

# Key decision due in election trial

By MATT SPEISER

A decision was expected this afternoon from Superior Court Judge Harry Brauer on the validity of a single voter's ballot — the voter considered typical of those called in question — in last November's Santa Cruz city election.

The trial challenging the validity of more than 450 ballots from the UC-Santa Cruz campus began Wednesday in Santa Cruz Superior Court. The conservative All Santa Cruz Coalition, represented by attorney Tim Morgan, charges that the ballots are invalid because at the time of the election the voters did not reside at the addresses listed in their voter registration records.

Thursday, the first few of the voters whose ballots are disputed took the stand to testify about their residences and reasons for being registered on campus. Among those was 22-year-old Amy Mullin, whose testimony was considered typical of many who are expected to testify in the coming weeks — so typical, in fact, that attorneys from both sides asked Judge Brauer to make an early determination on the validity of her ballot, a decision that could be an indicator of how the remainder of the trial may go.

Miss Mullin testified that she lived on campus in the 1980-81 academic year and registered to vote on campus in the spring of 1981. She subsequently moved off campus, and although she made an attempt to move back on campus in 1982, she has spent the interim period living in Santa Cruz.

When asked why she continued to vote on campus, Miss Mullin testified that because

she was constantly moving, she considered her campus voting address something "that was always there ... So long as I was a student, it was a more stable place."

There is no allegation that voters such as Miss Mullin deliberately engaged in fraud, but the challengers argue that incorrect information on her voter registration card should invalidate her vote.

Central to the argument over correct or incorrect voter information is the issue of what constituted the "domicile" of voters such as Miss Mullin. Although her residence was clearly off campus when she voted in the November election, attorneys for the defense have argued that her intent to move back on campus or her state of mind, if she spent nearly all her time on campus, should make the campus her true domicile.

And that is why both sides are eagerly awaiting Judge Brauer's verdict in her case.

Lawyers explained Thursday that with such a ruling, they will be able to adjust their presentations and questions of further witnesses.

The judge's decision could also pave the way for a shortcut to make the taking of testimony from all 450-plus voters unnecessary.

Ultimately, what stands in the balance in the case is the distribution of power between liberals and conservatives on the Santa Cruz City Council. The liberals maintained their 4-3 advantage over the conservatives in last fall's election. However, only 145 votes separate liberal Jane Weed, a winner, from conservative Wilson "Bill" Feiberling, a loser.

REFERENCE

ARTOS BRANCH