

Toney campaign: Rips Kaul for turning back on election law enforcement

Posted on Friday, Oct 29, 2021

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

Contact: info@erictoney.com

Kaul Snubs Law Enforcement Request; Investigation Warranted

[Fond du Lac, WI...] Eric Toney, Fond du Lac District Attorney, today ripped Attorney General Josh Kaul for snubbing the Racine County Sheriff's Office regarding allegations of voter fraud.

District Attorney Toney, who is currently prosecuting an election fraud case, said Kaul is choosing to play politics instead of serving as the state's top law enforcement official.

"Josh Kaul is making it clear that the law is secondary to his personal political aspirations. Kaul failed to provide state agencies and election officials appropriate legal advice during the 2020 election, and how he's blowing off a request investigate that violation of state law," said District Attorney Toney. "Kaul is more interested in playing politics than ensuring our election laws are being followed equally across Wisconsin in a fair and nonpartisan manner."

Yesterday, Racine County Sheriff Chris Schmaling called on Kaul to launch a statewide investigation into allegations that nursing home staff illegally assisted residents in filling out their ballots, including residents with clear cognitive issues. According to voting records, 38 of the 42 votes cast at the one nursing home facility in question came from new requests for absentee ballots when typically only 0-3 requests are made in an election year.

According to [Wisconsin Statute 12.13\(2\)\(b\)\(7\)](#), “no election official may...in the course of the person’s official duties or on account of the person’s official position, intentionally violate or intentionally cause any other person to violate” any election law. Violation of this provision is a Class I felony. Investigators say that when WEC instructed nursing home staff to violate state law, it violated Wis. Stat. 12.13(2)(b)(7).

“This is just one example from one nursing home, in one community, and in one county that was based upon statewide guidance from WEC. I agree with Sheriff Schmaling that a statewide investigation needs to be conducted into this issue, and part of that investigation must review the findings that nearly 50,000 votes were cast without a required photo ID,” said Toney. “We have an obligation to ensure every vote is counted according to the law because elections are the cornerstone of our democracy and we cannot brush aside these examples and allegations.”