

2  
3  
4 **A RESOLUTION/ORDINANCE**

5  
6 Creating Section 1.30 of the Milwaukee County Code of General Ordinances relating to  
7 the self-organization of the Milwaukee County Board of Supervisors in the event of a  
8 delay in certifying election results that would prohibit the induction of a new County  
9 Board

10  
11  
12 WHEREAS, the State of Wisconsin originally scheduled the 2020 Spring election  
13 for April 7, 2020; and

14  
15 WHEREAS, on April 6, 2020, due to COVID-19, lack of poll workers, and the  
16 State of Wisconsin’s Safer at Home Order (Emergency Order #12), Governor Evers  
17 released Executive Order #74, suspending in-person voting on April 7, 2020; and

18  
19 WHEREAS, Executive Order #74 stated that in-person voting would be  
20 tentatively rescheduled for June 9, 2020, unless otherwise determined by the State of  
21 Wisconsin Legislature, Governor, or Supreme Court; and

22  
23 WHEREAS, shortly after the release of Executive Order #74, the State of  
24 Wisconsin Supreme Court reinstated in-person voting for April 7, 2020; and

25  
26 WHEREAS, on April 6, 2020, the Supreme Court of the United States ruled that  
27 all absentee ballots must be postmarked by or on April 7, 2020, overruling a previous  
28 federal court decision allowing an extension on the return of absentee ballots; and

29  
30 WHEREAS, a portion of a federal judge’s order still stands which prohibits the  
31 reporting of election results until April 13, 2020 to allow for mail-in ballots to be received  
32 and tallied; and

33  
34 WHEREAS, it may be the case that legal challenges arise that call into question  
35 the validity of the results of the 2020 Spring election or there may be a delay in the  
36 certification of the election results; and

37  
38 WHEREAS, in the event that those results are challenged, and the newly elected  
39 Supervisors are unable to assume office on April 20, 2020, a contingency plan will need  
40 to be in place to ensure continuity of operations; and

41  
42 WHEREAS, any future election could face challenges or a delay in the  
43 certification of election results, requiring leadership in the absence of newly elected  
44 Supervisors; and

45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88

WHEREAS, Executive Order #74 states: “those individuals currently serving in an office to be filled based upon the results of the Spring 2020 election ballot are authorized to continue fulfilling the duties of those offices, and exercising the privileges of those offices, until three business days after county, municipal, and school district clerks issues certificates of election”; and

WHEREAS, the individuals serving in the offices of the Milwaukee County Board of Supervisors were to be filled based upon the results of the 2020 Spring election; and

WHEREAS, based on Executive Order #74, those incumbent individuals would be able to continue to serve in their offices until three days after the certificates of election have been issued; and

WHEREAS, the Milwaukee County Office of Corporation Counsel provided guidance on April 1, 2020 that the “County Board may then act to ‘self-organize’ Milwaukee County and fill vacant board seats by appointment, subject to the typical County Executive signature/veto process”; and

WHEREAS, the Milwaukee County Office of Corporation Counsel advised the adoption of a resolution and ordinance “declaring itself to be self-organized” and the adoption of a separate resolution to fill vacancies created by the postponement of the election; and

WHEREAS, the incumbent elected officials of the Milwaukee County Board of Supervisors, in self-organizing, will agree to serve in the office and will resign three days after the certification of an election’s results, whenever it may be held; and

WHEREAS, COVID-19 has created uncertainty for the citizens of Milwaukee County and concern regarding the stability of the vital services offered by Milwaukee County government; and

WHEREAS, it is imperative that the self-organization of the Milwaukee County Board of Supervisors inspire confidence and stability in the face of this crisis and in any future crisis; and

WHEREAS, strong leadership and guidance is needed as we navigate an unprecedented global pandemic, which can be established through a self-organization that reflects the current makeup of the Milwaukee County Board of Supervisors; and

WHEREAS, all incumbent Supervisors will retain their offices, including the holdover of the current leadership and standing committee structure, until the resignation of the offices three days from the certification of the election’s results; and

89 WHEREAS, per Milwaukee County Code of General Ordinances Section 1.02,  
90 the first meeting of the Milwaukee County Board of Supervisors will be after the election  
91 of supervisors and shall be for the purposes of organizing the county board; and  
92

93 WHEREAS, the special organizational meeting of the Milwaukee County Board  
94 of Supervisors will occur as soon as practical following the certification of a delayed  
95 election's results; and  
96

97 WHEREAS, the Milwaukee County Board of Supervisors supports fair, free, and  
98 safe elections for the citizens of Milwaukee County and the State of Wisconsin; and  
99

100 WHEREAS, although the Governor's Order indicated incumbent individuals  
101 would be able to continue to serve in their offices until three days after the certificates of  
102 election have been issued, other issues may arise challenging the validity of the 2020  
103 Spring election, and appointments under a self-organization serve to ensure the citizens  
104 of Milwaukee County that the Board of Supervisors can still perform its duties; now,  
105 therefore,  
106

107 BE IT RESOLVED, that the Milwaukee County Board of Supervisors will self-  
108 organize in the event of delay in certification of the 2020 Spring election and serve until  
109 the results of the 2020 Spring election are certified; and  
110

111 BE IT FURTHER RESOLVED, that all incumbent Supervisors will serve in their  
112 current office until such date, as outlined in a separate appointment resolution; and  
113

114 BE IT FURTHER RESOLVED, that the leadership of the Milwaukee County  
115 Board of Supervisors will remain the same as it exists on April 19, 2020; and  
116

117 BE IT FURTHER RESOLVED, that the membership of the Milwaukee County  
118 Board of Supervisors standing committees will remain the same as it exists on April 19,  
119 2020, including chairperson and vice-chairperson appointments; and  
120

121 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
122 may invoke Section 1.03 of the Milwaukee County Code of General Ordinances if there  
123 is a challenge or delay to an election that results in an absence of leadership; and  
124

125 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
126 hereby creates Section 1.30 of the Milwaukee County Code of General Ordinances  
127 through the adoption of the following:  
128

129  
130 **AN ORDINANCE**  
131

132 The Milwaukee County Board of Supervisors does ordain as follows:

133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157

**Section 1.** Section 1.30 of the Milwaukee County Code of General Ordinances is hereby created as follows:

**Section 1.30. – County Board Self-organization**

In the event that the results of an election are delayed or challenged, and the induction of newly elected supervisors cannot occur, the Milwaukee County Board of Supervisors may self-organize beginning with the third Monday in April following the scheduled election. All incumbent supervisors may continue to fulfill the duties of their office and will exercise the privileges of their office until the county clerk issues certificates of election. Appointments to the self-organized County Board must occur through the adoption of a separate resolution. The term of the supervisors-elect will begin after the county clerk issues certificates of election, and the self-organized County Board shall terminate on that date. The special organizational meeting of the newly elected Milwaukee County Board of Supervisors will occur as soon as practicable following the certification of the election results. Until the certification of election of the new County Board members, the organizational structure of the Milwaukee County Board of supervisors, as it exists on the day before the third Monday in April following the scheduled election, will carryover, including Chairperson, First, and Second vice-chairpersons of the Board, standing committee membership, and chair and vice-chairpersons of standing committees.

**Section 2.** The provisions of this Ordinance shall become effective upon passage and publication.