

GRAND JURY Grand jury finds more UCSC voting problems

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SANTA CRUZ — More voting irregularities at UC Santa Cruz precincts have been discovered by the grand jury.

Grand jury Foreman Paul Bihler announced today an investigation has revealed almost 200 persons who did not reside at the university voted there in November's presidential election.

About 75 did not attend the university at the time of the election, he said.

Bihler said the votes were cast "in direction opposition" to a decision last April handed down by former Superior

Court Judge Harry Brauer, now a state appellate court judge.

A list of 190 names will be given to the District Attorney for further investigation.

The grand jury investigation also showed precinct workers had "allowed over 50 persons to vote at the university" who should not have been allowed to vote, said Bihler. These voters had given an off-campus address as their place of residence when signing the voting roster.

The list of names of voters involved in these incidents will be given to the Elections Department for corrective action.

Several of the voters had requested and received absentee ballots, Bihler said.

In addition, the grand jury found over 600 names of persons who no longer live at, or attend the university, continue to be listed on voter registration rolls, even though they did not vote, Bihler said.

"This not only dilutes the high voter turnout at UCSC but also, once again, graphically illustrates the need for Santa Cruz County, through the Board of Supervisors and the Elections Department, to petition the state legislature for a positive, pilot (voter roll) purge program," said the grand jury foreman.

"As long as the present system continues, thousands of dollars will be wasted each election, sending out voter materials and campaign literature to people who no longer reside at their former address," he added.

Bihler released results of the investigation in a written statement to the press today.

Bihler referred to Judge Brauer's warning in April to voters who had cast out-of-precinct votes in the November, 1983 election.

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Following a grand jury investigation into voting irregularities in that election, a citizens' lawsuit was filed challenging the election results.

Judge Brauer upheld the results, but he sternly rebuked voters — mostly students — who cast ballots in four UCSC precincts while living elsewhere.

The judge told the voters they must vote where they live in future elections. Brauer's decision was appealed to the appellate court. No decision has been made on the appeal.

Bihler said the grand jury will continue its investigation and will analyze selected precincts throughout the county.

Bihler noted disclosures from last year's grand jury investigation showed 472 persons had voted improperly, resulting in the 3½-long trial in Superior Court.

Judge Brauer concluded 110 of the challenged votes were illegal — not enough to overturn the results of the election.

At stake was a City Council seat won by Jane Weed.

An aim of the plaintiffs in the election lawsuit was to prove Weed's election had been invalid and to replace her with more moderate candidate Bill Fieberling. Fieberling's victory would have shifted the council majority toward the political right.

The election challenge had been led by Santa Cruz lawyer Tim Morgan, also the attorney for the conservative-backed All Santa Cruz Coalition.

A group of 22 plaintiffs from the conservative to moderate side of the political spectrum — including six former mayors and a representative from a group called "Citizens Against Voter Fraud" — had filed the election challenge lawsuit.

County Elections Department Supervisor Frances Giardina said today a new county voter education program would begin soon in an attempt to stem instances of voting irregularities.

She added that votes are cast out of precinct in every election. She said the last election did not show an unusually high number of irregular votes.

Most irregular votes are cast because the voters "don't pay attention" to requirements, not because of intent to fraud, she said.

Added Giardina: "We always find people who don't know how they are registered. There is a lot of lack of knowledge. We are always telling people they have to re-register when they move.

"But most people don't care until the day of the election."

New legislation has triggered a "pink envelope" program at voting booths in precincts.

Before a ballot is given to a voter, the voter signs his or her name and address. A precinct worker checks the address against a pre-printed list of voters.

If the address is different, the voter is given a ballot with a pink envelope. During the vote count, these ballots are checked by elections workers for validity.

To vote in California a person must be 18 or older and have lived in the state, county and precinct 29 days before an election.

The introduction of the do-it-yourself postcard registration law in 1976 made it easier to vote.

Groups fighting for stricter election

regulations maintain the postcard regulation and absentee ballot system leads to voting fraud or irregularities.

Others argue, if someone wants to cheat the voting system, he or she will find a way to do it, regardless of postcard registration.