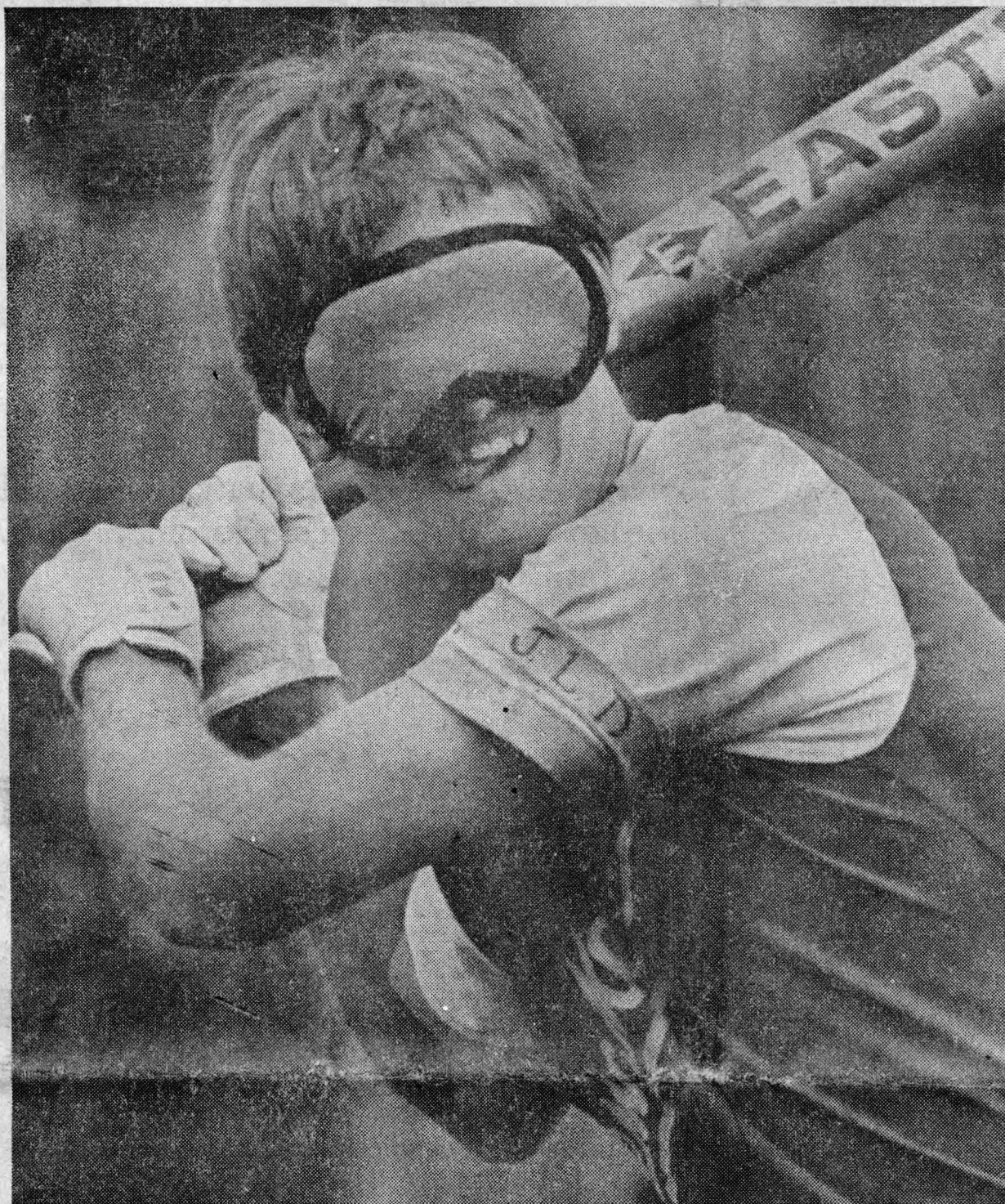


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Menlo Park Edition



Times Tribune staff photo by Joe Melena

Jerry Windel of Tru Sight gets set to hit Wednesday at the Beep Baseball World Series at Stanford University.

members sometimes travel as far as 200 miles to find another team to compete with, Davis said.

Team members put a lot into the game, as they swing at the beeping ball and then try to touch a base 90 feet away before the ball is scooped up by the opposing team.

"If they knew they were going to

break an arm when they hit that base, they'd probably do it anyway," Davis said.

The Tru Sight players are all legally blind, but only Marshall is completely blind. The players wear blindfold masks while on the field or batting to assure that partially sighted players have no advan-

tages.

Each team uses its own pitcher and catcher, along with two sighted "spotters" who tell the fielders what area a hit ball is in.

Aside from the differences necessitated by the blindness,

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East Palo Alto incorporation

Decision upholds cityhood

By Cinde Chorness
and Ruthann Richter
Times Tribune staff

The state Supreme Court today unanimously upheld a June 1983 election that gave city status to the small community of East Palo Alto.

In a decision written by Chief Justice Rose Bird, the court ruled that there was no fraud in the election three years ago when the bay-side community voted for incorporation by a slim 15-vote margin.

The election had been challenged by opponents of incorporation, who charged that there was voter fraud, particularly in absentee balloting.

But the Supreme Court today labeled as "plainly meritless" the claim that election officials cannot mail ballots to qualified voters to any place other than their homes.

The court also said that in the cases where absentee ballots were filled out in the presence or with the help of incorporation supporters, the voters had asked for such assistance.

"We realize that the integrity of an election is impaired when partisan campaign workers coerce absentee voters to give up their right to vote in secret," said the ruling. "But the trial court determined upon the basis of substantial evidence that no such coercion occurred here."

"Most voters who disclosed their ballots did so because they needed help in view of their age, infirmity or illiteracy ... Under these condi-

tions we will not deprive the individuals who cast the challenged ballots of the exercise of their fundamental right to vote," the court said.

The decision also rejected the appellants' request to not count absentee ballots delivered by an incorporation backer. It said those deliveries took place because of "inadvertent violation" of the state election code by voters and deputy county clerks, and there was no fraud of tampering with the ballots.

The state Supreme Court decision upholds a San Mateo County Superior Court ruling that the election was valid.

"It's great. Now the city can go forward without the cloud of a lawsuit over its head," said Ann Broadwell, one of the attorneys representing the city.

San Mateo County officials, who have contended all along that the election was valid, also were elated at the court ruling.

"It is a vindication completely of our position that there was no fraud in the election," said Assistant District Attorney Dan Daly, who tried the case in Superior Court and argued it before the state high court.

"There was not a shred of evidence of wrongdoing."

Paul N. "Pete" McCloskey Jr., the former congressman who represented opponents of incorporation in the charges of election fraud, could not be reached for

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ELECTION

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comment.

Today's decision has significant implications because it is the first time the court has defined state laws on absentee ballots.

Sally Nakai, an anti-incorporationist and active member of the 2-year-old United Homeowners of East Palo Alto, said she was surprised and disappointed by the decision.

"I think there was definite viola-

tion of the secrecy in the voting," said Nakai, whose family owns a nursery business in East Palo Alto.

Nakai and Gertrude Wilks, a former City Council member who fought incorporation, said they wished things had worked out differently in the city.

Both said they feel incorporation has done little for East Palo Alto, as the city has been financially cut off from San Mateo County and has been unable to develop a tax base of its own.

The Associated Press contributed to this report.