

Legality of Fallen Leaf Lake board members still murky

By Jessie Marchesseau

Even though no votes were actually cast, Tom Barber, Wanda Kownacki, David Stumbos and Stephanie Neidig will be sworn into their seats on the Fallen Leaf Lake Community Services District board of directors next month.

But there is still a question as to whether any of them can legitimately hold the positions.

The candidates did not appear on any ballots because all four ran unopposed. Barber, Kownacki and Stumbos will maintain their positions as directors, while Neidig is stepping into the vacant seat.



Fallen Leaf
Lake CSD
directors Tom
Bacchetti and
Wanda Kownacki
will continue
to sit on the
board.

Photo/Jessie
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The question of legitimacy, however, has nothing to do with

the election. Rather, it stems from the voter fraud issues Fallen Leaf Lake residents have been plagued with for more than a year.

Some area homeowners are doubtful whether any of these candidates can actually legally register to vote within the district. If not, they could be ineligible to hold office. Article II, Section A of the Fallen Leaf Lake CSD bylaws states: "The District shall be governed by a Board of Directors of five (5) members. Each Director shall be registered to vote within the district."

Fallen Leaf Lake CSD director and president, Tom Bacchetti, said he and all of the other directors are currently registered to vote within the district. However, El Dorado County Assistant District Attorney Hans Uthe expressed that simply being registered does not necessarily make it legal.

"Someone can register, and that makes them eligible until the court tells them they're not," Uthe told *Lake Tahoe News*.

So even though they may be currently registered to vote within the district, the question remains as to whether or not that registration is legal.

While some community members have expressed their concern over the issue to the El Dorado County Elections Department and District Attorney's Office, both entities state that it is not their place to determine eligibility of candidates or to remove them from office.

Uthe said he has made it clear to everyone who has contacted him regarding this issue that they have two remedies to the solution. They can seek a civil remedy by bringing the issue before a civil court, or they can file a complaint with the California Secretary of State.

For now, the District Attorney's Office has completed its investigation and is offering no further insight about the

issue. However, a complaint to the Secretary of State could trigger another investigation and possible criminal charges.

Meanwhile, there still seems to be some misinformation circulating within the Fallen Leaf Lake community.

At the board of directors' meeting Nov. 5, Bacchetti announced the District Attorney's Office would accept letters from residents declaring Fallen Leaf Lake their domicile in order to rectify any question regarding legal voter registration within the district.

Uthe, on the other hand, said that his office has not solicited any such letters or made any such agreement. A letter, he said, cannot determine the issue of legal domicile.

"That someone would claim to be abiding by the law doesn't necessarily mean they are," Uthe said.

The idea of domicile can be somewhat complicated, he said, but what it basically comes down to is where a person actually lives.

With so many second homeowners in Fallen Leaf Lake, that still leaves them with the issue of residents being able to vote on key issue within the district.

"The only way that this is going to get solved is legislation," Bill Schultz, El Dorado County registrar of voters said. "Fallen Leaf Lake is not the only CSD with this problem."

So a group of Fallen Leaf Lake homeowners is taking it upon themselves to get just such a bill passed. Mike Cathcart is one of these homeowners. He said the group has agreed on language for their proposal and met with individuals in Sacramento to take the necessary steps to get the proposal introduced and hopefully passed by the Legislature.

Cathcart and the rest of the group have focused their proposal

specifically toward voters in Fallen Leaf Lake. However, Schultz believes statewide legislation would be the key to clearing up similar voting issues in CSDs across the state.

But for now, Fallen Leaf Lake residents are left to make their own determinations as to whether or not they are legally able to register to vote within the district and trust their board of directors to do the same.