court issued a ruling on June 24, 2022, in *Dobbs v. Jackson*  
20 *Women’s Health Organization* which overturned *Roe v. Wade* allowing states to ban  
21 abortion; and

22 WHEREAS, a Marquette University poll taken in June of 2022 indicated that 59  
23 percent of Wisconsin residents support access to abortion care in all or almost all  
24 cases; and

25 WHEREAS, Wisconsin has a 173-year-old criminal abortion law still in its  
26 statutes which effectively bans all abortions in the state by making it a felony to perform  
27 an abortion with no exceptions for rape, incest, or the health of the pregnant person;  
28 and

29 WHEREAS, persons seeking abortion care will need to travel from Wisconsin to  
30 a state that does not restrict women from making their own healthcare choices and  
31 allows access to safe and legal abortions; and

32 WHEREAS, denying residents access to abortion care has a disproportionate  
33 impact on Black, Indigenous, and People of Color (BIPOC), low-income communities,  
34 people with disabilities, and members of the LGBTQ+ community who are likely to have  
35 barriers to transportation and related expenses; and

36 WHEREAS, Milwaukee County adopted Chapter 108 of the Code of General  
37 Ordinances – Achieving Racial Equity and Health in April 2019 to demonstrate its  
38 unwavering commitment to reducing racial and health inequities; and

39 WHEREAS, Milwaukee County residents should have the opportunity to voice  
40 their opinion on whether Wis. Stat. § 940.04, which bans abortion at any stage of

41 pregnancy without exception for rape, incest, or health of the patient, should be  
42 repealed to allow legal access to abortion care; and

43 WHEREAS, the Committee on Finance, at its meeting of December 8, 2022,  
44 recommended adoption of File No. 22-1199 (vote 6-1); now, therefore,

45 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby affirms  
46 its support to protect abortion care as the right to choose and the residents of  
47 Milwaukee County and the State of Wisconsin should have access to this healthcare  
48 service in their own community; and

49 BE IT FURTHER RESOLVED, by the County Board of Supervisors of Milwaukee  
50 County, Wisconsin, as follows:

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52 Section 1. Referendum Election. The County Clerk is hereby directed to call an  
53 advisory referendum election to be held in the County at the regularly scheduled  
54 election to be held April 4, 2023, for the purpose of submitting to the qualified electors of  
55 the county the proposition of whether the State of Wisconsin should repeal Wisconsin  
56 Statute § 940.04, which bans abortion at any stage of pregnancy without exception for  
57 rape, incest, or health of the patient, to allow legal access to abortion care. The  
58 referendum shall be held, noticed, and conducted following the procedures set forth in  
59 Section 59.52 (25) of the Wisconsin Statutes.

60 Section 2. Official Referendum Ballot Form. The ballot to be used at the  
61 referendum election shall be prepared in accordance with the provisions of Sections  
62 5.64 (2) and 7.08 (1)(a) of the Wisconsin Statutes. The ballot shall be substantially in  
63 the form attached hereto as Exhibit A.

64 ; and

65 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors  
66 hereby authorizes the Office of Strategy, Budget and Performance and the Office of the  
67 Comptroller to process an appropriation transfer of \$16,500 from Agency 194-1945 –  
68 Appropriation for Contingencies to appropriate accounts in Agency 301 – Election  
69 Commission under the Office of the County Clerk to offset the cost of the referendum in  
70 2023.

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73 12/08/2022

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**EXHIBIT A**

OFFICIAL REFERENDUM BALLOT

**April 4, 2023**

**ADVISORY REFERENDUM**

Should Wisconsin Statute 940.04, which bans abortion at any stage of pregnancy without exception for rape, incest, or health of the patient, be repealed to allow legal access to abortion care?

Yes

No