

# Vote challengers rest case in Santa Cruz election trial

By BUD O'BRIEN

Attorneys for those challenging the results of last November's Santa Cruz City Council election rested their case this morning.

After having subpoenaed and received testimony from about 170 persons of the 472 whose votes are being challenged, the election challengers are now seeking to shift the burden for producing further witnesses to the defense.

Tim Morgan and John Bohrer, representing the 22 Santa Cruz residents who are formally challenging the election results, are asking Superior Court Judge Harry F. Brauer to rule that another 161 voters who have not yet testified be "presumed" to have voted illegally in the November election because other testimony has revealed that they had not resided in the precincts in which they voted for at least a year prior to the election. If the judge were to do so, it would probably force the defense to assume the expensive and time-consuming burden of subpoenaing those 161 voters.

Defense lawyers Mitchell Page and Robert Taren have already submitted briefs to Judge Brauer in which they assert, among other things, that the challengers of the election are relying on a "hypertechni-

cal" violation of election law in an unprecedented effort to overturn an election.

Judge Brauer has not made any rulings on the matter, but was expected to hear arguments from both sides in support of their positions this afternoon.

Those challenging the election have charged that 472 votes were illegally cast in UC-Santa Cruz precincts last November. They base their assertion on charges by the county Grand Jury that those 472 voters did not live on the campus when they cast their ballots.

Defense lawyers have attempted to show that the challenged voters, predominantly UCSC students, actually considered the campus their "domicile" as it is defined in the election laws, even though most of them resided in other places on a "transitory" basis.

The conservative-oriented challengers are specifically trying to overturn the election of Jane Weed to the City Council. Ms. Weed, a member of the "progressive" political faction, received the fourth-highest number of votes in the election in which four council members were elected.

Her margin over "conserva-

tive" Bill Feiberling was so narrow that if the court were to toss out the 472 contested votes, and subtract the votes in the proportion that the campus precincts voted for the individual candidates, Ms. Weed would be ousted and Feiberling seated. The campus precincts voted 9-1 in favor of progressive candidates.

That would change the current margin on the City Council from 4-3 in favor of progressives to 4-3 in favor of the conservative bloc.