

FILED
10-24-2022
Clerk of Courts
Fond du Lac County WI
2022CF000818

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

EDWARD A. MALNAR
 262 Melrose Blvd.
 Fond du Lac, WI 54935
 DOB: 01/29/1948
 Sex/Race: M/W
 Alias:

Defendant.

DA Case No.: 2022FL002063
 Assigned DA/ADA: Tessa Button
 Agency Case No.: 22-2535
 Court Case No.:
 ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned law enforcement officer, of the Fond du Lac Police Department, being first duly sworn, states that:

Count 1: ELECTION FRAUD-VOTE MORE THAN ONCE

The above-named defendant on or about Tuesday, November 3, 2020, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did intentionally vote more than once in the same election, contrary to sec. 12.13(1)(e), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 2: OBSTRUCTING AN OFFICER

The above-named defendant on or about Tuesday, November 3, 2020, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority,, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

PROBABLE CAUSE:

Complainant is a Police Officer with the City of Fond du Lac Police Department and basis this complaint upon the report and investigation of Detective Vance Henning of the same agency with whom your complainant has worked with and knows to be competent and reliable.

On April 7, 2022 the Wisconsin Election Commission (WEC) submitted a referral to the Fond du Lac County District Attorney's Office alleging that Edward A. Malnar may have voted in two different states in the November 3, 2020 election. WEC advised that they reviewed the Election Registration Information Center (ERIC) and received possible matches for the double vote. The subsequent investigation reflected that Malnar admitted to voting in person in Wisconsin for the November 2020 election and Michigan election records indicate that Malnar voted by absentee ballot in Michigan for the same November 2020 election, voting in two states contrary to Wisconsin Statute 12.13(1)(e), which prohibits voting in more one state.

The District Attorney's Office referred the investigation to the city of Fond du Lac Police Department for further investigation. A referral was submitted to the Fond du Lac County District Attorney's Office by the Fond du Lac Police Department on August 3, 2022 requesting the defendant be charged with voting in two states in the November 3, 2020 election. Detective Henning conducted a follow up interview by phone with the defendant on August 15, 2022.

On April 18, 2022 Detective Vance Henning was assigned to investigate a possible instance of voter fraud for Edward A. Malnar alleging that Malnar violated Wis. Stat. 12.13(1)(e), which prohibits someone from voting more than once in the same election. Detective Henning reviewed a copy of the Wisconsin Voter Registration

Application for Malnar which reflected his current address of 262 Melrose Blvd in the City and County of Fond du Lac, Wisconsin. Detective Henning observed a signature for Malnar in the elector signature space and it was dated 10/20/2020. Detective Henning also reviewed a copy of the Official Absentee Ballot Application/Certification, which was signed by Malnar and dated 10/20/2020.

Data provided by the WEC alerted Detective Henning that an Edward A. Malnar also voted in the November 3, 2020 election in the state of Michigan. Detective Henning checked Edward A. Malnar through in house records and saw that Malnar had a driver's license with 262 Melrose Blvd in the City and County of Fond du Lac, Wisconsin and that Malnar moved to Michigan on 12/17/2019. Detective Henning then checked Malnar's information through Michigan and it reflected Malnar was issued a Michigan ID card on 10/25/2016, which expired on 1/29/2021.

On April 22, 2022 Detective Henning made contact with Edward Malnar at his residence. Malnar stated he had been living in Fond du Lac for 11-12 years and had lived in California many years ago and more recently Milwaukee and Wauwatosa. Malnar stated he was originally from the Houghton, Michigan area.

Detective Henning explained that he wished to speak about a voter fraud complaint and information Henning received from people that audit elections. Malnar stated that a couple years ago he may have voted in both states. Henning asked if Malnar meant the 2020 election and Malnar stated "no." Henning also inquired if Malnar voted in person in 2020 and he stated he did. When asked if Malnar voted in Michigan he stated he didn't recall.

Malnar stated he spends 6 months in Michigan and 6 months in Wisconsin and that he has a second residence in Michigan. Detective Henning then asked Malnar when he last voted in two states and Malnar stated the last time he voted in Michigan was 2020 and then quickly said he meant he voted in Wisconsin in 2020. Malnar then stated again he voted in person in Wisconsin in 2020. Malnar then stated the last time he voted in Michigan was 4 years ago.

On June 15, 2022 Detective Henning spoke with Jodi Vitcenda, the Senior Election Specialists at the WEC. Detective stated he received voter information from the WEC regarding Malnar in Wisconsin but not from Michigan. Vitcenda then stated she would mail Detective Henning the information from Michigan. On June 27, 2022 Detective Henning received a copy of Malnar's Michigan voting information from the WEC which confirmed Malnar requested Absentee ballots in Wisconsin and Michigan and returned each of the Absentee ballots on 10/20/2020 and 10/7/2020, respectively. Malnar also voted in person in Wisconsin on 11/03/2020 in the City and County of Fond du Lac according to the documents forwarded by the WEC from Michigan.

On July 13, 2022 Detective Henning spoke with the City of Fond du Lac's Clerk, Maggie Hefter and learned that Edward Malnar completed an absentee ballot for the 2020 election in October but voted in person in the November 2020 election.

On July 18, 2022 Detective Henning spoke with Mary Isola, the Town Clerk for the township of Torch Lake in Houghton County Michigan. Clerk Isola confirmed with Detective Henning that Edward Malnar voted in the November 3, 2020 election in Michigan via absentee ballot. Clerk Isola stated she would send Detective Henning copies of the voting records from Michigan.

On August 15 Detective Henning spoke with Edward Malnar by phone. Malnar stated he was at his residence in Michigan. Malnar acknowledged voting in person in Wisconsin in the November 2020 election but stated he didn't recall if he voted in Michigan during that same election. Detective Henning informed Malnar that he had copies of the paperwork reflecting Malnar voted by absentee ballot in Michigan for the November 2020 election.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 09/29/22
Electronically Signed By:
Catherine Block
Assistant District Attorney
State Bar #: 1053966

Electronically Signed By:
Det. Nicholas Hahn #137
Complainant

