

FILED
05-23-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CF002456
Honorable Jonathan
Richards-30
Branch 30

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2024ML012452
Court Case No.:

vs.

CRIMINAL COMPLAINT

MATIAS, ANDREW R
8632 SOUTH FENWAY COURT
OAK CREEK, WI 53154
DOB: 11/23/1986

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: ELECTION FRAUD - FALSIFY OR DESTROY NOMINATION PAPERS, RECALL PETITIONS, ETC

The above-named defendant between Dec. 23rd 2023 - Jan. 02, 2024, at 901 North 9th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or any such petition, knowing any part is falsely made, contrary to sec. 12.13(3)(a), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant 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 an Investigator with the Milwaukee County District Attorney’s Office (MCDAO). I base this complaint upon my own investigation, as well as the statements of citizen witnesses and a review of documentary evidence.

As part of this investigation, I received copies of the “Nomination Papers for Nonpartisan Office” relating to Andrew Matias from the Milwaukee County Board of Election Commissioners Office, located at 901 North Ninth Street in the City and County of Milwaukee. Those papers were filed between December 22, 2023, and January 1, 2024, in order for Matias to be on the ballot for Milwaukee County Board Supervisor District 17 in the April 2, 2024, spring election. I reviewed 27 separate nomination papers. On seven of those forms, Matias certified that he personally circulated the forms and personally obtained 62 signatures. In reviewing those papers and interviewing the signatories therein, it was determined that, on at least three pages, Matias falsely certified that he personally obtained each signature when he did not. Further, on at least two other pages, which were signed by other individuals as the circulator, Matias obtained signatures after that individual had already signed the nomination paper as the circulator.

BACKGROUND

Candidates for office for a spring election must file nomination papers to be placed on the ballot. See Wis. STAT. § 8.10(1). For county supervisors in Milwaukee, there must be at least 200 but no more

than 400 signatures. WIS. STAT. § 8.10(3)(f). Those signatures may be gathered during the circulation period of December first until the first Tuesday in January preceding the election. A certification of a qualified circulator is required to be appended to each nomination paper. WIS. STATS. §§ 8.10(3) and 8.15(4)(a). I reviewed a copy of the Instructions for Preparing Nomination Papers for Nonpartisan Office. Those instructions contain explicit language stating that the circulator must be present for each signature and that papers cannot be left unattended. A copy of that language is below:

Signature of Circulator – The circulator should carefully read the language of the *Certification of Circulator*. **The circulator must personally present the nomination paper to each signer. The nomination paper may not be left unattended on counters or posted on bulletin boards.** The circulator’s complete residential address including municipality of residence must be listed in the certification. **After** obtaining signatures of electors, the circulator must sign and date the certification.

In December of 2023, Andrew Matias began circulating Nomination Papers for Nonpartisan Office. He was running for election as a Milwaukee County Board Supervisor for the 17th District. The date of the election was April 2, 2024. As such, all nomination signatures and paperwork needed to be provided between December 1, 2023, and January 5, 2024. As part of his signature collection, Matias submitted 27 pages of Nomination Paper for Nonpartisan Office forms, containing a total of 229 signatures.

In reviewing the different nomination papers, Matias personally signed 7 of them as the circulator. Those papers each included a “Certification of Circulator,” in which the signor certifies that they personally circulated the nomination paper and obtained all signatures on it. A representative copy of that certificate is below:

CERTIFICATION OF CIRCULATOR

certify: I reside at 8632 So. Fenway Ct, Oak Creek, WI 53154
(Circulator's residential address - include number, street, and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. §12.13(3)(a).

1/12/24 [Signature]
(Date) (Signature of circulator)

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Despite these requirements, Matias signed three nomination papers that were circulated by other individuals. In signing these forms, Matias was falsifying information in a nomination paper knowing that the information was false.

INVESTIGATION

In January of 2024, the MCDAO received a complaint that there were conflicting affidavits filed surrounding the nomination papers for Andrew Matias. Concerns were raised surrounding pages 4 and 13 of the nomination papers. Both pages contained 10 signatures. Page 4 was signed by MD as the circulator, while page 13 was signed by ED as the circulator. However, neither MD nor ED obtained each signature on those papers. Both individuals had signed the nomination paper and then returned it to Matias with a single signature on each page. Following the forms receipt, Matias then further circulated the forms to fill out the rest of the signature lines. He then submitted those nomination papers with MD and ED’s names on the bottom as the circulators, despite them not having engaged in any circulation. When the Milwaukee Elections Commission raised concerns, MD and ED each filed an affidavit, stating that they circulated the entirety of the nomination page. Matias filed an affidavit that he

circulated signatures 2 through 10 on each form. Based on the conflicting nature of these affidavits, this investigation commenced.

As a result, Complainant obtained copies of the different nomination papers that were filed by Matias, as well as the affidavits that had been filed. Those nomination papers were received from the Milwaukee County Election Commission. Those papers had been filed on or about January 2, 2024, at the Commission offices at 901 North 9th Street, in the City and County of Milwaukee. In conducting this investigation, Complainant reviewed copies of the different nomination papers that were filed by Matias. Each page contains a page number at the bottom, which shall be used to identify the pages throughout this complaint. Twenty seven nomination papers were filed, with seven of those personally certified by Matias as the circulator.

In addition, Complainant obtained records of Matias's Facebook account through legal service. Those records showed that Matias solicited friends and associates to circulate nomination papers on his behalf. In particular, Matias solicited CA to circulate nomination papers. CA agreed to obtain signatures for Matias. CA obtained ten signatures on page 17 of the nomination papers and appropriately signed that page as the circulator. CA further obtained signatures on pages 18, 24, and 25 of the nomination papers. The signatures on these pages were all obtained on January 1, 2024. However, investigation revealed that he was not listed as the circulator for these pages. Matias personally certified that he circulated this pages. This was false. Further detail is provided below.

Concerns from Facebook

As part of this investigation, Complainant reviewed Matias's Facebook communications surrounding the circulation period. Those records further establish that Matias falsely certified these nomination forms knowing that he was not the individual that personally circulated them.

Issues with Matias's certifications first became apparent upon review of his Facebook messaging with CA. As noted above, CA was one of the individuals that was circulating pages 17, 18, 24, and 25. These pages were circulated on January 1, 2024. On December 22, 2023, in a conversation regarding obtaining signatures, CA specifically asked a question regarding certifying signatures. On December 27, 2023, Matias instructed CA that he didn't have to certify the signatures with his information; he told him that he (Matias) would sign them forms. This instruction occurred five days before Matias falsely certified the forms that CA circulated. That conversation is shown below:

Author C [REDACTED] A [REDACTED] (Facebook: [REDACTED])

Sent 2023-12-22 14:46:22 UTC

Body Got them printed out. It doesn't matter that I'm certifying them and live outside of the district does it?

Author Andrew Matias (Facebook: 501730037)

Sent 2023-12-22 14:49:52 UTC

Body As long as the signatures are within the district, no. Anyone can help get the signatures.

Author C [REDACTED] A [REDACTED] (Facebook: [REDACTED])

Sent 2023-12-22 14:50:16 UTC

Body Cool... I should do well at this.

Author Andrew Matias (Facebook: 501730037)

Sent 2023-12-22 14:50:55 UTC

Body I'm super thankful.

Author Andrew Matias (Facebook: 501730037)

Sent 2023-12-27 04:19:45 UTC

Body Don't worry about certifying the signatures with your information. You can leave the bottom blank and I can sign.

This conversation demonstrates that Matias was aware that the nomination forms required the circulator to certify the signatures. Complainant notes that these messages occurred prior to Matias falsely certifying pages 18, 24, and 25.

Further, on January 1, 2024, CA sent Matias a Facebook message that he was going to get signatures with D, who Complainant knows to be the DG discussed below. CA informs Matias he has 38 signatures and Matias offers to meet with him then to get the papers.

Author C [REDACTED] A [REDACTED] (Facebook: [REDACTED])

Sent 2024-01-01 21:46:04 UTC

Body Hitting up this subdivision with D [REDACTED]

Author C [REDACTED] A [REDACTED] (Facebook: [REDACTED])

Sent 2024-01-01 22:12:50 UTC

Body Chris called you.

Call Record **Missed** false

Duration 81

Author C [REDACTED] A [REDACTED] (Facebook: [REDACTED])

Sent 2024-01-01 23:02:26 UTC

Body At 38... can get 3-6 more easily if you think we should keep going?

Author Andrew Matias (Facebook: 501730037)

Sent 2024-01-01 23:03:16 UTC

Body That's enough. I can meet with you now

This is consistent with the nomination papers that were circulated by CA. As discussed below, CA was involved with DG in circulating pages 17, 18, 24, and 25. Page 17 was signed by CA, while Matias signed as the circulator for pages 18, 24, and 25. Those were false statements by Matias. The total number of signatures on those four pages was 38. As such, it is apparent that CA was discussing pages 17, 18, 24, and 25 in his Facebook messaging with Matias and that they then met on January first for CA to provide copies of the papers to Matias.

Nomination Papers

As part of this investigation, Complainant interviewed individuals who were present or involved with the circulation of the nomination papers. In speaking to CA, he stated that he circulated page 17 of the nomination papers.¹ Additional investigation revealed that CA was the circulator for pages 18, 24, and 25 as well.

On April 17, 2024, Complainant interviewed JB and DG. JB stated that she was one of the signors of the nomination papers. DG stated that she was with CA when he was circulating nomination papers for Matias. CA came to her residence, where she signed the nomination papers. DG then went with CA around to the neighbors' houses so they could sign the papers as well.

Page 18 of the nomination papers contained 10 signatures. All the signatures on this page were obtained on January 1, 2024. The ninth name on that sheet is JB. She confirmed it was her name and signature on line 9 of page 18. She further confirmed that the signatures on lines 7 (DB) and 8 (MS) belonged to her son and his girlfriend and that they had signed the sheet at the same time. JB told

¹ Page 17 of the nomination papers was the only page signed by CA. At the time of CA's interview, Complainant was unaware that addition pages had been circulated by CA and that Matias had falsely signed them as the circulator. As such, CA was not asked regarding the other pages he circulated. Subsequent follow up interviews were unsuccessful.

Complainant that her neighbor, DG, was the person circulating the nomination papers, along with a male she did not know.² When shown a photograph of Matias, JB did not recognize him.

Also on page 18, DG confirmed that, on page 18, lines 1 through 3 belonged to her husband, her son's girlfriend, and her son. She stated that she was also present when the signors on lines 4 through 6 signed as well. DG stated that CA was the individual circulating nomination paper page 18. Matias was not present for the signatures.

Page 24 of the nomination papers contained 8 signatures. All of these signatures were also obtained on January 1, 2024. The second name on page 24 is DG. DG confirmed it was her name and signature on line 2 of page 24. She further stated that she went along with CA and witnessed him gathering all the signatures on page 24. Matias was not present for the signatures.

Page 25 of the nomination papers contained 10 signatures. All of these signatures were also obtained on January 1, 2024. DG stated that CA told her he obtained the signatures for line number 1 and line number 2. Further, JB stated that all the signatures on nomination pages 17, 18, 24, and 25 are in her area. Based on the fact that CA admitted to circulating page 17, that DG was present with CA for the circulation of pages 18 and 24, that CA told DG he obtained at least two names on page 25, that the names on page 25 are all from the same area as the other pages, and that all four pages were circulated on the same day, Complainant believes that page 25 was also circulated by CA, not by Matias.

On January 1, 2024, Matias signed pages 18, 24, and 25, certifying that he personally circulated those papers and obtained each signature. This was not true. Each of these nomination papers was circulated by another individual; Matias did not witness any of these signatures.

Matias Statement

On February 27, 2024, Complainant interviewed Matias. Matias verified that he was a candidate for County Board Supervisor, running in the April of 2024 election cycle, and that he was circulating nomination paperwork during December of 2023. At the time of this interview, Complainant was unaware of the additional nomination papers that Matias falsely certified. Matias refused to sit for a follow up interview.

² Further investigation revealed this male was likely either CA or the husband of DG. It was not Matias.

CONCLUSION³

Matias was a candidate for Milwaukee County Board Supervisor and was required to submit Nomination Papers for Nonpartisan Office to the Milwaukee County Election Commission. Matias signed the Certification of Circulator on multiple forms, indicating that he personally circulated the paper and personally obtained each signature. On at least two of those forms, that certification was false. Matias certified that he personally obtained each signature on those pages when, in fact, all the signatures on each page were obtained by other individuals. As such, Matias made a false statement in certifying each of these forms. These false statements pertained to his candidacy and were intended to gain his admission to the ballot, which thus intended to affect voting at an election.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Matthew Richard Westphal.
ADA Assigned Email Address: Matthew.Westphal@da.wi.gov

Subscribed and sworn to before me on 05/17/24

Electronically Signed By:
Matthew Richard Westphal
Assistant District Attorney
State Bar #: 1071292

Electronically Signed By:
MCDA Investigator David E. Dalland
Complainant

³ At this time, the State is filing a single count as representative of the course of conduct that Matias engaged in. The State provides notice that, if this case were to proceed to trial, the State would intend to add additional counts for each of the falsely certified nomination papers.