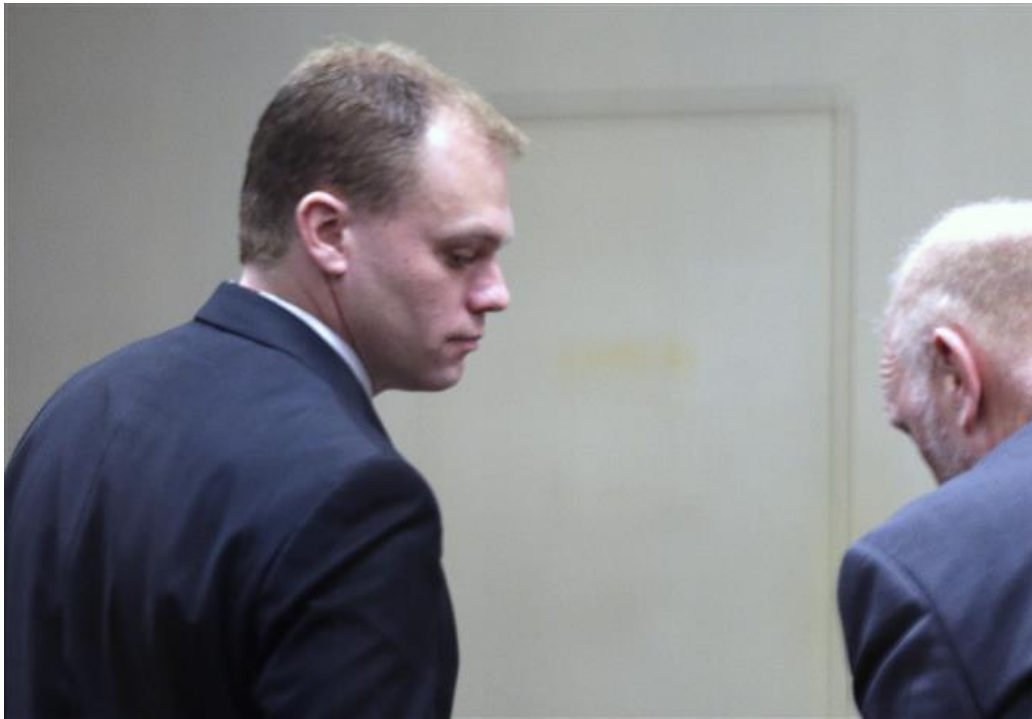


CRIME

West Allis man sentenced for voting twice in 2012 presidential election



Todd M. Murray of West Allis appears in Milwaukee County Circuit Court for sentencing on charges of voting twice in the 2012 presidential election. Credit: Gary Porter

By *Bruce Vielmetti* of the *Journal Sentinel*

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A 34-year-old West Allis man who blamed depression and anxiety for voting twice in the 2012 presidential election was sentenced Wednesday to 90 days in jail as a condition of 18 months probation.

The sentence was less than a prosecutor recommended, but more than the fine recommended by Todd M. Murray's lawyer, who argued that

Circuit Judge Joseph Donald said it didn't matter that Murray's extra vote didn't affect any electoral outcomes. It's still a serious offense that affects everyone else who counts on the principle of one person, one vote. A sentence without jail time, Donald said, would depreciate the nature of the crime.

Murray, who reports to jail Jan. 5, will be allowed release privileges for work and therapy.

Murray was on his way home from his engineering job in Waukesha on Nov. 6, 2012, when he stopped in New Berlin, registered and voted. He then cast another ballot at his regular polling place in West Allis. He was charged in June and pleaded guilty Wednesday.

His attorney, Charles Blumenfield, commissioned an analysis of every double-voting case in Wisconsin since 1991. It showed only four cases of 19 resulted in jail time, and all were in Milwaukee County.

Assistant District Attorney Bruce Landgraf pointed out that many of the outstate cases involved proof problems, had been reduced to misdemeanors or involved older or brain-injured defendants. He noted that no other county besides Milwaukee has ever had more than one double voting case.

Landgraf agreed that Murray came to court with positive social attributes, but also noted that the typical double-voting defendant in Milwaukee County had similar demographics — suburban male, educated, not politically active, with a good job and no criminal past.

For Murray, Landgraf recommended two years probation, conditioned by six months in jail, with work release privileges. He said a fine alone could be criticized as the price of an extra vote.

Blumenfield suggested a year of probation and \$1,000 fine, but no jail time.

"My client is not the sort of individual this court usually encounters," Blumenfield told Donald. "He shouldn't be here. There's no explanation for what he did."

Disorder Cited

Murray began therapy before he was even charged, his attorney said. A Brookfield psychologist, [Anne Huebner](#), told Donald that in November 2012, Murray was suffering from [adjustment disorder](#), along with depression and anxiety, that left his thinking slow and sluggish, she said, like being on a heavy dose of cold medicine.

Huebner said Murray's trouble was due in part to the fact his social support network had gone dormant with the end of the motorcycle racing season. He is a successful sportbike racer on tracks such as [Road America in Elkhart Lake](#).

But since starting treatment in May 2013, she said, Murray has developed better coping strategies.

Blumenfield said his impression was that Murray, whom he said worked among many outspoken Republicans, stopped to vote at his prior polling place, but then later worried he may have made a mistake, and then registered at the polling place for his new address in West Allis, and cast a second vote.

"In order to make sure his vote, singular, would be counted," Blumenfield said. Neither he nor anyone else, nor any records, indicate how Murray voted.

Murray told the judge he was trying to be comprehensive, and in his "heart of hearts," never believed that both votes would get counted.

Almost all the cases of double voting involve the same person casting ballots in more than one place, not casting one vote as themselves and another in someone else's name, though that has happened.

The most recent case involves a Shorewood man charged with both forms of double voting. [Robert Monroe has entered an insanity plea](#) and his case is on hold while he undergoes a competency evaluation.

A 28-year-old man who said he was [drunk and high when he voted twice](#) got six months, and a 56-year-old man who was found guilty by a jury of voting twice was [sentenced to 9 months](#) for that and lesser voting violations to which he pleaded guilty.



About Bruce Vielmetti

Bruce Vielmetti writes about legal affairs.

[@ProofHearsay](#)

bvielmetti@journalsentinel.com

414-224-2187

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