

FILED
09-23-2021
Clerk of Courts
Fond du Lac County WI
2021CF000760

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

DONALD C HOLZ

400 North Peters Ave, C102

Fond du Lac, WI 54935

DOB: 03/30/1958

Sex/Race: M/W

Alias: Also Known As Donald Cliton

Holz

Defendant.

DA Case No.: 2021FL002682

Assigned DA/ADA: Eric J. Toney

Agency Case No.:

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 - VOTING BY DISQUALIFIED PERSON

The above-named defendant November 3, 2020, in the City of Fond du Lac, 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:

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

On August 24, 2021 the Wisconsin Elections Commission employee Jodi Kitts submitted a letter and documentation to the Fond du Lac County District Attorney's Office indicating that Donald C. Holz, the defendant, was on probation or parole for a felony conviction and voted in the November 3, 2020 election at the Fond du Lac Masonic Center located in Ward #1 of the City of Fond du Lac, Fond du Lac County, Wisconsin. The letter from Jodi Kitts also indicated that Donald Holz was on active probation beginning on October 8, 2019, which included election day November 3, 2020, and was scheduled to end probation on October 8, 2024.

Complaint reviewed a copy of the Donald Holz's Wisconsin Voter Application which was signed by Donald Holz on November 3, 2020 in which the defendant listed his address as 400 N. Peters Ave Apt C-102 in the City and County of Fond du Lac, Wisconsin. Prior to signing the Application it required the defendant to acknowledge that **"I am a qualified elector"** and **"not otherwise disqualified from voting."** Complainant is aware the defendant's address was listed as 400 Security Drive C-102 in the City and County of Fond du Lac, Wisconsin with the Department of Corrections.

Complaint has reviewed a copy of page 2 of the poll book from the November 3, 2020 election, which reflects Donald C. Holz signed the poll book as voter #468 and listed his address as "400 Security Dr C-102."

Complainant has also reviewed a copy of the Written Explanation of Determinate Sentence court form and a copy of the Judgment of Conviction from Fond du Lac County Case No. 19CF255. The forms reflect that Donald Holz was convicted of a felony, sixth offense OWI pursuant to Wis. Stat. § 346.63(1)(a), and sentenced to 5 years of probation with an imposed but stayed prison term of 30 months of initial confinement and 5 years of extended on supervision on October 8, 2019.

Complainant also reviewed a copy of the Voter Ineligibility Notice and Acknowledgement form from 19CF255. This form was signed by the defendant on October 8, 2019 and states that:

“Notice

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 has determined that you have satisfied all sentences and terms of probation on all felony cases and you are absolutely discharged from all felony cases. This will occur when you have completed all of your felony sentences, including any terms of parole, extended supervision, or probation.

ACKNOWLEDGMENT

I understand that I may not vote in any election until all of my civil rights are restored, and I have completed all of my felony sentences including any terms of parole, extended supervision probation.”

Detective Hahn reviewed the materials provided by the Wisconsin Election Commission and Detectives Hahn and Detective Vandermolen interviewed the defendant on September 2, 2021 at his residence. The defendant acknowledged that he voted in the November 3, 2020 election and had been living at his current residence for about one year.

The defendant stated he went “online” and as far as he knew it was ok for him to vote. Detective Hahn confirmed with defendant that the poll book page was filled out by the defendant and Holz acknowledged that was the book he signed prior to voting. Holz stated he told the election workers he was on probation and doesn’t know why they let him vote but didn’t know the name of the worker he spoke with. Holz stated he wished he had called his probation agent to determine if he was eligible to vote. Holz also acknowledged he was read the Voter Ineligibility Notice and Acknowledgement.

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

Subscribed and sworn to before me on 09/22/21
Electronically Signed By:
Eric J. Toney
District Attorney
State Bar #: 1079214

Electronically Signed By:
Det. Nicholas J. Hahn #137
Complainant