

# Fond du Lac County District Attorney Toney: Citizen complaint leads to investigation and felony voter fraud charges

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Today District Attorney Eric J. Toney announced the filing of five felony voter fraud cases, bringing the total number of voter fraud case in Fond du Lac County to seven. These five cases came from an investigation conducted by the City of Fond du Lac Police Department. The allegations relate to individuals that illegally registered to vote using a PO Box as their address with three of the five voting in the November 2020 election. All defendants are presumed innocent unless or until proven guilty in court.

District Attorney Toney stated:

Elections are the cornerstone of democracy and must be safeguarded at every turn. It is crucial to educate the public and ensure they are properly registering to vote to ensure these violations don't end up in the hands of a district attorney. We want people to vote and to ensure they do so following our election laws. We have seen national election after national election scrutinized and the results routinely doubted by the losing party. I recognize we must do better as a nation and we can do better in Wisconsin to protect the integrity of our elections. The State legislature has passed legislation seeking to improve our election laws, including adding criminal penalties, but additional improvements are needed. Criminal penalties often only address the conduct after the votes have been counted. As a district attorney that is prosecuting election fraud, I know it can take months after an

election has occurred for the Wisconsin Elections Commission to refer criminal charges to local district attorneys, which is too late.

That is why Wisconsin must entrust local district attorneys and the attorney general to enforce election laws similar to how state ethics and open meeting laws are enforced. Current Wisconsin law grants standing to district attorneys and the attorney general by allowing any citizen to submit a verified complaint to them asking that an open meetings violation or ethics violation be filed in circuit court, including criminal ethics charges. Current law also allows a district attorney or the attorney general to file a mandamus, declaratory judgment, or injunction in some of these cases. This same approach is needed to ensure there is standing to protect the integrity of our elections because criminal penalties are insufficient and will often only address misconduct after the votes are counted.

In some circumstances, current state ethics law also allows the complainant to submit their complaint to a district attorney of an adjacent county if an ethics investigation is dismissed or not investigated by the district attorney with jurisdiction over the violation. Given the importance of our elections, Wisconsin must allow for similar enforcement of our election laws as we do for open meeting and ethics violations by allowing adjacent county district attorneys standing to act.

By adopting the model used for state ethics and open meeting violations it will allow citizens to submit a verified complaint to their district attorney or the attorney general demanding that potential illegal election conduct be investigated. This requires the complainant to submit an affidavit alleging specific facts, names of witnesses, and laws violated for a district attorney or the attorney general to then investigate and determine, what, if any, action should be taken. This would empower citizens to keep watch over our elections and grant standing to district attorneys to file forfeitures or criminal charges as well as injunctions, declaratory judgments, or a mandamus action to immediately halt any illegal election activity.

This commonsense approach would allow district attorneys and the attorney general to protect the integrity of our elections similar to how we are entrusted to protect our communities as well as enforce ethics and open meeting violations.