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E. Palo Alto cityhood upheld

U.S. Supreme Court agrees 1983 vote not tainted by fraud

FROM EXAMINER STAFF AND WIRE REPORTS

The U.S. Supreme Court refused Tuesday to overturn the results of a 1983 cityhood election in East Palo Alto despite claims that 94 absentee ballots were cast illegally.

The justices denied an appeal by various East Palo Alto citizens, who accused campaign workers of illegally filling out absentee ballots for senior citizens and the disabled.

"This is a beautiful day," said an excited Barbara Mouton, the city's mayor, when asked to comment on the court's action. "I knew the city

would prevail; no lie can live forever."

She said it was a "scurrilous" issue from the beginning.

"We're glad to get it out of the way," Mouton said, adding, "This will say to everyone that this is a city forever."

Interim City Manager Jim White said the case had no validity in the first place. "I was surprised the opposition would go to that length," he said. "It was nakedly political from the beginning."

All the opposition hoped to do was to have a lengthy court battle that would drain the city's re-



Barbara Mouton

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sources, he said.

Foes of incorporation could not be reached.

The controversy arose June 7, 1983, when an election was held to determine whether the unincorporated community of East Palo Alto should become a city.

After counting the ballots cast in precinct polling places on election day, the vote was 1,678 to 1,599 against incorporation.

But when 272 absentee ballots were counted, the supporters of incorporation moved into the majority, and East Palo Alto became a city by 15 votes.

Challenging the outcome, a group of citizens led by Gertrude Wilks filed a lawsuit alleging that

campaign workers for the Committee for Incorporation instructed absentee voters in the use of the ballot and in some cases punched the ballots for them, violating the right to vote in secrecy.

But the state Supreme Court ruled in August 1986 that no fraud had occurred.

Appealing to the high court, incorporation foes argued that the California ruling was "an open invitation for future invasions of privacy and the secrecy of the voting process, not to mention its integrity."

"Each voter should be free from having to deal with an eager campaign worker or candidate on his or her doorstep, anxious to assist with the casting of the voter's absentee ballot," the appeal said.

Lawyers for East Palo Alto opposed the appeal, saying, "There was no fraud, coercion or tampering in this election."