

**STATE OF WISCONSIN      CIRCUIT COURT      FOND DU LAC COUNTY**

STATE OF WISCONSIN  
Plaintiff,

vs.

MARTIN C. KEHL  
638 North Lewis St  
Columbus, WI 53925  
DOB: 10/23/1957  
Sex/Race: M/W  
Alias:

Defendant.

DA Case No.: 2023FL003590  
Assigned DA/ADA: Eric J. Toney  
Agency Case No.: 23-8773  
Court Case No.:  
ATN:

**CRIMINAL COMPLAINT**

*For Official Use*

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

**Count 1: ELECTION FRAUD - VOTING BY DISQUALIFIED PERSON**

The above-named defendant on or about Tuesday, November 8, 2022, in the Town of Alto, Fond du Lac County, Wisconsin, did intentionally vote at an election when he did not have the necessary elector qualifications, to wit, he was a convicted felon who had not yet completed their term of probation, contrary to sec. 12.13(1)(a), 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.

**PROBABLE CAUSE:**

- 1) Complainant bases the allegations of this complaint upon the report and investigation of officer(s) Michelle C Fink, of the Fond du Lac Sheriff. Complainant and the officer(s) are reliable as sworn law enforcement officials.
- 2) Detective Fink received a packer and letter from the Wisconsin Elections Commission (WEC) indicating that WEC believed the defendant, Martin C. Kehl, had voted in the November 2022 general election while he was serving a felony sentence and ineligible to vote.
- 3) Detective Fink reviewed documentation from the WEC that showed the defendant's name and date of birth matched an individual who was still under felony supervision by the Wisconsin Department of Corrections at the time of the November 2022 general election. The letter from WEC stated the information was found by the statutorily required post-election felon voter audit conducted by the WEC staff. The letter also stated that WEC staff also reviewed DOC records to verify its accuracy.
- 4) Detective Fink reviewed a supplemental poll list from the Town of Alto, dated November 8, 2022, which was the date of the 2022 general election in Wisconsin. The list showed that voter #311 was Martin Clarence Kehl with an address of N3698 County Road EE, Waupun, WI and a signature.
- 5) Detective Fink also reviewed the voter registration application for Martin Kehl with the date of birth: 10/23/1957 with the same address listed for voter #311 in the supplemental poll list. The voter registration application has various sections, with the first section labeled as "Qualification." There are four boxes that can be checked:
  - 1) Are you a citizen of the United States,
  - 2) Have resided at the address provided below for at least 28 consecutive days prior to the election and not currently intent to move,
  - 3) Will be at least 18 years old on or before election day, and
  - 4) are not currently serving a sentence including parole, probation, or extended supervision for a felony conviction. All four boxes were checked on the defendant's voter registration application.

- 6) Detective Fink reviewed section 9 of the voter registration application which states:

By signing below, I hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at the above residential address for at least 2 consecutive days immediately preceding this election, that I have no present intent to move and I have not voted in this election. I also certify that I am not otherwise disqualified from voting and that all statements on this form are true and correct. If I have provided false information, I may be subject to fine or imprisonment under State and Federal laws.

- 7) Detective Fink reviewed the signature on the application and believes it appeared to match the signature in the poll book listing Kehl as voter #311. Detective Fink also reviewed documentation from the WEC staff that indicated "Per DOC 04/11/2023: Episode start date was 04/05/2021, projected end date is 04/05/2-24, case number is 20CF186 from Dodge County, sentencing date was 04/05/2021, agent is listed as Donald Weber.
- 8) Detective Fink went to the Myvote.wi.gov website and checked the defendant's voting history. The history showed the defendant voted in the 2022 general election in person at the Town of Alto Community Center located at W12,785 County Road AS, Waupun, Fond du Lac County, Wisconsin.
- 9) Detective Fink then reviewed the Wisconsin Circuit Court Access (CCAP) website and observed the defendant was convicted of an OWI 4<sup>th</sup> Felony offense on 04/05/221 and was sentenced to three years of probation, which confirms the DOC information provided by the WEC. Detective Fink also ran the defendant's name through in house records, which showed the defendant was still on active probation.
- 10) Detective Fink the traveled to the Dodge County Courthouse and obtained certified copies of the Ineligible Voting Notice and Plea Questionnaire/Waiver of Rights forms from Dodge County case no. 2020CF186.
- 11) The plea/waiver of rights form is standard form and the defendant's form in 2020CF186 states:
- I understand that if I am convicted of a felony, I may not vote in any election until my civil rights are restored."
- 12) The form was signed on April 5, 2021 and Detective Fink noted the signature on the form appeared to the match the signature on the forms provided by the WEC from the poll book and voter registration form.
- 13) Detective Fink also reviewed the Ineligible Voting Notice, which states:
- This notice is to inform you that under Wisconsin State Statute 6.03(1)(b), you are ineligible to vote in any election until your civil rights are restored. Your civil rights will be restored when the Department of Corrections has determined that you have satisfied all sentences and terms or probation on all felony cases and you are absolutely discharged from the Wisconsin Department of Corrections. This will happen when you have completed all of your felony sentences, including nay terms of parole, extended supervision or probation."
- 14) The form was signed and dated on April 05, 2023. Detective Fink believed the signature to be consistent with the signature on the forms provided by the WEC from the poll book and voter registration form.
- 15) On October 25, 2023 the defendant was interviewed at the Fond du Lac County Sheriff's Office, which was recorded by Detective Fink's body camera. During the interview the defendant acknowledged he was convicted of a felony offense in April of 2021 and was currently on Probation with his agent being Donald Weber. The defendant was shown the Ineligible Voting Form and Plea Waiver form and the defendant acknowledged he signed them but stated the day was a blur.
- 16) Detective Fink asked the defendant if he was aware he should not vote and what made him go and vote. The defendant stated his brother was sick at the time and his significant other's mother had passed away. The defendant stated his significant other had never voted before and he was encouraging her to vote and said they could go vote together. When they arrived at the polls the significant other was told she should have to vote in Columbus, where she resided. The defendant stated with all that going on he forgot he couldn't vote and it was just "normal" for him to vote.

17) The defendant stated there was piece of paper that a a box on the top that asked if you were a felon and he was curious if it was checked. Detective Fink showed the defendant a copy of the Voter Registration Application and went over the boxes with the defendant, showing him the box indicating “are not currently serving a sentence including parole, probation, or extended supervision for a felony conviction” was checked.

18) The defendant responded by saying “So I admitted I’m a felon and making a mistake? Aye Aye Aye. The defendant admitted to voting when he shouldn’t have and stated he didn’t have any nefarious intentions.

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

Subscribed and sworn to before me on 05/15/24

Electronically Signed By:

David W. Maas

Assistant District Attorney

State Bar #: 1025522

Electronically Signed By:

Ryan Flood

Complainant