

Grand Jury: 472 votes were 'cast illegally'

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SANTA CRUZ — As many as "472 votes were cast illegally" at the four UCSC precincts in the Nov. 8 election, according to a Santa Cruz County grand jury report issued Saturday.

The grand jury says it found that over 25 percent of the 1,837 votes cast at the four campus precincts were by people who didn't have campus addresses.

The investigation could result in a

challenge to the city council election if there's a citizen interested.

Such challenges have to come from a registered city voter, and not from the grand jury. The challenge will have to be made within the next day or two, say county officials. They were not certain if the official deadline is Dec. 13 or 14 for challenges.

Jury Forman Julius Defosset says that any citizen interested can have access to the jury's findings to use in court.

If a challenge is made early this week, County Clerk Richard Bedal must take it to Superior Court within five days and the court must set a hearing within 10-20 days.

If a court decides there was enough illegal voting done to have made a difference in the outcome, an election can be set aside and a new election ordered.

Four councilmembers were elected this fall and the fourth winning candidate was only 38 votes ahead of the

fifth runner-up and 145 votes ahead of the sixth.

The university precincts voted 9-1 in favor of progressive candidates and progressive Jane Weed ran fourth, followed by socialist (progressive) former Mayor Bruce Van Allen and moderate Wilson "Bill" Fieberling in sixth place.

Had Fieberling won, it would have meant the progressives would have lost the majority vote they've had the past two years.

The jury said it found that 272 of the "illegal votes" were from those who lived in the city, instead of on campus; 95 had post office box addresses only; 33 lived out-of-town; 59 did not attend the university at all, and 13 had no addresses listed.

The four winning candidates were Arnold Levine, 9,052; Katy Sears-Williams, 8,679; Michael Rotkin, 8,539, and Weed at 8,288. Losing: Van Allen with 8,250; Fieberling, 8,143; Jim Felich, 7,855 and Ed Porter, 7,790.

According to Defosset and Juror Paul Bihler there were nine members of the 19 member jury who worked on the investigation and it has been ongoing for six weeks.

In announcing the investigation, Defosset said, "Due to numerous allegations and time limitations, the probe centered around the four precincts encompassing the UCSC campus."

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"By means of subpoena, many documents were available for comparison. These included housing contract lists, attendance rosters and faculty residence lists.

"In comparing these with voter registration rolls and precinct roster indexes, a list of irregularities was developed.

"A college by college on-campus audit was also conducted to eliminate any possible errors in the printed information."

Defosset said that no voters were subpoenaed or put under oath to determine if they were lying in their registration.

Generally, it's difficult to prove where a person resides for voter registration purposes because there's an element of "intent" that has to be considered.

A person can simply declare they intended to live at a certain place and it's difficult to prove otherwise.

District Attorney Art Danner said that a judge in an election challenge

hearing could weigh the sincerity of testimony on such matters.

The grand jury turned its investigation material over to Danner and he said his office will look into it. There was one case where a person may have voted twice and Danner was given information on that.

Danner said that if a challenge is made, the defenders of the election are those elected in the court hearing. It is not up to the county clerk, or the district attorney, to defend the election.