WHEREAS, Chapter 99 of Milwaukee County Code of General Ordinances and Wisconsin Statute Chapter 323 empower the Office of Emergency Management to proclaim the existence or threatened existence of a local emergency when Milwaukee County is affected or likely to be affected by a public health emergency and/or extraordinary disturbance and the County Board is not in session; and

WHEREAS, the Office of Emergency Management of Milwaukee County did declare that Milwaukee County must undertake efforts to prevent the spread of COVID-19, a/k/a Coronavirus, which has been declared a world-wide pandemic by the World Health Organization, and which caused the Governor of the State of Wisconsin to declare a public health emergency under Wis. Stat. § 323.10 on March 12, 2020; and

WHEREAS, the County Executive and Office of Emergency Management of Milwaukee County declared a County-wide state of emergency on March 13, 2020; and

WHEREAS, the County of Milwaukee is responsible for the well-being of its employees and the public it serves; and

WHEREAS, a declared public health emergency continues throughout Milwaukee County and the State of Wisconsin; and

WHEREAS, on April 6, 2020, the Governor of the State of Wisconsin issued Executive Order #74, “suspending in-person voting for April 7, 2020, until June 9, 2020, unless the Legislature passes and the Governor approves a different date for in-person voting,” and closing all polling places state-wide on April 7, 2020; and

WHEREAS, on April 6, 2020, the Governor of the State of Wisconsin issued Executive Order #74, which also directed that voters be enabled to “continue to request absentee ballots until 5:00 p.m. on the fifth day immediately preceding the new in-person election date, consistent with Wis. Stat. § 6.86(1)(b); [that] clerks shall continue to provide absentee ballots within one business day of the time each elector's request is received, consistent with Wis. Stat. § 7.15(1)(cm); and [that] eligible voters may continue to cast mail-in absentee ballots as long as [the absentee ballots] are returned so that they are delivered to the polling place [by] no later than 8 p.m. on the new election date, consistent with Wis. Stat.§ 6.87(6);” and that “[a]ll ballots already cast in the 2020 Spring election will remain valid, will be tallied in conjunction with in-person voting on the new date, and will be included in all relevant canvasses for the Spring 2020 election;” and

WHEREAS, public health experts have advised that community spread, infection rates, and death rates continue to escalate rapidly throughout Milwaukee County and the State of Wisconsin, with peaks in death rates, hospitalizations, and infection to occur in late April; and
WHEREAS, public health experts have advised that neither Milwaukee County nor the State of Wisconsin have yet successfully “flattened the curve” and that all gatherings of people should be avoided to prevent community spread, particularly given the lack of on-demand testing and certitude of asymptomatic infected persons in our community; and

WHEREAS, COVID-19 and coronavirus spread at higher rates among historically disadvantaged communities and communities of color, which compounds the need for urgent action in Milwaukee County, the most diverse county in the State of Wisconsin; and

WHEREAS, in-person voting on April 7, 2020, cannot occur under any circumstances or conditions without grave and serious threats to the health and safety of public employees, National Guard members, and the public, with more acute risks to historically disadvantaged communities and communities of color; and

WHEREAS, in-person voting on April 7, 2020, would lead to higher rates of community spread, infection, hospitalization, ventilator use, sickness, and death with greater impacts upon historically disadvantaged communities and communities of color; and

WHEREAS, in-person voting on April 7, 2020, would create greater stress on our health care system and health care workers statewide, by creating higher rates of community spread, infection, hospitalization, ventilator use, sickness, and death; and

WHEREAS, no citizen should be forced to choose between grave risks to their health, including the risk of death, and the exercise of their constitutionally protected right to vote; and

WHEREAS, all elected officials throughout the State of Wisconsin swear an oath to uphold and defend the Constitution of the State of Wisconsin, which states, in its Preamble, that the government of the State of Wisconsin, and by extension its elected officials, shall “promote the general welfare;” and

WHEREAS, there are no circumstances or conditions under which elected officials could fulfill that oath if officials permit in-person voting to proceed on April 7, 2020; and

WHEREAS, Milwaukee County must undertake all reasonable efforts, including historically unprecedented efforts, to prevent the spread of COVID-19 and thereby avoid unnecessary community spread, infection, hospitalization, ventilator use, sickness and death.

NOW THEREFORE, IT IS HEREBY ORDERED, by the County Executive, under the authority conferred upon the County Executive and the County Director of Emergency Management under MCO § 99.02, and Wis. Stat. §§ 323.14(1)(a)(2) and (4)(b), that all polling places within Milwaukee County shall operate in conformity with the Governor’s Executive Order #74, which directs that polling places in the County of Milwaukee shall not open on April 7, 2020, and shall remain closed for election purposes until June 9, 2020, or contrary order of the Governor of the State of Wisconsin, legislation duly enacted under the laws of the State of Wisconsin, or a contrary and final order of a court of competent jurisdiction; and
IT IS FURTHER ORDERED, by the County Executive, that Milwaukee County shall coordinate and cooperate with all local health officials, under Wis. Stat. §§ 252.03(2) and 252.03(3), other local elected officials, and local election officials, to protect and promote public safety and welfare by ensuring that polling places operate in conformity with the Governor’s Order #74 of this same date or as otherwise directed by contrary order of the Governor of the State of Wisconsin, legislation duly enacted under the laws of the State of Wisconsin, or a contrary and final order of a court of competent jurisdiction; and

IT IS FURTHER ORDERED, by the County Executive, that Milwaukee County shall abide by all further directives and orders of the Governor of the State of Wisconsin made this day or subsequent days related to the manner and conduct of the Wisconsin Spring presidential primary and various general elections or as otherwise directed by legislation duly enacted under the laws of the State of Wisconsin, or a contrary and final order of a court of competent jurisdiction.

Adopted this 6th day of April, 2020.

Signed:

Christine Westrich
Milwaukee County Office of Emergency Management, Director

Chris Abele
Milwaukee County Executive