



# Tony Evers

Office of the Governor | State of Wisconsin

## *VIA ELECTRONIC DELIVERY*

October 12, 2020

Speaker Robin Vos  
Room 217 West  
State Capitol

Majority Leader Fitzgerald  
Room 211 South  
State Capitol

Dear Speaker Vos and Majority Leader Fitzgerald:

I write to you regarding your apparent position on Emergency Order #3. As has always been the case throughout this pandemic—and even prior to COVID-19—I welcome your thoughts and feedback on how we can work together on our state's greatest challenges. Although I was disappointed you did not respond to my request for a meeting in June this summer, I have appreciated our one-on-one conversations since then, and am glad you have reconsidered and are now interested in having the three of us meet to discuss COVID-19.

One thing is certain: now is not the time to weaken our state's response to this virus; now is the time to strengthen it.

I welcome the opportunity to meet with both of you to discuss our state response. Given it has been 180 days since the Legislature last passed a bill and that you have repeatedly—through costly litigation and your public comments—expressed opposition to nearly every action my administration has taken to prevent the spread of COVID-19, I am eager to ensure our meeting is productive. It is in this vein I want to afford you the opportunity to prepare to bring to the conversation meaningful thoughts, feedback, and plans for our state to respond to this crisis, and in the interim, as you prepare a plan, have several asks of you and your members:

1. Although you indicated in your April brief to the Wisconsin Supreme Court you were “drafting even now” a plan to respond to this pandemic, no such plan has ever materialized or been offered to me or the people of our state. I ask that you bring to our meeting concrete options supported by science and public health that our administration can take to save lives and keep people safe that you, your caucuses, and your allies will support. I would ask for you to address the imminent possibility that recent litigation efforts are successful, or in the event you and your allies decide to pursue litigation against Emergency Order #3, what your plan is to respond to the pandemic in the absence of a public health emergency, order requiring masks in public places, or order limiting public gatherings.
2. I ask you and your allies to withdraw from ongoing litigation to strike down our public health emergency and order requiring masks in public places—which nearly 70% of Wisconsinites support—and decline to pursue new litigation that will further hinder our state's ability to respond to this pandemic.
3. Unfortunately, the uncertainty regarding assistance at the federal level has made and continues to make these funding decisions and planning for the road ahead extremely difficult. This is an area where we could use your support.

With the dollars available through the CARES Act, my administration has been able to provide \$35 million in funding for residents who are at risk of losing their homes, \$125 million for businesses on the verge of going under, \$50 million for farmers who need a hand and \$200 million for our local governments who have an ever-growing list of needs to respond to the pandemic. In addition to all the programs we have invested in, I have allocated \$1 billion to public health infrastructure and emergency operations to combat the virus head-on and have a state-of-the-art response. We have made significant and meaningful investment, yet there is an ever-growing list of needs and worthy causes that are also in need of resources during these challenging times. The federal dollars we have received must be used by December 31, 2020. This virus will not stop on December 31, 2020. We must continue to invest in testing, contact tracing, and PPE and we need financial assistance from the federal government to do it as we head towards this fiscal cliff.

Earlier this year, 43 members of your caucuses wrote a letter urging our state's congressional delegation to reject additional federal funds. It is clear now more than ever that we are going to need additional resources to respond to COVID-19 and the impact it is having on Wisconsinites. Please urge your caucuses to reverse course and help us advocate for additional federal resources so we can continue to respond to our state's health systems needs and provide support for the economic recovery.

4. We continue to ask Wisconsinites to stay home as much as they are able, limit travel and attendance at public gatherings, wash their hands, maintain social distance, and wear a mask whenever out and about. We need everyone to do their part to help keep our neighbors, our workers, our families, and our communities safe. As elected officials, you can help by leading by example. I would ask you and your members to model this behavior yourselves and please join these efforts by publicly echoing these calls, sharing information from the Department of Health Services, and urging your constituents in every medium and vehicle available to you to follow these best practices so we can all do our part to help prevent the spread of COVID-19 in Wisconsin. We have previously provided sample graphics and language to your caucuses and encourage your support by sharing them on social media and other platforms as you are able.

5. I was troubled to read a Republican senator's comments in the *Milwaukee Journal Sentinel* indicating Republicans in the Legislature plan to vote down our state's COVID-19 public health emergency, and, more specifically, that you intend to wait to do so until after the November election. "I can tell you that's what will happen," he said. I certainly hope those comments are not true. First and foremost, in light of the near-exponential increase in cases, rising hospitalization rates across our state, and the beginning of cold and flu season, ending our public health emergency in the midst of a global pandemic would have serious consequences for our state. But moreover, I would likewise hope you are not intentionally delaying such a vote until after the November election.

I assume you know the Legislature could convene at any time—today even—on this issue at your discretion, as was noted by a St. Croix County Circuit judge this morning. So, I presume if you and your members were to so strongly and seriously object to our public health emergency despite our present crisis, you would exercise your authority to convene the Legislature to end it imminently. I am sure you and your members share my concern about being transparent to the people we represent, and that it is not you or your members' intent to delay such a vote until after the election, allowing sitting legislators to avoid responsibility or accountability for such a vote at the ballot box this November. I am sure you and your members share my appreciation for ensuring voters across our state are informed and know their legislators' position on this issue in advance of casting their ballots for their legislators this November. And as most of your members were not able to respond to the *Milwaukee Journal Sentinel's* requests to publicly provide your position on our state's public health emergency and face coverings order, I am also sure you and your members will welcome the opportunity to provide clarity and certainty to the people of our state during such a tumultuous, unpredictable time.

As this is a matter of imminent, statewide concern, if the senator's comments are untrue, then I ask you both to please correct the record on behalf of your respective bodies and give families, frontline healthcare workers, businesses, farmers, hospital systems, and Wisconsinites across our state the peace of

mind knowing the Legislature will not seek to prematurely end this or any possible future COVID-19 state public health emergency until we have a vaccine for this virus.

In the alternative, if the senator's statement *is* accurate and you and your members *do*, indeed, intend to end our state's public health emergency prematurely in the midst of this crisis, then I ask that you and each of your members to publicly make your intent and position known to Wisconsinites and state plainly when you plan to take up such a vote. The people of our state and my administration deserve to know—and sooner than later—whether our state will again be thrust into chaos as a result of yet another Republican effort to curb our state's response and to take any necessary plans for this scenario and make adjustments.

In March, as we became aware of the seriousness and danger to public health that COVID-19 presented, I declared a public health emergency and my administration began to take immediate action to flatten the curve and slow the spread of COVID-19. As has been the case throughout this pandemic, we have relied on science and the guidance of public health experts to drive our decision making. The measures we took early on, from limiting mass gatherings to our safer at home order, saved lives and helped us to initially slow the spread of COVID-19 in our state. During this time, we have provided regular and updated briefings to Wisconsinites, members of the press, and the legislature, including standing briefings three times each week for your offices to keep all of you informed on all aspects of our state's response to COVID-19.

Unfortunately, the progress we were making earlier this year in preventing the spread of COVID-19 and keeping Wisconsinites healthy and safe came to a halt when you sued my administration to strike down our safer at home order. We are now seeing record days of positive COVID-19 cases and hospitalization rates across our state—a reality so stark it has prompted health systems to request the state begin operationalizing the alternate care facility to provide additional hospital capacity in the event our hospitals are overrun by COVID-19 cases. While we are hopeful we can flatten the curve enough to never have to use the facility, Wisconsinites across our state are struggling and they are rightfully scared of this virus, which will continue to go unchecked in the absence of a whole-of-state approach.

I will happily accommodate my schedule to meet with both of you, but, of course, want to give you enough time to prepare and have conversations with your members so we can have a robust and productive conversation about your plans and recommendations for our state's response to this pandemic that you and your members will support. I look forward to hearing back from you so we can get a forthcoming meeting scheduled to have a meaningful conversation about this pandemic and our state's response. I would cautiously urge, however, that as has been the case throughout this pandemic, time is of the essence. I am hopeful you and your members will meet quickly to put your ideas, feedback, and plans to paper.

As I hope you know, the challenges facing our state are unprecedented. Wisconsinites are scared about what this virus means for their loved ones, their businesses, our state economy, and our country's economy. We desperately need Republicans in the Legislature to start taking this seriously. And as has been the case throughout this pandemic and before, I remain willing to work with both of you as soon as you are ready.

Sincerely,

A handwritten signature in cursive script that reads "Tony Evers".

Tony Evers  
Governor