

# ABUSING DIRECT DEMOCRACY



November 2007

Bad Actors in the  
Signature Gathering Process



Ballot Initiative  
**STRATEGY CENTER**

[www.ballot.org](http://www.ballot.org)

# signature gathering abuse

## BAD ACTORS IN THE SIGNATURE GATHERING PROCESS

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# signature gathering abuse

## BAD ACTORS IN THE SIGNATURE GATHERING PROCESS

### BACKGROUND ON SIGNATURE GATHERING | ONE

#### **The context of signature gathering**

After working on hundreds of statewide ballot measures across the country since 1999, the Ballot Initiative Strategy Center (BISC) has been in a position to witness and help shape ballot initiative campaigns in over 25 states across the country. BISC has assisted activists as they circulated petitions, put together “yes” and “no” campaigns, developed messages, raised money, and run GOTV efforts.

One of the main components of our work is to advocate for an open and honest ballot initiative process. BISC is not an organization that is inherently suspicious of, or antagonistic toward, direct democracy – in fact we encourage progressive organizations in the states to engage citizens through initiatives on a wide range of issues. We are also not opposed to paid signature gathering; indeed with steep qualification requirements it is often the only means of qualifying initiatives. However, we strongly believe that all ballot measures campaigns - whether sponsored by conservative or progressive organizations or petitioned through paid or volunteer signature gathering - should be required to play by the rules.

#### **The marked increase in fraud**

Beginning in 2004, BISC began receiving numerous complaints across the states about abuses in signature gathering. The last three years in particular have seen a dramatic jump in the use of deceptive practices to qualify ballot initiative gimmicks across the country. The use of deception has unfortunately become standard operating procedure by many leading right-wing petition gathering firms. Correspondingly, more of BISC’s organizational focus has turned to exposing the different methods of petitioners to fool voters and break state laws. Our work in exposing the multi-state misdeeds of National Voter Outreach (see Appendix B) in 2006 led to the disqualification of a number of their petitions, and to the removal of their clients’ initiatives from the ballot.

**It is critical that state authorities rapidly police deceptive signature gathering practices before potentially fraudulent initiatives get on the ballot. We need comprehensive reforms to protect democracy in California and other states.**

## **Why this is important for California to address**

California, as one of the most active and expensive ballot initiative states in the country, is especially vulnerable to unlawful activity in the petition process. The large number of signatures required for qualification compounds the potential for signature fraud. Arno Political Consulting is one of the major signature collecting firms in the country, and is currently carrying multiple petitions for measures designed to appear on the California ballot in 2008. One of these is the controversial initiative to change the way California allocates its electoral votes, effectively stripping Californians of their political clout. This report details the myriad reasons why Californians should be wary when they approach Arno's petitioners. An initiative with national implications – namely, how the Presidential election is ultimately decided – should not qualify for the ballot through fraudulent means.

## SHORT HISTORY OF ARNO POLITICAL CONSULTING | TWO

### About Arno Political Consulting

Arno Political Consulting was founded by Michael Arno in 1979 and, according to its website, has collected over 120 million signatures over the past 28 years. Arno Consulting counts among its clients several Fortune 500 companies as well as two US Presidents and numerous Governors and Members of Congress. Arno Consulting is known as one of the largest and most successful signature gathering firms in the country. Despite his impressive client list and years of experience, Arno is also known for something else: being accused of deception and illegalities in his signature gathering practices. What follows is an overview of some to the alleged illegal actions Arno has perpetrated on unsuspecting voters in numerous states.

### WASHINGTON 2003

*Arno accused of hiring circulators who lied to the public*

Arno was hired to circulate I-841, an initiative which would overturn the state's ergonomics law. Circulators were overheard telling voters that the law would mean that "carpet layers and dry wallers who came to work at 8:00 a.m. would have to quit by 10:00 am" and that "Laborers could only lift one load weighing more than 75 pounds." Circulators even insinuated that the new ergonomics law would mean that "Mariners catcher Dan Wilson might not even be able to catch an entire game." Obviously the new ergonomics laws would not have resulted in any of these things, but circulators will often tell anything to voters in order to get signatures.

### Summary of Fraud Accusations

#### WASHINGTON 2003

Arno accused of hiring circulators who lied to the public

#### FLORIDA 2004

Arno hired circulators who submitted fraudulent petitions

Arno hired circulators who submitted petitions with signatures from the dead

Arno accused of illegally registering 4000 college students as Republicans

#### MASSACHUSETTS 2005

Arno accused of training circulator in "bait-and-switch" tactics

Arno accused of hiring circulators who tricked voters into signing petition

#### NEVADA 2006

Arno hosted a 'fraud party' where circulators were taught to forge signatures onto petitions

Arno circulated a draft of TASC which did not correspond to the initiative submitted to the Secretary of State

#### OREGON 2006

Arno accused of violating Oregon's law prohibiting pay circulators by the number of signatures they collect

## FLORIDA 2004

*Arno hired circulators who submitted fraudulent petitions*

*Arno hired circulators who submitted petitions with signatures from the dead*

*Arno accused of illegally registering 4000 college students as Republicans*

**The News-Press, June 29, 2004:**

**Officials Investigate Signatures, Panhandle ballot petitions seem falsified”**

Arno’s website brags that he has collected 1,000,000 signatures in Florida in 70 days, and after reading the news coverage of 2004, one begins to understand how. He was hired to circulate several initiatives in Florida during the 2004 election cycle, including a measure to allow slot machines and one to repeal plans for a bullet train passed by voters in 2000. While Arno’s team was in Florida, numerous charges were leveled against his circulators by Florida prosecutors and election officials. The St. Petersburg Times reported that in June, two men were arrested in Santa Rosa County for submitting 1500 petitions which appeared to be fraudulent. The men are now facing 40 individual counts of fraud in Florida.

According to the St. Petersburg Times, when Arno submitted his petitions to the Secretary of State, it was discovered that Florida voters who had been dead for years amazingly managed to sign petitions to authorize an increase in gambling and to vote against a high speed train. Additionally, various counties rejected over 1000 petitions for fraud. Finally, as part of an effort paid for by the Republican Party to register new voters, Arno’s circulators illegally registered 4000 college students as Republican voters.

**St. Petersburg Times, September 28, 2004:**

**Names of the dead found on petitions**

*Officials acknowledge they are investigating fraud in South Florida as invalid names turn up on petitions for a gambling amendment”*

## MASSACHUSETTS 2005

*Arno accused of training circulator in “bait-and-switch” tactics*

*Arno accused of hiring circulators who tricked voters into signing petition*

**Worcester Telegram & Gazette, October 13, 2005:**

### **Tricks on petitions described by workers**

*Student employed to gather names*

In 2005, Arno Consulting was hired by the Massachusetts Family Institute to circulate a petition which would place a same-sex marriage ban on the ballot. Repeated accusations that Arno’s circulators were employing the “bait and switch” tactic favored among some of the legally-challenged circulators led Massachusetts lawmakers to call a hearing to investigate charges. As witnessed in a Fox25 News report, circulators would ask voters to sign a petition allowing grocery stores to sell wine and then lie to the voter, telling them that the grocery store petition required two signatures and having them sign the marriage ban initiative as well. As the news media in Massachusetts became aware of these tricks and began to highlight these despicable practices, more and more voters came forward with their stories. (Links to these stories are provided below.)

By the time Arno submitted his signatures to the state, the Joint Committee on Election Law hearings exposed a former circulator who testified to being trained in the “bait-and-switch” tactic as a way of collecting signatures more quickly. Circulators were paid more per signature if they collected over 500 names a day. These hearings prompted the state Senate to approve a law banning the “bait-and-switch” tactic and attaching criminal penalties to anyone who utilize this tactic. Additionally, Attorney General Tom Reilly launched a criminal investigation into whether or not circulators forged signatures on the marriage petition.

### **News stories referenced above**

#### **22News I-Team Investigation exposes petition fraud.** –

Ad referenced above, a 22New I-Team investigation reveals that Massachusetts voters were approach by signature gathers who would ask their opinion on same-sex marriage. When voters replied that they support same-sex marriage, circulators asked them to sign a petition to help protect marriage rights in Massachusetts.

<http://www.youtube.com/watch?v=Pzgf7QSN3Qk>



**FOX25 News Undercover exposes petition fraud.** – Ad referenced above, former paid petition worker Angela McElroy reveals the bait-and-switch tactics she was taught by her employers and demonstrates just how easy it is to steal signatures (she averages one bait-and-switch every two minutes in [the video](#)). She states petition workers can make as much as **\$1,200** on a good day.

<http://www.youtube.com/watch?v=SMGUaCpmEPU>

## NEVADA 2006

*Arno hosted a 'fraud party' where circulators were taught to forge signatures onto petitions  
Arno circulated a draft of TASC which did not correspond to the initiative submitted to the Secretary of State*

**Appeal Capital Journal, August 24, 2006:**

**High court questions validity of tax and spending measure**

Arno was hired to circulate the Tax and Spending Control (TASC) petition in Nevada during 2006. According to the Las Vegas Review Journal, after the signatures were submitted opponents of the measure asked the FBI and the Metropolitan Police Department to investigate Arno's petition gathering for fraud. The opponents alleged that in addition to submitting petitions which weren't properly filled out or notarized in accordance with Nevada law, they also had an affidavit from a circulator who said circulators gathered at a "house" party at Lake Mead on Memorial Day and were told to copy petition signatures. The Tax and Spending Control initiative was removed from the ballot by the Nevada Supreme Court because proponents filed one version with the Secretary of State and then circulated another. The difference in the two plans amounted to a \$1.5 billion dollars in spending capabilities for the state.

**Las Vegas Journal, August 23, 2006:**

**TASC opponents seek investigation, measure would amend constitution**

## OREGON 2006

*Arno accused of violating Oregon's law prohibiting pay circulators by the number of signatures they collect*

**KATU 2, June 27, 2006:**

### **Complaint filed in signature paying investigation**

In 2002, due to rampant fraud in signature gathering due to mercenary “pay-by-the-signature system,” Oregon voters passed a law prohibiting firms from paying circulators by the signature, insisting they be paid an hourly wage in an effort to reduce the motivation to forge signatures. In 2006, Arno found itself circulating the Taxpayer Bill of Rights petition in Oregon. John Lindback, the Director of the Elections Division sent a letter to Arno expressing “fresh concerns” over Arno’s payment arrangements. In fact, Arno was paying circulators who collected 13-16 signatures per hour \$17, while those who could collect 31-45 signatures per hour were making \$43. Additionally, circulators who collected 500-649 signatures a week were given bonuses of \$500 or more. This payment structure was obviously constructed to disregard Oregon’s election laws and reward those circulators who collected the majority of the signatures.

## SIGNATURE REFORM: FIXING THE PROCESS | **THREE**

### **Recommended Solutions**

The following information serves as recommendations for how individual states can address the widespread fraud witnessed this year dealing with signature collection. Sweeping reform of the initiative process in each state is not necessarily needed. Instead, these suggestions are meant to be a surgical strike to address certain loopholes in the current regulations governing the circulation of petitions. These reforms are intended to help bolster the integrity of the initiative process while making it harder for individuals to exploit the system. The evidence BISC has uncovered throughout the years has crystallized the need for additional reform in the area of signature gathering, and we feel that California has a role to fill in that movement.

### **Overall approach and guiding principles of reform**

The guiding principles in any efforts for reform should be centered on protecting the integrity of the initiative process and signature gathering. Given the evidence gathered during the 2006 cycle, there is a window of opportunity to enact reforms that will protect voters against fraud and help bring effective challenges in future cycles. The purpose of these recommendations is not to make it harder to qualify a ballot measure, or institute radical changes to the process that might be perceived as curbing citizen initiatives.

Each initiative state is different. Each has existing constitutional and statutory regulations that must be considered. The following ideas have been tailored with California's current rules and regulations in mind. Many of the recommended reforms are related to one another and should be tied together for the greatest impact.

### **Largest gaps in California's current initiative laws**

A cursory analysis of California shows that current statutes governing initiative activity are quite effective in many ways. The fact that the Attorney General is tasked with determining the title and summary language removes blatant politicized language from the ballot, and formula to establish the size of the random sample and the manner in which the state undertakes its verification effort is also constructive. The weakest area of California's current statutes is access granted to both proponents to the petitions themselves and to the circulator statements. Having access to both of these documents is essential to being able to successfully investigate and prosecute fraud. It might also be worth examining other categories by which specific signatures or circulators could be challenged.

## Specific Ideas for Signature Reform

### **Recommendation A: Attorney General Brown should launch an investigation of signature gathering practices in California, beginning with Arno Political Consulting**

The reports of signature gathering fraud have been on the rise, especially in the past three years, and it appears that some signature gathering firms are unable or unwilling to conform to state law. Therefore the Attorney General should undertake a review of all signature gathering firms operating in California, especially those who have a history of illegal actions, to ensure that all firms are conducting their business dealings in good faith.

### **Recommendation B: Circulators should be required to register with Secretary of State, and the list of registrants should be accessible as public information**

Because of the nature of the paid signature gathering industry, the field will likely always be fraught with mercenary or traveling petitioners. Short of outlawing out-of-state petitioners, the next best alternative is to know who they are. By requiring all signature gatherers to register with the Secretary of State, initiative watch dogs will be able to do multi-state research on petitioners. In addition to providing a full name and permanent address, there are other pieces of information that would assist in our research.

- Date of Birth - In some states, date of birth is necessary to run criminal records checks.
- Social Security Number or EIN
- Current address in state, as well as permanent address.
- Disclosure of any arrests or convictions for sexual assaults or identity theft. These crimes are particularly sensitive to an unsuspecting public. It would be a service to voters to know that they are not providing that personal information to dangerous criminals or identity thieves.

### **Recommendation C: Allow access to circulator statements**

California already requires a circulator statement, but these documents are not available to the public. Access to this information is critical for tracking dishonest circulators and being able to build a case for fraud.

### **Recommendation D: Prevent people who have been convicted of certain crimes from circulating- convictions such as identity theft, sex offenses, other fraud**

Although California already prohibits felons who are currently on parole from circulating, it is worth investigating under states' individual standards whether petitioners can be banned from circulating if they have certain criminal histories. In particular, sex offenses, identity theft, and fraud convictions are

germane to whether a person should be permitted to gather voters' personal information. It is only possible to prevent these people from circulating if there is some form of registration in the state, so that officials are aware of who is petitioning. It would also need to be specified in state law that certain types of offenders are prohibited from gathering signatures. This provision could become controversial quickly, so it probably requires more in-depth evaluation by each state about whether it would work. At the very least, California should establish a system of registering each petitioner with the Secretary of State, and collecting the information necessary to run criminal background checks.

### **Recommendation E: Allow reasonable standards for public access to copying petitions**

It is critical to allow access to petitions submitted by proponents in order to conduct an independent analysis of the validity of the signatures. In California, the petitions are considered the exclusive property of the Secretary of State after turn-in; but in other states the public is afforded reasonable access to the petitions. At the very least, citizens should be able to file a sunshine request and acquire a list of both petitioners and copies of the petitions in a timely fashion. This becomes the cornerstone of any program attempting to analyze the validity of the signatures.

Individuals seeking access should be prepared to pay the cost of copying and staff time required to fulfill the request. If this is specified in statute and the party making the request can comply, there should be no question that a person or organization should have access to that information.

### **Recommendation F: Create more specific standards for validity**

California already disallows any signature which doesn't match the address listed in the voter file. While that is an important standard, more could still be done, especially with respect to forgeries. This reform is particularly helpful if coupled with granting the public access to the petitions. If the individual counties are responsible for not only verifying the sample, but also looking for fraud, forgeries will be overlooked.

It would be helpful to delineate standards around what constitutes forgery, and therefore what can be removed as a valid signature. One example is stating explicitly that handwriting must match across the entire line, which should be no problem if a voter has filled in each field him/herself, as is required in California. Another is stating a reasonable standard for comparing the signature on a petition to the voter's signature on file - if there is not a reasonable match, the signature should be discarded.

It is advisable to require voters to provide an updated signature for the voter file every 5-10 years, so that a comparison will yield current results (this warrants more discussion and assessment).

### **Recommendation G: Establish guidelines around what to do with signatures that are found to be fraudulent, or duplicates, or forged**

Even less clear in most state laws is what latitude or ability elections officials have to address fraud once they have determined that it exists in petitions. Often, fraud is clearly occurring, but the laws are unclear about what steps can be taken to disallow signatures. In this regard, more specificity in the law is better. For example: if there is a pattern of fraud in a petitioner's body of work, it's important to know what the remedy is. In some states, the lack of clarity does not even allow for the individual signature to be removed. In others, the individual signature is all that can be removed. For example, in Oklahoma, a judicial referee rules on challenges to each individual signature, usually from a pool of 300,000 submitted.

A stronger approach is to specify a related sample of signatures that can be removed. This would obviously depend upon the signature requirements in the state -- they range between roughly 16,000 (South Dakota) and 611,000 (Florida). So instead of removing one signature for every fraudulent entry (1:1), it would be more like removing twenty signatures for every fraudulent signature (20:1). This formula should take into account the size of the required signature submission (less than 50,000 or more than 200,000 are probably going to require different samples) but it should stipulate that a sample will be used to disallow fraud.

An even stronger approach is to allow a petitioner's whole body of work to be disallowed if it is clear that there is a pattern of fraud. This can demand a stronger threshold of evidence, but it is one of the strongest approaches to rooting out fraud in petitions. In Oregon, it is possible to disallow a petitioner's entire body of work on a petition if he or she has been convicted of fraud. It may be worth relaxing that standard and allowing the Secretary of State some latitude in removing signatures if a petitioner is charged with fraud, for example. This obviously affects the signature counts

### **Recommendation H: Reform concerning the random sample formula**

Having a large sample sent out for verification as California does is crucial in catching instances of fraud; this can also be a mixed blessing. California only has 30 days after the signatures have been sent out to be verified to decide if they wish to pursue legal options, and wading through hundreds of thousands of signatures can be a daunting task, to say the least. Having access to not only the petitions and the circulator information, but also knowing which signatures are included in the sample can be paramount in mounting a legal challenge.

Although Michigan's required sample size is only 500 signatures, the Secretary of State has the discretion to expand the sample size for verification, which happened in the TABOR campaign this year. The advantage of Michigan's system is that both sides are notified of which signatures have been chosen for verification. This allowed the campaign to focus on only the 3872 signatures being examined instead of the 503,000 signatures submitted. The anti-TABOR coalition was able to disallow enough of the sample signatures to ensure TABOR would not be on the November ballot.

### **Recommendation I: Require petitioners to report income or pay Business & Occupation taxes if they remain independent contractors. They cannot petition again in a state if they owe the state money**

Paid signature gathering is a cash business by nature. Many mercenaries are drawn to the profession not just because of the earning potential, but also because it is untaxed work. Many mercenary petitioners do this work because they make good money without paying taxes or having any relationship with government agencies that observe employment status and levy taxes based on that. They are almost universally independent contractors and are not employed by the vendors who sign the contracts with funders to qualify initiatives.

Since petitioners operate as independent contractors and the industry works on a cash basis by design, one potent angle for reform is requiring that petitioners pay B&O taxes. This is only possible if they are registered with the state, which we want to do for other reasons as well. This means that they'd be required to pay taxes rather than essentially working under the table. It would place some burden on the sub-contractors who administer the cash, which is fine. If a petitioner has failed to pay B&O taxes and owes California money s/he could be required to pay back taxes before being allowed to petition again.

Currently there is no state that extends B&O taxes to paid signature gatherers.

### **Recommendation J: Require that signature gatherers be paid by the hour rather than the signature**

One of the biggest factors leading to fraud in the initiative process is the pay-per-signature standard. Oregon has passed a law (by initiative) requiring that petitioners be paid by the hour, but it has been difficult to enforce. Meanwhile, the paid signature gathering companies have compensated by providing volume-based bonuses and higher pay for more prolific performers. They have also moved to an aggressive mail program, whereby most signatures are gathered via mail for a lower cost. The capacity to qualify on the strength of lists takes time to develop and build.

In Oregon, the new law has been difficult to enforce, and has taken some vigilance on the part of the sponsors. Four years after its passage, the proponents of paying by the hour are still working to make state agencies respond to reports of violating the law. If states choose to pursue this idea, there should be clear penalties for violating the law included in the legislation. While fines are often a popular choice, the better option is to penalize violators by affecting their signature count.

### **Other possible reforms**

- Ban signature gathering via mail
- Require notary signatures on each petition submitted in conjunction with the circulator statement

## ABOUT THE BALLOT INITIATIVE STRATEGY CENTER | **FOUR**

### **Background on BISC**

Ballot Initiative Strategy Center is the progressive “think-and-do tank” for ballot measure research and strategic campaign support. As a 501(c)(4) organization, BISC serves as a resource for grassroots advocates seeking to pass issues of economic justice, environmental protection, expanded health care, quality public education, and much more. The only organization of its kind, BISC uses the initiative process as a tool for achieving progressive policy goals and building broad political power in the states. A separate educational arm exempt under section 501(c)(3), the BISC Foundation researches issues that increase civic participation and build progressive infrastructure in the states, while also working to reform donor disclosure and signature gathering laws specific to ballot initiatives.

### **Kristina Wilfore biography**

Kristina Wilfore is Executive Director of the Ballot Initiative Strategy Center and Foundation and one of the country’s leading experts on state policy and politics – having spent 10 years working in approximately 30 state capitals and on dozens of ballot initiatives across the country. As Executive Director of BISC, Kristina works with state and national progressive organizations to reinvigorate the initiative process by providing guidance on strategy and message to key initiative campaigns, coordinating ballot language research and drafting efforts, polling, training activists and placing them on targeted initiatives nationwide, and directing funders to critical campaigns. BISC also researches issues that increase civic participation and build progressive infrastructure in the states, while also working to reform donor disclosure and signature gathering laws specific to ballot initiatives.

Over the years Kristina has managed ballot initiative campaigns and designed legislative and media strategies for direct service nonprofits, domestic violence and family planning agencies and for programs such as AmeriCorp and Vista. Kristina has appeared as a guest on Fox News and CNN, and has served as a source for major news stories in USA Today, The New York Times, Los Angeles Times, and The Washington Post, among others. She is committed to training as a fundamental mechanism in activism and serves as an advisory member of New York University’s Political Campaign Management program, and is a member of the Women’s Information Network (WIN) and the American Association of Political Consultants. She was born and raised in Kalispell, Montana and holds a Master of Public Administration from the University of Washington.

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## PRESS COVERAGE OF ARNO POLITICAL CONSULTING | APPENDIX A

### WASHINGTON 2003

#### **SPOKESMANREVIEW.COM**

Friday, May 9, 2003

#### **Signature gatherers take far too much initiative**

[Jim Camden](#) - Staff writer

People being paid to gather signatures for Initiative 841 have told Spokane voters some dire -- but untrue -- tales about the new state ergonomic rules.

Carpet layers and dry wallers wouldn't be able to work more than two hours per day, said signature gatherers outside of Lowe's Hardware stores on North Division and East Sprague. Laborers could only lift one load weighing more than 75 pounds. Mariners catcher Dan Wilson might not even be able to catch an entire game.

But the new law designed to reduce workplace injuries doesn't have those restrictions.

"If it's incorrect, then I stand corrected," said Dennis O'shea, who heads a crew of about six people using the untrue descriptions while gathering hundreds of signatures in Spokane.

This week, O'shea's crew and another in Western Washington corrected the information they had used for at least two weeks. But the fact that they could make false statements about the ballot proposal -- whether intentional or not -- illustrates a problem with the state's initiative system.

People who are paid per signature collected -- called circulators in the industry -- can tell voters almost anything about a proposal with little fear of sanction. The state Supreme Court ruled five years ago that supporters and opponents can't be sanctioned for lying about an initiative.

Arno Political Consultants, a Rancho Cordova, Calif., company that was paid \$75,000 by the state's building industry to gather names for I-841, ordered its subcontractors Wednesday to stop signature-gatherers from using those false descriptions when soliciting voters.

The new ergonomics law, which will be phased in starting July 2004, is designed to reduce injuries from repetitive motion and strains. The initiative, if it gathers enough signatures to make the ballot and is passed by voters in November, would overturn that law.

APC co-owner Bill Arno said he would fire someone who deliberately made false statements about an initiative. But he has no way to keep tabs on more than 150 "circulators" all over Washington, he said.

The Building Industry Association of Washington, which sponsors I-841, also agrees that information used in recent weeks by about a dozen signature-gatherers in Spokane and some parts of Western Washington was false. When told about it, the association ordered it stopped, said Elliot Swaney of the building association.

"We didn't see this or authorize it," Swaney said when he saw a list of the "talking points" being used by the signature-gatherers.

Signature-gatherers incorrectly told prospective signers the law meant:

- People can't work on their knees for more than two hours per day.
- Workers can't have their arms raised above their head or their elbows above their shoulders for more than two hours per day.
- No one can lift anything heavier than 75 pounds more than once per day.
- People can't work with their neck tilted at an angle of 30 degrees for more than two hours per day.

Over the past two weeks, O'shea has told voters passing his table outside of Lowe's Hardware on North Division that those restrictions mean carpet layers and drywallers who come to work at 8 a.m. would have to quit by 10 a.m. They would restrict everyone from office workers to laborers, he said.

People who talked with O'shea said he sometimes suggested that the restrictions on kneeling might even affect a baseball catcher like the Mariners' Wilson. O'shea said he only raised that as a possibility after a voter mentioned Wilson spends much of his time kneeling.

The talking points used by O'shea and his crew of signature-gatherers are false, said Michael Silverstein, assistant director of industrial safety and health of the state Department of Labor and Industries.

That's the department that drafted the rules, and will enforce them when they begin to be phased in next July. Silverstein declined to comment on many of the examples O'shea used to illustrate the rules, saying the department can't get involved in the political campaign for an initiative.

But the hourly limitations described in the talking points appear to come from a section that deals with "caution zone jobs," Silverstein said. They are conditions that could require an employer to take certain precautions, such as extra training or education, or perhaps some additional equipment.

But the section on caution zones also says that such jobs are not prohibited.

"Under no circumstances does (the law) require employers to replace a worker with part-time help or reduce hours," Silverstein said.

L&I has conducted about 800 workshops around the state on the new rules, and has studied different businesses -- including the Seattle Mariners. A catcher wouldn't be affected by the rules, Silverstein said, because he doesn't spend the entire game kneeling. He's up and down so much that he'd never reach the two-hour caution zone level, and the team has trainers and equipment to minimize injuries.

A day after being challenged about his examples, O'shea said he reread the ergonomics rules and had his staff saying the conditions described caution zones.

O'shea heads a crew of circulators in Spokane and subcontracts with Frank Ricker, a California consultant who said he's been in the signature gathering business for 22 years. He has a crew of about nine circulators in Western Washington, who also were given the "talking points" with false information.

Ricker subcontracted with Arno, who likens his operation to a prime contractor on a major building project. The circulators and the subcontractors are paid by the signature, with amounts that differ among subcontractors. Arno wouldn't discuss the payment figures.

Last week, Arno fired Ricker for reasons that neither would discuss, other than to say it had nothing to do with the I-841 talking points. But that doesn't mean Ricker has stopped collecting signatures.

He signed on with another of Arno's subcontractors and continued his operation in Washington.

Arno said Thursday he wasn't aware Ricker was still gathering signatures, but added: "I don't tell my contractors who they can and can't hire."

O'shea and Ricker disagree on how they came up with the false information about the new ergonomics rules. But both agree it didn't come from the building association, which gave its volunteers and Arno Political Consultants a separate set of information on what it doesn't like about the new rules.

The circulators weren't trying to deceive anyone, Arno said. But even if they did make a false statement, it's the voter's responsibility to determine what's true before signing, he said.

"If you're a voter and you're going to come over to my table and sign without so much as glancing at the text, well I've got some real estate for you," Arno said. "I would never sign anything I had never read."

Even if a signer is misled, the petition merely puts an initiative on the ballot, he said. Voters still have to decide in November whether to pass the law.

Roger Johanson, who was approached several times in the past three weeks by circulators making claims he knew were false, said many people don't take the time to read petitions before signing.

But overselling the proposal with false statements could backfire on the initiative in November, said Johanson, an official with the Carpenter's Union who backs the new ergonomics rules and opposes I-841.

"If it's called to voters' attention," Johnson said, "they might realize they were lied to by someone taking money for their signature."

<http://www.spokesmanreview.com/news-story.asp?date=050903&ID=s1348115>

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## FLORIDA 2004



### Officials investigate signatures

### Panhandle ballot petitions seem falsified

*By Paige St. John, The News-Press Tallahassee Bureau  
Published by news-press.com on June 29, 2004*

TALLAHASSEE — Prosecutors and election officials in the Panhandle are investigating what they say appears to be more than 1,300 falsified voter signatures on at least three ballot petitions.

“It calls into jeopardy everything our democratic principals stand for,” said John Molchan, the assistant state attorney in Milton who is handling the case.

Molchan said the investigation may take several weeks. Already it entails some 500 suspect petitions turned in to Santa Rosa County and an equal number to Escambia County.

Almost 400 suspected forgeries also have been reported in Okaloosa County. Tipped by criminal investigators, Okaloosa elections officials said they found the same 132 names apparently repeatedly forged on petitions to repeal the high-speed bullet train, cap trial attorneys fees and allow slot machines at horse tracks in south Florida.

Molchan confirmed the case involves several initiatives for constitutional amendments, each seeking by Aug. 3 the required 488,722 signatures to get their issue on the November ballot.

Election supervisors said it appears the same two people — working for multiple signature-gathering companies — are behind the suspected forgeries.

Santa Rosa County elections supervisor Doug Wilkes said the apparent fraud was discovered by chance, when an office worker pitching in to help verify the mountains of petitions arriving daily spotted several that looked like they had been written by the same hand.

Wilkes said she was told to approve them anyway, because staff lack the handwriting analysis skills necessary to spot a forgery.

The next day, the same worker encountered a signature she was sure was forged.

It was her own.

Lee County Supervisor of Elections Sharon Harrington said there haven't been any major problems in Lee County.

To check for forgeries, voters' signatures are scanned into computers and then later compared to the petition signatures, she said.

“If it matches, we accept it. If it's way off, it's rejected,” Harrington said.

This is why she encourages people to update their signatures every several years. If their signatures change, their petition efforts could be rejected by mistake.

There are 10 petitions circulating to get on the November ballot. A spokesman for one — Derail the Bullet Train, or DEBT — said he did not know if the investigation includes DEBT petitions, but that was a concern of his.

“Anyone who would have petition gatherers needs to know right away, so we can make certain we get to the bottom of it, and do it quickly,” Mark Mills said.

The California-based Arno Political Consulting is being paid to collect DEBT’s petition signatures as well as those for another petition involved in the investigation — the slot machine initiative. Company president Michael Arno also welcomed prosecution.

“The more aggressive the state can be, the better off our business will be,” he said.

At roughly the same time as the discoveries in Santa Rosa County, Escambia County elections supervisor Bonnie Jones said her staff noticed similar penmanship on a thick stack of petitions set aside for further scrutiny.

“When you realize they all look like they all have the same signature style,” it’s amazing, said Lynn Kowalchyk, the assistant supervisor of elections.

She said it appeared the circulators sometimes got a valid signature on one petition, then copied it to petitions for other ballot initiatives.

The signatures weren’t the only tip, Kowalchyk said. “You rarely misspell your own name, or get your birth date wrong,” she said.

For the petition drives, the forgeries’ only cost is not counting those signatures toward the required total to make the ballot.

For the individual collectors who turned them in, the charges for turning in fraudulent petition forms are misdemeanors.

Forging a signature is a first-degree misdemeanor punishable by up to a \$1,000 fine or one year in jail. Submitting that forged signature to the elections supervisor is “uttering,” a five-year, \$5,000 offense.

Multiply those charges by the number of petition signatures believed to have been forged, and add theft charges for the money collected for each one of those signatures, and “we view it as really serious,” Molchan said.

County election supervisors are required to verify not only that a petition is signed by an eligible voter, but that the name, address, date of birth and signature all match information on file.

Groups trying to get enough valid signatures typically gather more than are necessary to account for those invalidated by county supervisors. The petitions must be signed by registered Florida voters.

The industry behind those signatures is large.

Amendment proposal backers regularly contract with companies such as Arno to gather signatures, usually paying more than \$1 per name.

By the end of March, still early in the process, the political committees behind citizen initiatives aiming to put constitutional amendments on the November ballot had spent \$2.6 million with five companies.

National Voter Outreach president Michael Arnold also said he was unaware of the Florida investigation. His Nevada-based company is collecting signatures for four petitions, none apparently part of the investigation.

Both NVO and Arno screen petitions before turning them in to county elections offices, the company presidents said.

— The News-Press staff writer Sarah Lundy contributed to this report

[http://www.imakenews.com/orcc/e\\_article000277078.cfm](http://www.imakenews.com/orcc/e_article000277078.cfm)



Thursday, July 29, 2004

## HIGH-SPEED RAIL REPEAL MAKES BALLOT, FIGHT NOT OVER

### Tampa Bay Business Journal

Tom Gallagher, chairman of [Derail the Bullet Train](#), a citizens' initiative to repeal Florida's high-speed rail constitutional amendment, announced that it has cleared the signature threshold to appear on the Nov. 2 ballot.

The state Division of Elections reported Thursday that DEBT collected the required number of signatures on petitions. The state Supreme Court has already approved the ballot language.

"Florida voters will now have the opportunity in November to repeal this fiscally irresponsible project," said Gallagher, Florida's chief financial officer. "The petition drive caught a groundswell of support and over 650,000 Floridians signed petitions to place the high-speed rail

repeal on the November ballot. We've built a strong bi-partisan grassroots coalition, and we will work hard to win in November and stop this financial train wreck."

Derail the Bullet Train began as a grassroots movement in Palm Beach County and has since received support in all 67 counties, DEBT reported.

Not everyone is happy with these developments.

Arguing that DEBT has broken state laws in its petition drive, lawyers for bullet train advocate C.C. Dockery on Thursday filed three complaints with the [Florida Election Commission](#), saying DEBT should pay a \$1,000 per signature penalty.

The complaints are against DEBT, State Chief Financial Officer Tom Gallagher who is serving as chairman of DEBT, and David Goodstein, who is also identified as chairman of DEBT, a media release stated.

Dockery's complaint was filed as DEBT gathered the 488,722 signatures necessary to place its repeal initiative on this November's ballot.

The allegations of voter fraud include paid petition gatherers forging the signatures of the voters who provide their signature for a different initiative petition onto the DEBT petition.

According to Dockery, DEBT has raised nearly \$1.5 million mostly from large corporations whose interests wouldn't be served by high-speed rail to pay for the petition gathering drive.

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<http://tampabay.bizjournals.com/tampabay/stories/2004/07/26/daily46.html?t=printable>

## **DOCKERY FILES COMPLAINT WITH ELECTIONS COMMISSION – COULD COST DEBT MILLIONS**

**Posted by: News on Sunday, August 01, 2004 - 11:17 AM**

TALLAHASSEE (July 29, 2004) -- The group attempting to repeal Florida's high speed rail program could face millions of dollars in fines for improperly soliciting signatures in its statewide petition campaign.

Arguing that the group Derail the Bullet Train (DEBT) has broken state laws in its petition drive, lawyers for bullet train advocate C.C. "Doc" Dockery today filed three complaints with the Florida Election Commission, saying DEBT should pay a \$1,000 per signature penalty. The

complaints are against DEBT, State Chief Financial Officer Tom Gallagher who is serving as chairman of DEBT, and David Goodstein who is also identified as chairman of DEBT.

Dockery's complaint was filed as DEBT appeared to have gathered the 488,722 signatures necessary to place its repeal initiative on this November's ballot.

"The purpose of the provision of having the name and address of a paid petition circulator on a petition form gathered by a paid petition circulator was to avoid voter fraud and maintain the integrity of the election process," said Dockery's attorney Robert Aranda. "There have been multiple allegations of voter fraud in the collection of signatures for the DEBT petitions stemming from the use of paid petition circulators. The allegations of voter fraud include paid petition gatherers forging the signatures of the voters who provide their signature for a different initiative petition onto the DEBT petition."

DEBT has raised nearly \$1.5 million – mostly from large corporations whose interests wouldn't be served by high speed rail – to pay for the petition gathering drive. Last spring DEBT hired a California firm, ARNO Political Consultants, to orchestrate the signature drive. In recent weeks, published news accounts from around the state describe cases in which voters have been misled by paid petition gatherers and in which election officials have discovered forged signatures. In one case a Panhandle elections official reviewing petitions discovered her own signature had been forged onto a petition. In South Florida, officials discovered the forged signature of a voter who was dead. All told, officials have rejected thousands of petitions.

Dockery said there is legal precedent for these fines. He noted that recently other Florida politicians have faced the \$1,000 per signature penalty. If paid petition gatherers are responsible for 400,000 of the DEBT petitions, fines could theoretically reach \$400 million, according to Dockery.

<http://www.floridabullettrain.org/modules.php?op=modload&name=News&file=article&sid=95>



## Names of the dead found on petitions

OFFICIALS ACKNOWLEDGE THEY ARE INVESTIGATING FRAUD IN SOUTH FLORIDA AS INVALID NAMES TURN UP ON PETITIONS FOR A GAMBLING AMENDMENT.

JONI JAMES and LUCY MORGAN

Published September 28, 2004

TALLAHASSEE - Election officials in several Florida counties have found the names of dead voters on petitions that helped get proposed constitutional amendments on the Nov. 2 ballot.

Pasco County Elections Supervisor Kurt Browning, who found a half-dozen petitions signed with the names of dead voters, is referring the matter to Pasco-Pinellas State Attorney Bernie McCabe.

Florida Department of Law Enforcement officials acknowledged Monday they are investigating petition drives in South Florida.

Some of the signatures of dead voters' names were used to qualify Amendment 4, which seeks to allow slot machines at parimutuels in Broward and Miami-Dade counties if local voters agree.

The Humane Society of the United States and an antigambling group say an investigation, conducted by the national law firm Reed Smith, found thousands of fraudulent signatures filed by contractors for Arno Consulting, a California firm.

In Broward County, 33 petitions bore the signatures of the names of dead voters, the groups say.

"We think they're trying to pull a fast one on the voters, and they seem to have qualified it by very questionable and illegal means," said Wayne Pacelle, president of the Humane Society of the United States. The animal rights group opposes efforts to help the greyhound racing industry.

The groups plan today to ask a judge to strike Amendment 4 from the ballot.

The president of Arno Consulting said it is not responsible for the alleged fraud.

"We have a thousand petitioners who worked on the petitions in the state," said Michael Arno, whose firm worked on three citizen initiatives in Florida this year. "We want anyone who commits fraud to go to jail. ... "

It's at least the fourth time petition gathering, and ARNO contractors, have come under fire this election cycle.

"This is a pretty well-worn trick that gets done right before an election where people try to throw in everything to keep something off the ballot," Arno said. "You have to wonder what they're afraid of."

Three months ago, two ARNO contractors were arrested in Santa Rosa County on charges they submitted 1,500 petitions for various campaigns in three Panhandle counties that appeared faked. Arno said his firm has cooperated in the investigation.

A Miami-Dade election official told the *Pensacola News-Journal* earlier this year that his office had rejected nearly 1,000 suspicious petitions. Included in the spoils were eight Amendment 6

petitions with the signatures of the names of dead voters. Amendment 6, which ARNO contractors worked on, seeks to repeal a 2000 vote to build a high-speed train statewide.

C.C. "Doc" Dockery, the Lakeland millionaire who backed the original train amendment, charged in court that the company's signature gatherers misled voters.

"We've found a ton of fraud," said Mark Wilson, senior vice president of the Florida Chamber of Commerce, which wants to rein in citizen initiatives. It also is working hard to defeat Amendment 5, which seeks to raise the minimum wage in Florida.

Campaign finance records show ARNO was paid at least \$1.2-million to gather signatures for the "Derail the Bullet Train" initiative; nearly \$1-million for the gambling initiative; and \$365,000 for a measure that the Florida Supreme Court rejected that would have forced the Legislature to review sales tax exemptions.

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[http://www.sptimes.com/2004/09/28/news\\_pf/State/Names\\_of\\_the\\_dead\\_fou.shtml](http://www.sptimes.com/2004/09/28/news_pf/State/Names_of_the_dead_fou.shtml)



## Slot machines initiative stays on Nov. 2 ballot

FOES OF AMENDMENT 4 SUED, CLAIMING THOUSANDS OF SIGNATURES SUBMITTED TO QUALIFY IT WERE PHONY. BUT A JUDGE REJECTS AN EARLY TRIAL.

JONI JAMES

Published October 12, 2004

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TALLAHASSEE - A bid to strike a progambling initiative from the Nov. 2 ballot failed Monday when a judge refused to immediately consider allegations that the names of dead voters were used to qualify the measure.

Leon Circuit Judge Nikki Clark set a Jan. 31 trial date for the fraud charges, frustrating antigambling advocates but pleasing the seven South Florida parimutuels that stand to benefit from Amendment 4.

The proposed constitutional amendment would allow slot machines at existing dog and horse tracks and jai alai frontons in Miami-Dade and Broward counties if local voters agree to it in

referendums. If the Legislature decided to tax the machines, the revenue would be dedicated statewide to public schools.

Clark, who gained national attention during the 2000 Florida recount, worried that a "rush to judgment" would deny adequate time for a defense.

The lawsuit, filed Sept. 28 by the Humane Society of the United States and antigambling advocates, contends that thousands of fraudulent signatures were among the 488,722 required to get the measure on the ballot. In Broward alone, the plaintiffs contend they found 33 petitions with forged signatures of dead voters.

The plaintiffs also argue that county and state elections officials did not adequately review the petitions before accepting them.

Arno Consulting, the California firm hired by Amendment 4 supporters to collect signatures, has said it is not responsible for the alleged fraud. ARNO is one of the defendants in the lawsuit, along with Secretary of State Glenda Hood and the county elections supervisors.

The judge's decision Monday quickly morphed into fodder for both sides of the Amendment 4 campaign, which recent polls indicate is becoming increasingly competitive.

Though Florida voters have rejected casino-style gambling three times since 1978, a Mason-Dixon poll conducted for several Florida newspapers last week showed that 44 percent of voters supported Amendment 4 and 33 percent were opposed, with 22 percent undecided.

The campaign manager for Floridians for a Level Playing Field, the parimutuel-backed group, declared victory Monday. "This was a trumped-up charge and the judge didn't buy it," said Earl Bender. "They are trying to take voters' eyes off the ball."

But opponents pledged to pursue the matter regardless of the outcome of the election. One of them, No Casinos, unveiled its first TV ad. The ad accuses the gambling industry of "a campaign of utter deceit" in trying to sell the expanded gambling as a revenue stream for schools. It notes that the state's sheriffs' and police chiefs' organizations oppose the measure, saying it will increase crime.

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[http://www.sptimes.com/2004/10/12/State/Slot\\_machines\\_initiat.shtml](http://www.sptimes.com/2004/10/12/State/Slot_machines_initiat.shtml)



**Students complain of false party swap**

SCORES OF COLLEGE STUDENTS SAY THEY WERE TRICKED INTO CHANGING THEIR REGISTRATION TO THE REPUBLICAN PARTY WHEN SIGNING PETITIONS.

DAVID KARP

Published October 23, 2004

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As a first-time voter, Brittany Goodwin was excited when her voter registration card arrived in August.

Then her father told her that she had registered Republican.

"*Nooooo*," she groaned.

Goodwin, a University of South Florida freshman and Democrat, was among dozens of college students who say they were tricked into registering as Republicans at USF's Tampa campus.

It happened to hundreds of other students at college campuses in Tallahassee, Gainesville and Orlando.

The Florida Department of Law Enforcement is investigating and Secretary of State Glenda Hood has urged students to call election offices before they vote.

The prime suspect is a group hired by the National Republican Committee to register voters.

About 4,000 students may have been improperly registered at the University of Florida, Florida A&M University and Florida State, officials say. In Tampa, the elections office has received several dozen calls from USF students who were switched to the GOP. USF police also got four complaints from students who described how canvassers deceived them.

One complaint said a group was getting students to sign voter registration cards that were premarked for Republicans. Another student told USF police the group would get students to sign two petitions and then check them off as Republicans after they left.

Goodwin, 18, was attending orientation at USF when someone asked her to sign a petition against child abusers. Goodwin said to mark her as a Democrat.

She noticed him check Republican, but she was so busy she didn't say anything. "I had never done a registration before," she said.

Katie Glenz, 19, a Hillsborough Community College sophomore, signed a petition for the legalization of marijuana. She also signed another form, but wasn't sure what it was.

The woman even offered Glenz a job collecting signatures. "It was like a lot of money - \$1,600 or something a week," Glenz said.

Joe Burns, a USF sophomore, filled out a petition for stiffer sentences for child abusers. He questioned why they needed him to fill out a second form.

"It is just something I need to do," they told him.

He signed his name and checked no party affiliation. When he got his voter card, it was marked Republican. "It was somebody else's handwriting," Burns said.

Outside the USF library, Adrienne DeVore, 20, also signed a petition to legalize the medical use of marijuana.

"Can I check Republican?" the woman said. If she did, the Republican Party would help fund their cause, the woman told her.

DeVore, a sophomore, thought that was strange because she didn't think Republicans favored legalizing marijuana.

Her boyfriend repeatedly asked the group whom they worked for. One person told him the Young Republicans. Another said they worked for a company called YPM.

Young Political Majors LLC, or YPM, is a company registered by Mark Jacoby at a Town 'N Country residence.

Jacoby appeared this summer at the election office in Gainesville with a box of about 1,200 voter registration cards. Of those, about 510 voters had switched to the GOP.

Elections Supervisor Beverly Hill spoke with Jacoby and grew suspicious. She randomly called the Republicans to verify they wanted to switch. All of them said, "Absolutely not," Hill said. "They didn't even know they had signed a registration form," Hill said.

Jacoby could not be reached for comment. His company worked for a company called JSM Inc., which in turn worked for Arno Political Consultants, a Sacramento, Calif., firm that qualified 300 ballot initiatives in 20 states.

The firm's largely conservative clients include the Bush/Quayle campaign, the National Rifle Association and RJ Reynolds. The company has also worked for Florida's class size amendment.

The Republican National Committee hired Arno for a voter registration drive, said Mindy Tucker Fletcher, a senior adviser to the Florida GOP. Campaign finance reports show the RNC paid Arno \$450,000 in one reporting period in September.

"We are just hoping the authorities look into it and are able to get to the bottom of it," Tucker Fletcher said.

It doesn't help the party to register Democrats as Republicans if they don't vote for Bush, Tucker Fletcher said.

Owner Bill Arno said the firm was registering voters in Florida, Ohio, Oregon and Nevada for the RNC. He declined to say what he was paid for the Florida effort, except to say he earned a monthly flat rate.

He said the company had measures in place to prevent fraud. Jacoby showed Arno copies of voter registration cards in which voters initialed their party change, Arno said.

"It's in their handwriting. They signed it. They checked the party affiliation," Arno said. "Why would they have a change of heart?"

Arno said his workers asked voters to sign a petition supporting President Bush. They also told voters they worked for the Republican Party, he said.

"Our company has worked for years to try to eliminate fraud in my industry," said Arno, who pledged to cooperate with authorities. "If it was one of our people or some rival group's activity, I think those people should be rooted out. And if a crime was committed, I support their arrest and prosecution."

David Karp can be reached at 1-800-333-7505, ext. 8430 or [karp@sptimes.com](mailto:karp@sptimes.com)

## WHAT YOU CAN DO

If you suspect a problem with your voter registration, check with the Supervisor of Elections Office in your county before going to vote. In Hillsborough, the number is (813) 272-5850. If you suspect fraud, call the Florida Voter Fraud Hotline at toll-free 1-877-868-3737.

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[http://www.sptimes.com/2004/10/23/Hillsborough/Students\\_complain\\_of\\_.shtml](http://www.sptimes.com/2004/10/23/Hillsborough/Students_complain_of_.shtml)



## AMENDMENT 4 OPPONENTS TO APPEAL SUIT'S DISMISSAL

By JONI JAMES

Published January 12, 2005

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TALLAHASSEE - Despite allegations that rampant fraud helped put a progambling measure on the ballot in November, a judge decided Tuesday she cannot intervene because the voters have spoken.

Leon Circuit Judge Nikki Ann Clark dismissed a lawsuit over Amendment 4 brought by antigambling advocates. The plaintiffs said they will appeal.

The state constitutional amendment, approved by 51 percent of voters in the Nov. 2 election, allows slot machines at existing dog and horse tracks and jai alai frontons in Miami-Dade and Broward counties if local voters agree. If the Legislature taxes the machines, the revenue must go to public schools.

"The court affirmed what the people of Florida have already demanded loud and clear," said Jim Horne, the former state education secretary who was spokesman for the parimutuel-backed initiative.

But the plaintiffs, including the Humane Society of the United States and Grey2K USA, a group that opposes dog tracks, said their case will fare better on appeal.

"What this ruling said is you can commit all the fraud you want to get something on the ballot and if you wait until after the election, it doesn't matter," said Mark Herron, president of a third plaintiff, Floridians Against Expanded Gambling.

The lawsuit, filed in late September, contended that thousands of fraudulent signatures were among the 488,722 required to get the measure on the ballot. In Broward alone, the plaintiffs found 33 petitions signed with the names of dead voters.

The plaintiffs also argue that county and state elections officials did not adequately review the petitions before accepting them.

In October, Clark refused to strike the measure from the ballot, saying the defense did not have adequate time to prepare. Besides the parimutuel-backed Citizens for Local Control, defendants included Secretary of State Glenda Hood, county elections supervisors and Arno Consulting, the California firm hired to collect signatures. ARNO has said it is not responsible for any alleged fraud.

On Tuesday, Clark said there was no legal precedent to intervene if there is no evidence the election itself was tainted.

"To invalidate this amendment after the fact on the grounds asserted would thwart the will of the people who voted for it and would improperly inject this court into the political process," Clark wrote.

The Florida Department of Law Enforcement is continuing to investigate allegations that petition gatherers connected to several citizen initiatives might have engaged in fraud to qualify their measures for the ballot, spokesman Tom Berling said Tuesday.

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[http://www.sptimes.com/2005/01/12/State/Gov\\_Bush\\_proposes\\_Med.shtml](http://www.sptimes.com/2005/01/12/State/Gov_Bush_proposes_Med.shtml)

## MASSACHUSETTS 2005

<http://www.youtube.com/watch?v=Pzgf7QSN3Qk>

<http://www.youtube.com/watch?v=SMGUaCpmEPU>

# telegram.com

## Tricks on petitions described by worker - Student employed to gather names

By Kathleen A. Shaw, Worcester Telegram & Gazette | October 13, 2005

WORCESTER - A 21-year-old Florida college student who spent more than two weeks in Massachusetts collecting signatures for initiative petitions at stores and shopping malls said in an interview that she quit the job because of what she described as "sleazy" tactics used to obtain signatures.

Angela McElroy told the Telegram & Gazette that she took the job with the Florida-based petition-gathering firm JSM Inc. after a friend told her about making money by working on petition drives throughout the country. Upon taking the job, she said she was told her goal was to collect as many signatures as possible "and leave the state before the dust settles." Allegations of improprieties in Massachusetts petition drives made in the past few weeks have stirred controversy and the attention of state legislators, the state attorney general's office and the secretary of state's office.

While employed by the firm, Ms. McElroy said, she saw one of her co-workers forge signatures from one petition to the other at the Square One Mall in Saugus, re-creating the original signer's handwriting and address. She said she questioned the co-worker about what he was doing and was told that he was boosting his earnings by transferring signatures from petition A, which would allow wine sales in grocery stores, to petition K, which would put a ban on same-sex marriages on the ballot.

After she quit, Ms. McElroy contacted KnowThyNeighbor.org., the state attorney general's office and Tom Lang, an organizer of KnowThyNeighbor. Corey Welford, a spokesman for Attorney General Thomas F. Reilly, said the attorney general will not comment on complaints they have gotten alleging fraudulent tactics in gathering signatures.

Ms. McElroy returned to the state last night and said she is ready to testify at a legislative hearing scheduled for Tuesday and to meet with investigators from the state attorney general's office.

Ms. McElroy said employees were paid \$1 per signature they obtained if the number was less than 500 names. The amount rose to \$1.50 a signature if the gatherer produced 500 or more names. They were paid twice a week, she said; she said some employees did exceptionally well financially.

Jennifer Breslin, who operates JSM, declined to be interviewed, citing contractual agreements with firms and groups sponsoring petition drives. She did say that Ms. McElroy was an independent contractor assigned to a petition crew in Massachusetts, and was "asked to leave." Ms. Breslin said the Florida woman did not actually work for her company. Ms. Breslin also defended the reputation of her company, and said all its signature collections were conducted legally.

Ms. McElroy said petition workers who attract unwanted media attention are quickly sent out of the state. She said one worker was on television news when allegations of fraudulent tactics first surfaced in Massachusetts and was working in another state within days.

JSM paid for Ms. McElroy's plane fare from Florida to Massachusetts, motel rooms and \$20 per day for food, she said, but said she was expected to pay those expenses back out of her earnings. When she quit, she was told to find her own way home, she said. She arrived at her parent's home in Tallahassee on Saturday.

Ms. McElroy said she had taken the semester off from her courses at Tallahassee Community College and Florida State University.

While on the job, Ms. McElroy told the T&G, co-workers informed her she could make more money if she induced people first to sign petition A regarding wine sales, then slip the petition to ban same-sex marriage underneath and ask unsuspecting people to sign the second copy without telling them what it concerned.

The Florida woman worked with a crew out of the Red Roof Inn in Saugus. She said workers were transported daily to places around the state, including Worcester, adding that she spent one day working two stores in Worcester.

She said she was told that when a petition drive is drawing to a close and too few signatures have been collected, the company would ask for more money from whoever was paying them to gather signatures.

The workers were never told who was paying the company to collect the signatures.

A spokesman for state Sen. Edward M. Augustus, D-Worcester, co-chairman of the Joint Legislative Committee on Election Laws, said committee representatives intend to speak with Ms. McElroy before a legislative hearing at the Statehouse at 2:30 p.m. Tuesday to investigate

the allegations of fraudulent tactics. Mr. Augustus has asked that Central Massachusetts residents who believe they were victimized by fraudulent techniques call his office at (617) 722-1485 or send e-mail to [edward.augustus@state.ma.us](mailto:edward.augustus@state.ma.us) if they have information that they believe will be useful to the investigation.

A number of people who have said they observed such tactics have contacted the Telegram & Gazette and organizations that support legal same-sex marriage such as KnowThyNeighbor.

Michelle Tassinari, legal council for the elections division of the secretary of state's office, said she has received a written complaint from a woman in Eastern Massachusetts who believes she was a victim of a "bait and switch" that also involved signing a voter registration card.

The woman told Ms. Tassinari that she signed one petition and then told the collector that she had moved and may not be registered to vote in her community. The signature collector then said that was no problem and pulled out a voter registration card, asked her to sign it, and said that would insure that she legally could sign the petition.

Once the woman signed the voter registration card, she was then handed another piece of paper and was asked to sign.

The woman said she now realizes that she signed another petition without realizing it. She thought after signing the voter registration card that she was resigning the original petition.

In a related matter, Lunenburg Police Lt. James Marino said Tuesday that police on Oct. 2 arrested a petition signature gatherer working for what he said was a California-based company called Arno Political Consultants when he refused to leave the Wal-Mart store in that town. Police were called to the store after receiving a call from the manager saying a man was creating a disturbance outside and was blocking the doorway. Police attempted to get the man to leave peacefully but he appeared to be "out of control" and was waving a document from the secretary of state's office which he claimed were his work rules.

Lt. Marino said the document called "Solicitation of Signatures in Public Places" was read by police and they determined the man was breaking all of them. Mark Rohbraugh, 27, of 9817 Sprague St., Omaha, Neb., was arrested and charged with being disorderly, resisting arrest and trespassing after Wal-Mart management asked him to leave in the presence of police officers and he refused. He was released on personal recognizance and arraigned Oct. 3 in Fitchburg District Court.

Mr. Rohbraugh had a sign indicating he was collecting signatures for the beer and wine petition, Lt. Marino said.

<http://knowthyneighbor.org/101305.html>

## Supporters, foes of gay marriage trade dirty tricks charges

by Steve LeBlanc, Associated Press, July 13-19, 2006

BOSTON --Supporters and opponents of an anti-gay marriage ballot question designed to roll back the state's historic court ruling allowing same-sex marriage are trading accusations of dirty tricks.

Opponents say signature gathers are using "bait and switch" tactics to dupe voters into signing the question, while supporters say gay activists are stealing blank petitions, defacing others to invalidate signatures, and shoving and spitting on signature gatherers.

The dueling allegations were made at a crowded Statehouse hearing Tuesday.

The hearing included 10 voters, each of whom said signature gatherers tried to trick them into signing the anti-gay marriage petition.

In each case, the voters said they were asked to sign a ballot question about the sale of wine in grocery stores and were then told to sign a second sheet of paper without being told it was the anti-gay marriage amendment. In some cases they said told the second sheet was a "back up" sheet for the wine question.

"She said 'could you sign the back up copy?' She completely made it clear that it was for beer and wine," said Somerville resident Victoria Ellis. "I was really disgusted by the tactic."

Angela McElroy, a Florida college student who worked as a paid signature gatherer said her boss taught her how to deceive voters by arranging both petitions on her clip board so she could ask voters to sign twice, but they would only see the language for the wine question.

"Mark trained me personally in bait and switch tactics...The fraud was looked upon as a game," she said. "I felt horrible for lying to so many people."

Mark Jacoby is a subcontractor working for California-based Arno Political Consultants. Jacoby twice declined to comment.

Arno Political Consultants were hired by supporters of the ballot question, which would define marriage as the union of a man and woman, to help collect signatures. The company's president Michael Arno said he'd never heard of the alleged bait-and-switch tactics. He said Jacoby denied the allegations.

Arno said the signature gatherers were the true victims.

"We've been pushed. We've been shoved. We've been spit on. We've been asked to leave when we

weren't doing anything," he said.

Arno's firm was hired by anti-gay marriage activists, including Kris Mineau, president of the Massachusetts Family Institute.

Mineau said he has also been the target of intimidation. He said he's received threatening e-mails and had gay magazines sent to his house. He held up sheets of signatures which he said were defaced.

"That's 67 citizens whose rights have been violated."

Mineau said he didn't condone signature gatherers trying to trick voters, but also said voters have to take some responsibility.

"I wouldn't sign anything I hadn't read," he said.

The attorney general conducted spot checks of some signatures gatherers and found no discrepancies, Mineau said. A spokesman for the attorney general's office declined comment.

Supporters of gay marriage said while individual opponents may occasionally go too far, there is no concerted campaign against signature gatherers.

"Is there an orchestrated effort to harass and intimidate by MassEquality? Absolutely not," said Marc Solomon, political director for the pro-gay marriage group MassEquality. "But it's not someone's constitutional right to use paid signature gatherers to dupe people."

Supporters of the question must gather at least 65,825 signatures from voters before Dec. 7. The question must then be approved by at least one-quarter -- or 50 -- of 200 lawmakers in two separate sessions of the Legislature.

The question would then head to the 2008 ballot, where it must garner the support of a majority of voters.

Massachusetts is the only state to allow gay marriage.

*Posted on October 18, 2005*

[http://www.massequality.org/news/news\\_story.php?id=164](http://www.massequality.org/news/news_story.php?id=164)

## **Signature-gathering fraud charges stir call for new laws, oversight**

by Amy Lambiaso, State House News Service

STATE HOUSE, BOSTON, OCT. 18, 2005.

Claiming "countless" examples of alleged fraud in the signature campaign to constitutionally ban gay marriage, same-sex marriage supporters called on state officials Tuesday to increase oversight and penalties for such crimes.

Nearly a dozen people who said they were victims of so-called "bait and switch" tactics during the last several weeks appeared before lawmakers today to present signed affidavits and share their stories and call for legislative intervention. Some argue the state should outlaw groups from paying signature-collectors on a per-signature basis, an increasingly common practice.

The testimony backs up news reports several weeks ago that petitioners for a campaign to outlaw gay marriage tricked residents into signing their petition by telling them it was a petition to allow the sale of wine in a grocery store. The Election Laws Committee held today's hearing in response to those reports.

Recalling events from Oct. 6, Northeastern University freshman Christopher Kelley told lawmakers he was approached by a signature collector to sign a petition dealing with the sale of wine. Kelley said he signed the first page and was then told to sign a second page, without being told what it was for.

"At no point did the man seeking my signature inform me that he was also seeking signatures on the constitutional amendment on gay marriage," Kelley said. "Rather, I believe that he deliberately attempted to secure my signature on the second page by falsely implying that it was a required, second signature for the initiative permitting the sale of wine at grocery stores."

Kris Mineau, president of the Massachusetts Family Institute, told the committee today that he knows of no instances of so-called bait and switch occurring, other than what has been reported in the media. He said he does not condone the process and would hope anyone involved is prosecuted.

The anti-gay marriage campaign, [votekonmarriage.org](http://votekonmarriage.org), has hired a signature gathering firm, Mineau said, but emphasized that paying people on a per-signature basis is not illegal.

"It is incumbent upon each individual to agree with what they're signing," he said. "I would never sign my name to something I didn't read."

To date, 17 allegations of fraud have been logged with the Attorney General's office. And gay marriage supporters say the oversight and enforcement of the law needs to improve.

"The initiative petition process is supposed to be the people's process," said Arline Isaacson, co-chairwoman of the Massachusetts Gay and Lesbian Political Caucus. "But it has been hijacked by paid signature gathering firms, many of which use illegal, unscrupulous and unethical techniques to dupe voters into signing these petitions."

Mineau declined a request by committee member Rep. Steven Walsh (D-Lynn) to use only volunteers for the remainder of the signature drive, saying hiring an outside firm is the only "feasible" way to collect the more than 65,000 signatures required under Massachusetts law.

"Rather than falsely accusing circulators of violating a law that does not exist, citizens troubled by this common practice should ask their elected representatives and Secretary of State William Galvin - who has jurisdiction over election laws - to change the law," Mineau said.

Pamela Wilmot, executive director of the government watchdog group Common Cause Massachusetts, said in an interview that solutions exist that could relieve the problem without infringing on the process. One such solution, she said, could be to require a short name of the campaign be printed on the top of the petition, rather than require a voter to read a paragraph-long description of the question.

Wilmot said Common Cause has not taken a position on whether to ban groups from paying signature-gatherers on a per-signature basis, but does not believe Common Cause will back such a plan, which she described as a "broad brush approach that limits people's ability to collect signatures."

Several interest groups are also opposed to a bill to ban per-signature payments, including the Massachusetts Public Interest Research Group and Citizens for Limited Taxation (CLT), who testified against the proposal at a hearing in June.

Similar claims of signature gathering fraud surfaced during another anti-gay marriage campaign in 2001, but charges were never brought against the sponsoring groups. In her testimony today, Isaacson called on Galvin and Attorney General Thomas Reilly to increase oversight and enforcement of existing laws to uncover and prosecute signature firms that participate in fraud.

"We brought this matter to their attention in 2001 and are concerned that we're now seeing a repeat of the same fraud and forgery tactics employed then by the paid circulators," Isaacson said.

Chip Faulkner, associate director of CLT, said there is no reason for the committee to hold a hearing on such an issue while petitioners are trying to gather signatures for the 2006 ballot, and believes the committee is being driven by the pro-gay marriage agenda.

"To me, this is just trying to impede the signature drive and hurt the initiative petition process," Faulkner said. "I'm here to defend the process."

[http://www.massequality.org/news/news\\_story.php?id=16](http://www.massequality.org/news/news_story.php?id=16)



## Marriage petition backers answer questions on signatures

By Christine Williams

October 28, 2005

BOSTON —Supporters and opponents of traditional marriage accused each other of unfairly collecting and blocking signatures for the petition drive that would allow Massachusetts voters to define marriage in 2008, during a hearing at the Statehouse Oct. 18. The Joint Committee on Election Laws, co-chaired by Rep. Edward M. Augustus Jr., D-Worcester, and Rep. Anthony Petrucci, D-East Boston, called for the hearing to address complaints that paid signature gatherers were obtaining signatures illegally.

Kris Mineau, a spokesman for VoteOnMarriage.org and president of the Massachusetts Family Institute, responded to legislators' questions saying that gatherers had been trained to conduct the effort within the law and had been found in full compliance by the attorney general. He then fired back accusations that same-sex marriage supporters have used intimidation to thwart the signature gathering process.

Nine Massachusetts voters testified that gatherers were using "bait and switch" tactics to obtain more signatures. Two of the nine were among 13 people who filed formal complaints with the secretary of state. Many

Kris Mineau (right) of the Massachusetts Family Institute testifies before the Joint Committee on Election Laws at the Statehouse Oct. 18. Joining Mineau in testifying were Michael Arno, president of Arno Political Consultants (center) and Larry Cirignano of Catholic Citizenship. Pilot photo by Christine Williams.



said that signature gatherers would “bait” voters with a petition about allowing the sale of alcohol in grocery stores. Then the gatherers would trick them into signing the marriage petition by saying their signature was required twice on the beer and wine petition. Only one signature is required on a petition.

“Everything indicated this was a single petition,” said one woman.

“It was my first petition,” said a Northeastern University student who recently turned 18. “I really felt deceived.”

Marc Solomon, political director of the gay rights organization MassEquality, testified that his group has received what he called 151 “substantiated” complaints of paid signature gatherers using “bait and switch” tactics or misleading language to trick people into signing the marriage petition.

“It’s rampant,” Solomon said. “It’s happening in every corner of the state.”

Mineau vowed to cooperate in efforts to find any wrongdoing among the paid signature gatherers, but maintained that no such tactics had been discovered. Professional petition gatherers are independent contractors who are paid per signature and are often working for more than one company and on more than one petition drive at the same time, he added.

“I want to clearly state on our behalf that signature collectors that are working under our direction do not engage in this or any similar tactic. They are trained to collect signatures in an honest, respectful manner in full compliance with Massachusetts election law,” he said. “If there are any violations of the law, we want them prosecuted to the fullest extent.”

Additionally, Mineau said that many same-sex marriage supporters are using their own tactics to impede the signature gathering effort. Two firms have been hired to come to Massachusetts and block petition gatherers and many people had disrupted the gathering efforts, causing both the protesters and signature gatherers to be asked to leave.

One woman in her sixties was physically assaulted while gathering signatures and filed a police report, Mineau said.

Others had defaced petitions, writing “for shame” on them, an illegal act punishable by \$1,000 fine or one year in prison. Mineau said 67 signatures were invalidated as a result.

“That’s 67 residents whose rights were violated,” he added.

Additionally, the first 30 signers of the petition have been harassed through e-mails, unsolicited pornography and memberships to homosexual organizations after a Web site, KnowThyNeighbor.org, published their names. Protesters against the marriage petition have picketed outside churches with the Web site’s slogan, “When you sign, it’s online.”

“We have been provoked and harassed, we believe beyond measure, for simply asking the citizens of our commonwealth to have an opportunity to vote on the definition of marriage. We’ve been doing this in good faith, exercising our fundamental rights to let the people vote,” he added.

Michael Arno, president of Arno Political Consultants, a California firm that was brought in to assist with the petition drive described the anti-petition actions as “an organized effort.”

“You’ve got a process that’s being attacked on the basis of keeping it off the ballot,” he said.

Arno added that he has received complaints about paid signature gatherers in Western Massachusetts despite the fact none of his workers has been sent there.

Mineau said VoteOnMarriage.org brought in a consulting firm because Massachusetts is the most difficult state in which to conduct a successful petition drive. A large number of signatures, 65,825, need to be gathered in a short amount of time. So far, VoteOnMarriage has collected over 23,000 signatures and has until Nov. 23 to collect the rest.

Legislators questioned Mineau on why VoteOnMarriage.org needed to hire a consulting firm, especially in light of the fact that all the allegations stemmed from the use of paid signature gatherers. Rep. Steven Walsh, D-Lynn, said he had spoken with a woman gathering signatures at his church and had a civil discussion with her, although he disagreed with her position. Walsh said he did not see the need for paid signature gatherers.

“Our goal is to do that [collect signatures] predominantly through our volunteers, grassroots across the state, but we felt that we needed the Arno company’s expertise because few of us have ever done a signature drive,” Mineau said.

With a staff of five, Mineau said it is impossible for his organization to do all the legwork necessary for the drive. Most significantly, the petitions need to be certified in each signer’s town before they are delivered to the secretary of state for final verification. The signature gathering process is already so restrictive that any further constraints would be the “death knell” of the citizen’s initiative, said Mineau.

Angela McElroy, a former employee of two companies that are subcontractors of Arno, claimed that she had been trained in “bait and switch” tactics and used them to gain signatures for the marriage petition.

McElroy further testified that she had quit after a week because she felt guilty about lying to voters—although she also said she had been using the same tactics in Florida and came to Massachusetts when she heard using these illegal tactics was easier in this state.

Arnot said McElroy was fired for theft.

Jeannie Berg, former director of Oregon Voter Education Project, agreed with McElroy’s assertion that the signature gathering process in Massachusetts is easily manipulated. She

suggested more restrictions including a regulation that signature collectors be paid a stipend or hourly wage to stop them from being motivated by the number of signatures collected.

Aaron Toleos, co-creator of KnowThyNeighbor.org, said his Web site would provide people with access to the names of signers so that anyone who was tricked into signing the petition will know that his or her signature was collected. However, this information will also be available from the secretary of state's office.

Additionally, Toleos said the Web site was created to promote a "civil, legal discourse" between those who support traditional marriage and those who support same-sex marriage.

"The meaningful access provided by KnowThyNeighbor.org also means that citizens will be empowered to review the list of petition signers to see if there is anyone they know. Can you imagine continuing to do business with a local merchant who has supported legislation to define your family as inferior?" he asserted.

Toleos did not explain how users of the Web site could distinguish between legitimate signers whom he said were not worthy of support and what he estimated were "thousands" of people whose names were likely to erroneously appear on petitions.

Rep. Philip Travis, D-Rehoboth, one of the first 30 signers of the petition, testified that both sides of the debate had made good points about changes needed to improve the petition process. While signature gatherers who use "bait and switch" tactics must be prosecuted, it is also important for voters to know they should always read both sides of the petition and never need to sign a petition twice, he said.

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<http://www.rcab.org/Pilot/2005/ps051028/marriagepetition.html>

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## **Bill would crack down on pay-for-signature schemes**

BY RICHARD NANGLE FOR WORCESTER TELEGRAM & GAZETTE - PUBLISHED  
NOVEMBER 05, 2005

Senate passage of legislation to crack down on paid signature gatherers is a step toward reform of the Massachusetts referendum process, according to the bill's sponsor, state Sen. Edward A. Augustus, D-Worcester.

Senate passage of legislation to crack down on paid signature gatherers is a step toward reform of the Massachusetts referendum process, according to the bill's sponsor, state Sen. Edward A. Augustus, D-Worcester.

The bill was a response to voter complaints that paid signature gatherers used "bait and switch" and other deceptive tactics to coerce them into signing a proposed constitutional amendment to ban gay marriage in Massachusetts.

"Its time to bring order to the Wild West, anything-goes tactics of paid signature gatherers," Mr. Augustus said. "Massachusetts voters deserve a petition process free from fraud and in which they can have complete confidence."

The legislation, passed by the Senate Thursday, now goes to the House of Representatives. It would make "bait and switch" tactics in a petition drive a crime of fraud, punishable by up to a year in jail and a fine of up to \$1,000. The bill would require the state to print color-coded petition sheets to allow voters to distinguish multiple petitions in circulation at the same time.

In addition, paid petition organizers' names and addresses and the terms on which they pay petition circulators would be registered in advance with the secretary of state.

The bill makes it a crime to threaten, harass or intimidate any voter who has signed a petition. It also requires the secretary of state to inform voters both that their names have appeared on a state nomination paper, initiative or referendum petition, and of the procedure for withdrawing their signature if the voter maintains it was forged or obtained fraudulently.

Last-minute contributions of more than \$5,000 in a referendum campaign would have to be reported on the state's Office of Campaign and Political Finance Web site. And the office would be required to provide both weekly updates of contributions made to a ballot committee in the last month of the campaign and a list of the 10 largest contributors to a ballot committee.

If the House acts before the holiday recess, voters who believe they have been deceived in a current referendum campaign would have until Dec. 7 to request that their names be removed from a petition in circulation. Also, the state Ballot Law Commission would have an additional 15 days to hear legal challenges.

At a legislative public hearing last month, several voters said they were asked to sign a petition to allow the sale of beer and wine at grocery stores and urged to sign a second sheet of paper without being told they were actually signing the gay marriage petition.

Companies that pay their workers to gather petition signatures countered with testimony that gay activists engaged in intimidation tactics designed to prevent voters from signing onto the gay

marriage petition. They also accused gay activists of defacing petitions in order to invalidate them.

During the hearing, Mr. Augustus criticized Kris Mineau, president of the Massachusetts Family Institute, for refusing to divulge how much money his group had paid Arno Political Consultants to obtain signatures for the same-sex marriage ballot question. Mr. Mineau said he preferred to keep that information private.

MassEquality.org, a coalition of organizations supporting the state Supreme Judicial Court's ruling on marriage equality, praised the Senate for its vote on the petition bill.

"Our opponents promised a clean, volunteer-driven, grass-roots campaign, but we've been subjected to out-of-state firms that bus in out-of-state collectors to make their numbers," said Marc Solomon, the group's political director. "This is not a neighbor-to-neighbor campaign. This is a hired gun operation, which is tricking people to sign an anti-gay measure after signing a petition at their local grocery stores allowing for wine sales. Getting something on the ballot shouldn't encourage stealing the signatures of unwitting Massachusetts citizens."

<http://www.massequality.org/news/story.php?type=news&id=175>



## **State investigating gay marriage signature forgery allegations**

By Steve LeBlanc, Associated Press Writer | February 28, 2006

BOSTON --Prosecutors from Attorney General Tom Reilly's office have launched a criminal investigation to determine whether workers gathering support for an anti-gay marriage amendment forged the signatures of some voters last year.

The investigation stems from allegations by some voters that their names were on signature lists despite the fact that they said they never signed the petition. It would not affect the outcome, since supporters had more than twice as many certified signatures as they needed to send the question for legislative approval for the 2008 ballot.

The question would amend the state constitution to ban gay marriage, overturning the state's historic court ruling. Massachusetts is the only state to allow gay marriage.

"Because some of these concerns raised allege the crime of forgery, these allegations were referred to our Criminal Bureau," Assistant Attorney General Stephanie Lovell said in a letter to Secretary of State William Galvin dated Tuesday.

Lovell said investigators from the bureau have "contacted the complaining party to further understand the basis for the allegations." A meeting with activists from MassEquality, a group which supports same-sex marriage, is set to take place this week.

A call to Kris Mineau, president of the Massachusetts Family Institute, the main backer of the amendment, was not immediately returned Tuesday.

Marc Solomon of MassEquality said the group has heard from more than 2,000 people who said they either didn't sign the petition or were tricked into signing it.

"People were duped by trained professional signature gatherers," he said.

Lovell was responding to a letter sent to Reilly from Galvin late last week. Galvin said he wanted to report the allegations after receiving complaints from voters.

He said the complaints broke down into two categories. One group were voters who said they were tricked into signing the anti-gay marriage petition after being told it was an amendment to allow grocery stores to sell wine. The second group of voters said their signature were simply forged.

Galvin said that while the number of voters making the allegations wouldn't effect the outcome of the gay marriage question, the allegations of forgery are a possible violation of state laws.

At a Statehouse hearing last October, supporters and opponents of the anti-gay marriage initiative traded accusations of dirty tricks. Opponents said signature gathers used "bait and switch" tactics to dupe voters into signing the question, while supporters said gay activists stole blank petitions, defaced others to invalidate signatures, and shoved and spit on signature gatherers.

In November, the state Senate approved a bill designed to outlaw "bait and switch" tactics by paid signature gathers. The bill was sent to the House.

Supporters of the anti-gay marriage initiative collected more than 170,000 signatures. Of those, 147,000 were certified. They needed only 65,825 certified signatures.

Before it gets on the ballot, the question must win the backing of at least 50 members of the legislature in two successive sessions. ■

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[http://www.boston.com/news/local/massachusetts/articles/2006/02/28/state\\_investigating\\_gay\\_marriage\\_signature\\_forgery\\_allegations/](http://www.boston.com/news/local/massachusetts/articles/2006/02/28/state_investigating_gay_marriage_signature_forgery_allegations/)

## **Signature fraud is an outrage**

Editorial, Bay Windows (Boston, Massachusetts)

Where's the outrage? That's the question I have after this week's hearing at the State House on alleged signature fraud on the part of consultants hired to collect names for a petition to ban same-sex marriage in Massachusetts. Here's what we know: Fraud is rampant in the signature gathering industry. And it's happening here in Massachusetts. Lies, tricks and forgery are being employed in an effort to amend the country's oldest state constitution.

Over a four-hour period, witnesses testified to having seen signature gatherers forge the names of those who had signed a petition that would allow the sale of wine in grocery stores onto the anti-gay petition. Citizens told of how they'd realized they'd been duped into signing the anti-gay petition when signature gatherers pretended that the anti-gay petition was the wine petition.

The only thing more outrageous than the fraud being committed in order to take away the right of marriage from same-sex couples is the response of petition proponents. One of the witnesses for VoteOnMarriage.org, the driving force behind the anti-gay constitutional amendment, put the blame for any problems in the process squarely on the shoulders of petition signers. "Why have a whole hearing on [the fraud allegations] because of some people who didn't take the time to read the summary or look at who the first signer is?" asked Chip Faulkner of Citizens for Limited Taxation. "And that's their fault. You need to have the IQ of an eggplant to just look at the petition

to know what you are signing, and if you can't read it you probably shouldn't be signing it anyway."

IQ of an eggplant? That's nice.

Faulkner needs to be reminded that a citizen who willingly signs a petition to allow the sale of wine in grocery stores is not responsible if an employee of Arno Political Consultants, the signature gathering firm hired by VoteOnMarriage.org to collect names for the anti-gay petition, turns around and forges their signature onto the anti-gay petition.

Where's Attorney General Tom "Mr. Letter of the Law" Reilly on all this? He didn't attend the hearing, or offended to send someone from his office, though an invitation was extended. Isn't he bothered by these allegations? Oh wait, he didn't care the last time this happened. In 2001 when Massachusetts Citizens for Marriage (MCM) filed a petition with the state to put the "Protection of Marriage Amendment" before voters, another large signature gathering firm was hired to collect names. Many of the same allegations now being lobbed at Arno Political Consultants came up against Ballot Access Company. More than 1000 people eventually complained that they had been tricked into signing the anti-gay marriage petition by signature gatherers who told them they were instead signing a petition that would have prevented the slaughter of horses for human consumption.

As a result, LGBT activists, as well as Lowell Finley, an attorney for the horse advocacy group, lobbied Reilly's office to take action against the firm. But the most Reilly would agree to, after an investigation by his office deemed that the allegations were true, was to issue a public advisory warning citizens to carefully read any documents that they sign and to contact their local election commissioner if they thought they might have been tricked by Ballot Access Company. In 2003, Finley told the Boston Phoenix: "They [the attorney general's office] were bending over backwards not to do anything about this. When it comes to the defense of people's franchise and the power to change the laws through the ballot process, the Attorney General's Office missed a real opportunity in the petition-fraud situation, and I didn't see a legal basis for that decision."

The only thing that's going to make a difference here is if people get angry enough to start calling Reilly's office, Secretary of State Bill Galvin's office, as well as the offices of their state legislators to demand action.

One other thing you should do? Keep reading Bay Windows to keep up to date on what's happening because you're not going to find the full story in the pages of the Boston Globe or Boston Herald (see "Democracy in action?"). The day after the hearing, the Herald had nothing in its pages on the allegations aired at the hearing. The Globe published a story by the Associated Press reporting that proponents and opponents of the ballot question "are trading accusations of dirty tricks." The story was technically accurate but failed to convey the truth.

Proponents of marriage equality, who are closely monitoring the petition process and have been

making complaints of fraud for weeks now, presented 18 affidavits to the Legislature's Joint Committee on Election Laws describing alleged incidents of fraud. Nine witnesses, including a former signature gatherer who described in detail how she was trained to dupe people into signing the anti-gay petition, gave compelling testimony about the alleged incidents of fraud.

Michael Arno, president of Arno Political Consultants, claimed that signature gatherers had been spit upon, physically assaulted and generally harassed by gay activists. So how many witnesses - signature gatherers who had been so harassed - made the same claim at the hearing? None.

Kris Mineau, president of the Massachusetts Family Institute, claimed that people who had signed the anti-gay petition were getting harassing phone calls and e-mails. Gay magazines were being sent to their homes. They had been signed up for membership in gay organizations. So how many witnesses - petition signers who had been so harassed - testified? None.

How many affidavits did Mineau and Arno present to the committee from witnesses who were unable to attend in person? None.

Accusations may have been traded at the hearing. But only one side was able to muster any evidence to back up its claims.

Those seeking to amend the state Constitution to ban the rights of same-sex couples to marry like to talk about the responsibilities of living in a democracy. They have a right to vote, they say, on how society should construct the institution of marriage. They claim to be representing the will of the people.

They've got it all wrong. In this country, we don't put civil rights up for popular vote. And we don't engage cheats and liars to amend constitutions. We aren't that shameless.

To contact Attorney General Tom Reilly's office call 617.727.2200 or visit [www.ago.state.ma.us](http://www.ago.state.ma.us). To reach the elections division of Secretary of State William Galvin's Office call 617.727.2828 or visit [www.sec.state.ma.us/ele/](http://www.sec.state.ma.us/ele/). To find your local elected officials visit the Web site of Project Vote Smart at [www.vote-smart.org](http://www.vote-smart.org).

Posted on October 20, 2005

[http://www.massequality.org/news/oped\\_story.php?id=31](http://www.massequality.org/news/oped_story.php?id=31)

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## **NEVADA 2006**

### **TASC opponents seek investigation Measure would amend constitution**

By [MOLLY BALL](#)  
[LAS VEGAS REVIEW-JOURNAL](#)

August 23, 2006

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Opponents are asking the FBI and Metropolitan Police Department to investigate the Tax and Spending Control initiative.

They took the action this week after the Clark County district attorney declined to conduct a criminal investigation and just before today's Nevada Supreme Court hearing on their efforts to kick the measure off the November ballot.

Opponents of TASC, which would amend the Nevada Constitution in order to limit increases in government spending, allege that circulators of the petition committed criminal fraud. A

The group, Nevadans for Nevada, originally submitted evidence to the district attorney's office, but the office last week decided there wasn't enough there for a criminal case, District Attorney David Roger said Tuesday.

"I reviewed the case and sent it back with a letter saying they should submit it to a police agency for investigation," Roger said. "We don't have the resources to do an initial investigation. We rely on the police for that. It needed a lot of work."

To determine whether fraud occurred, authorities would have to interview subjects, collect and analyze documents and engage experts to examine handwriting samples, he said.

Danny Thompson, chairman of Nevadans for Nevada, which opposes TASC, said the information was forwarded to the FBI. Thompson said a copy would also be sent to the Metropolitan Police Department.

The evidence includes a sworn affidavit from a TASC circulator who said circulators gathered at a party at Lake Mead on Memorial Day and were told to copy petition signatures, said Thompson, who also is head of the state AFL-CIO.

The group has also provided examples of petitions it says are invalid, including cases where the same person signed more than once, where multiple names were in identical handwriting, where signers' addresses didn't match their names or where petitions weren't properly notarized.

"I think that's pretty good proof," Thompson said. "At the end of the day, there was fraud committed by the people collecting those signatures and it needs to be investigated. I believe it is being investigated."

The local office of the FBI could not be reached for comment Tuesday afternoon.

TASC's most visible proponent, state Sen. Bob Beers, said the anti-TASC group was clearly flogging a lost cause with the fraud allegations.

"Their failure to pursue this through the proper channels and their persistence in publicizing it speaks volumes about the growing desperation of the opposition," said Beers, an unsuccessful Republican gubernatorial candidate. "I'm not surprised the district attorney declined to take it up."

TASC was submitted to the secretary of state's office in July with more than 156,000 signatures, but Nevadans for Nevada claims a significant proportion of those were forged or invalid. The required number of signatures is 83,184.

Beers noted that Nevadans for Nevada originally said it would include the fraud claims in its lawsuit against the measure, then changed course in submitting materials to Roger's office.

The group's lawsuit focuses on the text of TASC rather than how it was circulated. Earlier this month, Carson City District Judge Bill Maddox ruled in favor of keeping the initiative on the ballot, but Nevadans for Nevada appealed.

Thompson indicated that the group's arguments will focus on the claim that TASC violates a Nevada law that says initiative petitions must "embrace but one subject."

"TASC clearly violates the single-subject law," Thompson said. "This is a 4,000-word addition to the constitution that would change local government expenditures, change the way we vote, change the rainy day fund. Clearly it's multiple subjects and cannot qualify for the ballot."

That argument is also made in a brief filed in the case by the Nevada Taxpayers Association earlier this week. The prominent economic advocacy group, seen as fiscally conservative, is not a party to the lawsuit but filed as a friend of the court.

Beers said Maddox's ruling on TASC was correct and should be upheld.

"It addresses a single topic, which is imposing fiscal responsibility on government," he said. "That's what the judge ruled."

[http://www.reviewjournal.com/lvrj\\_home/2006/Aug-23-Wed-2006/news/9218726.html](http://www.reviewjournal.com/lvrj_home/2006/Aug-23-Wed-2006/news/9218726.html)



High court questions validity of tax and spending petition

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August 24, 2006

Brad Horn/Nevada Appeal Paul More agrues for the appellants concerning the Tax & Spending Control Initiative at the Nevada Supreme Court on Wednesday in Carson City.



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The Tax and Spending Control initiative ran into tough questions from a skeptical Supreme Court on Wednesday. Supporters argued differences between the version filed with the state and the version actually circulated to voters were insignificant and that "strict compliance" with the Nevada Constitution in qualifying the petition wasn't necessary.

A group representing public employees, among others, wants the amendment limiting any government spending increases to population growth plus inflation removed from the November ballot. Carson District Judge Bill Maddox refused to do so saying despite the issues raised, he wouldn't ignore the fact 156,000 people signed the petition.

Paul More representing Nevadans for Nevada said there is no question supporters filed one version of the petition but circulated a different version.

He said both longtime government finance expert Guy Hobbs and the Legislative fiscal staff say the difference amounts to \$1.5 billion in spending the first budget cycle the amendment would take effect and "billions more in the future."

And he said that is billions more than would have been spent under the correct version - the opposite of what the amendment's supporters wanted.

He also said allowing changes in amendments filed with the secretary of state would set a dangerous precedent.

"What if an initiative's supporters, after filing their petition, added a whole new substantive provision?" he asked.

TASC lawyer Joel Hansen said the two versions are different but that they "substantially complied" with the constitutional requirements in qualifying the petition. He said the court has numerous times ruled substantial compliance with statutes is OK and the same rule should apply here.

He made the same argument against the claim the amendment violates the requirement initiative petitions deal with just one subject. TASC makes a variety of changes to different parts of the constitution - according to More - including changing the process for future amendments to the constitution which he said has nothing to do with taxation or spending.

Justice Jim Hardesty pointed to Hansen's long history as a strict constitutionalist representing the

Independent American Party, saying, "I find that interesting coming from you Mr. Hansen knowing your view on strict adherence to the constitution."

Chief Justice Bob Rose said the court gives "higher deference" to the Constitution than statutory language and could require strict compliance.

"And if we do that, you can see that you will then lose," he said. "After all, \$1.5 billion is not pocket change."

Hardesty said relaxing the rules for interpreting the Nevada Constitution would "open a slippery slope" for future court rulings, potentially allowing wide variations in interpreting the Constitution.

Hansen said the correct language was contained in a version of the petition filed Dec. 22, but that the wrong version was filed March 8 after Maddox resolved the dispute over language in the 200-word summary of the amendment's effect. He said that makes it just as valid as the later version even though the explanation is different.

Hansen urged the court to be flexible in allowing a petition signed by thousands on to the ballot.

Justice Nancy Becker said maybe the constitution was intended to be interpreted strictly. She said the difference between the two versions "has a substantial effect on the petition."

Justice Bill Maupin asked Hansen to confirm that the March 8 version - which would cap government spending at a much lower total - was the version the group actually wanted to circulate. Hansen said the question doesn't apply because both versions were filed with the secretary of state and the difference was the result of a typographical error.

The court took the case under submission after being advised by the secretary of state's office they must act quickly because election officials must order sample ballots by the first week of October.

• Contact reporter Geoff Dornan at [gdornan@nevadaappeal.com](mailto:gdornan@nevadaappeal.com) or 687-8750.

<http://www.nevadaappeal.com/apps/pbcs.dll/article?AID=2006108240076&template=printart>

# LAS VEGAS SUN

## NEVADA COURT REJECTS ONE BALLOT QUESTION, OKS ANOTHER

By **BRENDAN RILEY**  
ASSOCIATED PRESS

September 08, 2006

CARSON CITY, Nev. (AP) - A proposal to curb government spending was stripped Friday from Nevada's Nov. 7 ballot by the state Supreme Court.

The high court also erased several sections of a plan to limit land seizures by government agencies, but left what proponents termed the most important part of that proposal on the ballot.

Quick decisions on the two plans had been expected, following Aug. 23 court arguments. Election officials throughout the state are up against deadlines for getting general election ballots to printers, so they can be ready for mailing to absentee voters later this month.

The seven-member court voted unanimously to reject the government spending plan, known as the Tax and Spending Control or TASC initiative, saying supporters failed to strictly comply with mandatory, constitutional rules for ballot questions. The court rejected arguments that "substantial compliance" would be good enough.

The Nevada Constitution "is the organic and fundamental law of this state, and to allow a sweeping amendment to it or to this state's legislative acts, without strict adherence to the rules set forth therein, would work against government stability," the court said.

Justices also said allowable spending in a circulated version of the plan was \$1.5 billion more than the amount allowed in a copy filed with the secretary of state, and would have allowed spending "at or even beyond" historic levels.

Since TASC proponents were vocal about limiting government spending, "the circulated petition involves more than a mere typographical error. It is misleading," the court said.

"It's a political decision," said state Sen. Bob Beers, TASC's chief backer who recently lost the Republican nomination for governor.

"There's plenty of judicial precedent here within the state to forgive minor technical errors that have very little impact on the measure's content," Beers, R-Las Vegas, added.

Beers said he plans to continue his efforts to curb government growth. He blames public employee unions for the steady increase in government spending.

The court's decision "is likely to widen the gulf between those who work for the government and those who don't," Beers said. "Our out-of-control government unions are going to eat our people alive if we don't do something about it."

TASC was opposed by Nevadans for Nevada, a union-led coalition, and the court's ruling was praised by Danny Thompson, secretary-treasurer of the AFL-CIO Nevada.

"I think it was the right ruling for the right reason," Thompson said. "It didn't comply with the single-subject law and there were two different versions - and not just a comma out of place. There were substantive differences."

The spending limit plan was modeled on Colorado's Taxpayers Bill of Rights. It proposed to amend the Nevada state constitution to limit local and state government spending increases by using a formula based on the rate of inflation.

Nevada isn't the only place where advocates of smaller government have sought to pass measures capping state spending.

The Michigan elections board on Friday voted against putting a measure on the November ballot that would limit state government spending, agreeing that backers did not collect enough valid signatures.

That followed a recent decision by the Oklahoma Supreme Court to throw out a proposed petition to reduce growth in government spending because it lacked enough valid signatures. Oregon and Montana have similar fall ballot measures.

Justices also had raised questions about the People's Initiative to Stop the Taking of Our Land, or PISTOL, the initiative aimed at curbing eminent domain abuses, but in a ruling that included two partial dissents decided to leave part of it on the ballot.

Proponents of PISTOL, on the ballot as Question 2, say they want to stop governments from acquiring private land through eminent domain and then selling the land for private development.

"These guys put on the robes of Solomon and came up with a win-win decision for everybody," said former judge Don Chairez, a PISTOL supporter and Republican candidate for attorney general.

"What they took out merely were the footnotes, not a big concern for me," Chairez added. "They've left the heart - not allowing Kelo-type taking."

Chairez' said the measure was a reaction to last year's U.S. Supreme Court decision in *Kelo vs. City of New London*, which allowed eminent domain authority to be used to obtain land for commercial purposes that generate tax revenue.

<http://www.lasvegassun.com/sunbin/stories/text/2006/sep/08/090810448.html>

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**OREGON 2006**



**State questions signature gathering**

By BRAD CAIN  
Associated Press Writer

6-22-2006

SALEM — The state Elections Division told a California company that its method of compensating petition carriers for several Oregon initiatives appears to violate the state ban on paying per signature.

The division initially OK'd Arno Political Consultants' plans for paying signature gatherers, but Elections Director John Lindback sent a letter to the company this week expressing "fresh concerns" about those arrangements.

Lindback said it appeared the signature gatherers' hourly pay and bonuses were directly tied to the number of signatures they collect. That would violate the state law passed by Oregon voters in 2002 to ban the "bounty system" of paying by the signature.

In response, Michael Arno, owner of Arno Political Consultants, said Wednesday the company is reviewing its payment methods and will bring them into compliance with Oregon's law, known as Measure 26.

"If there's a problem with it, we will err on the side of caution," Arno said in an interview from the company's office in Rancho Cordova.

Arno's petition carriers are gathering signatures for various conservative-leaning initiatives, including ones to clamp a new limit on state spending and reimpose term limits on state lawmakers.

Lindback says there needs to be room under Measure 26 to allow companies to provide higher pay and bonuses to productive and dependable workers.

But he said the Elections Division has received complaints about Arno's payment structure, under which someone who collects 13-16 signatures per hour gets \$17 per hour while someone who collects 31-45 signatures gets \$43 an hour.

In addition, other Arno workers are paid bonuses of \$500 or more if they collect between 500 and 649 signatures per week.

Secretary of State Bill Bradbury issued a statement Wednesday reminding sponsors of all the pending initiative measures about Oregon's ban on paying by the signature, a law passed in response to instances of fraud and forgery.

"It has come to our attention that some signature gathering firms may be pushing the limits of the law," Bradbury said. "The people of Oregon passed Measure 26 because they didn't want this type of fraud in the initiative system."

July 7 is the deadline for turning in signatures to qualify initiatives for Oregon's November ballot.

<http://www.dhonline.com/articles/2006/06/22/news/oregon/state02.txt>



## **Complaint filed in signature paying investigation**

Story Published: Jun 27, 2006 at 3:02 PM PDT

Story Updated: Aug 20, 2006 at 10:07 PM PDT

SALEM, Ore. - Eight of this year's initiative campaigns are violating a ban on paying signature gatherers by the signature instead of by the hour, according to a complaint filed with the state Elections Division.

Tim Nesbitt and Ellen Lowe, who co-sponsored the 2002 initiative that led to the rule, filed the complaint Friday.

"We hope that there will be a swift and aggressive investigation of this complaint," Lowe said.

Those in favor of the ban say that paying signature gatherers by the amount of signatures they collect encourages fraud and false promises about what an initiative measure will actually deliver.

Details of the complaint won't be divulged because there might be criminal allegations involved, said John Lindback, the director of the Elections Division.

Chief petitioners of initiative campaigns must sign statements indicating that they won't pay signature gatherers by the signature, said Norma Buckno, who handles complaints filed with the

Elections Division.

July 7 is the deadline for turning in signatures to qualify initiatives for Oregon's November ballot.

The complaint arrived just days after the Elections Division told a California company that its method of compensating petition carriers for several Oregon initiatives appears to violate the ban on paying per signature.

The division initially approved of Arno Political Consultants' plans for paying signature gatherers, but Lindback sent a letter to the company last week expressing "fresh concerns" about those arrangements.

Lindback said it appeared that the workers' hourly pay and bonuses were directly tied to the number of signatures they collect.

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<http://www.katu.com/news/3633931.html>

## The Portland Mercury

### **The Price of Democracy**

#### **Conservative Petitions Use the Homeless to Gather Signatures—And Pay Them Illegally**

BY [SCOTT MOORE](#)

Last Wednesday, July 5, amid a sea of homeless people waiting for food from the rescue mission on W Burnside and 2nd, a series of secretive transactions went down that involved the exchange of pocketfuls of cash for hot commodities.

Gruff, destitute men and women lined up to hand over their goods to a thin, middle-aged man in a white hat who, after thorough inspection of their offerings, forked over wads of money—for most, it was a relative windfall for a few hours' worth of work.

But it wasn't drugs or weapons or stolen goods changing hands that evening—it was signature sheets for three petitions hoping to make the ballot this November. The going price for democracy: about \$15 for every 20 signatures. It may not have been contraband, but it was every

bit as illegal.

### **breaking the law**

Since 2002, after rampant fraud and forgery within the initiative system, it has been illegal in Oregon for initiative campaigns to pay signature gatherers on a per-signature basis. Instead, campaigns are required to pay employees (or independent contractors) an hourly wage—regardless of how many signatures they bring in. They can set up reasonable minimums for their employees to meet, and they can use bonuses as incentives, but they cannot, under any circumstances, base wages on how many signatures are produced. This year, that law has been broken by people carrying petitions for at least three campaigns.

Standing on Burnside after getting paid, Andrew (not his real name) from Eugene described to the *Mercury* exactly how his temporary employer had broken the law. He was paid \$15 for every two sheets he turned in—the number of hours he worked was irrelevant. He said he spent the day skating around town, offering free sodas in exchange for signatures. He told people it didn't matter if they weren't registered Oregon voters or if they'd already signed the petitions—he even boasted that he'd gathered signatures from at least 20 convicted felons. (Unlike most states, felons can legally vote and sign petitions in Oregon, but Andrew didn't know that.) He was carrying two petitions being pushed by conservatives: electing Oregon Supreme Court and Appeals Court justices by district, and either the "Taxpayer Bill of Rights" (TABOR) state spending cap, or the initiative requiring term limits for state legislators. After gathering enough signatures to buy his bus fare back to Eugene, he was only able to refer to the measures as "the Supreme Court one" and "the legislature one."

He even tried to recruit a down-and-out friend to join the scheme, telling him, "Every signature is worth something, but every two sheets is worth 15 bucks."

At 10 am the next morning, a similar, yet smaller scene unfolded outside of the Greyhound station at NW 5th and Glisan. While waiting for his contact to show up with cash, John, a self-described homeless man staying in a nearby shelter, stood next to a trashcan, counting signatures and attempting to flag down a couple more people to sign his sheets. He, too, explained that he was getting paid \$15 for every two sheets, and he, too, was carrying the Supreme Court measure and the TABOR spending cap. Despite carrying two petitions supported by the state's conservatives, he offered up his opinion of George W. Bush: "I think he's an asshole." John was expecting to get about \$30 for his signatures—when we asked how much time he'd worked to get those, he said it took four or five hours, equaling about \$7 per hour, or less than minimum wage.

His contact showed up a few minutes later, accompanied by a man who slurred that he was going to take a dagger to someone down the street who sold him some bad rock. Again, the contact counted up the signatures and then handed over the cash [see picture, page 13]. When I identified myself as a journalist and began asking questions, all three men hurriedly continued down the block to finish the transaction.

Later that evening, though, when John went back to Burnside and 2nd to collect the cash for his last signatures—the following day was the deadline for all petitions to be turned in to the state—

his employer never showed up. John, and a handful of other sheet-carrying homeless men, got stiffed.

### **paying for fraud**

At least part of the 2002 movement to ban payment per signature was to keep this part of the democratic process out of the shadows. The idea that payment per signature contributes to fraud and forgery was used by the state when it defended the statute in 2004. If petition circulators are paid solely on quantity, they'll have incentive to do whatever it takes to get more signatures, the logic goes, including forging names and being less than truthful about the petitions they're carrying. Paying by the hour takes that incentive away.

Four years after Measure 26 (M26) passed (by a two-to-one margin), it appears that little has changed, except that payment-per-signature operations have been pushed slightly underground. The secretary of state's office has done little to investigate M26 violations or enforce the statute's provisions, although there is now an ongoing investigation into numerous campaigns, spurred by the original backers of the law.

Even if the state was enforcing Measure 26, though, it's unclear if the liability for violations would reach the chief petitioners. If you wanted to devise a system in which chief petitioners would be protected by layers of deniability from what their signature gatherers were actually doing on the street, you couldn't do better than the system Oregon already has. Many initiative campaigns, including the ones listed above, hire their petitioning work out to firms like the California-based Arno Political Consultants, which had the contract for the term limits and TABOR petitions, or local firm Democracy Direct, which was hired to run the districting of judges petition. These companies will then frequently hire the work out to subcontractors, who in turn hire the work out to sub-subcontractors. By the time these petitions hit the streets, it's difficult to determine who is working for whom.

Case in point, the man who was paying John and Andrew: The *Mercury* attempted to track him down to find out where *his* money came from, but to no avail—he disappeared each time before we could corner him.

Don McIntire, the head of the Taxpayer Association of Oregon and a chief petitioner on the TABOR initiative, said his campaign isn't liable for the way his signatures are gathered. In fact, he told the *Mercury*, the campaign made Arno sign an agreement promising they wouldn't pay per signature—which means that anything that happens after that is out of his hands. "If someone is the chief petitioner, they aren't the grand ruler of everything," McIntire said. "I have no way of knowing" what happens on the streets.

On the other hand, the original backers of Measure 26 have filed a complaint with the secretary of state's office, asking McIntire to hold the chief petitioners accountable for the flagrant on-the-street violations of the law. McIntire refused to comment on the mounting evidence, saying the violations and the idea that he should be liable is "a construct of left-wing union skills."

Further, he deflected questions to Arno, which, by Friday, had stopped answering its phones.

(For the record, Arno's employee manual shows a pay rate that is very clearly based on the number of signatures brought in—\$10 for 4-8 signatures per hour, up to \$64 for 46-50 signatures per hour.)

### **rescuing the reform**

The state's lack of enforcement of Measure 26 has another major impact—making it more difficult for legitimate petitioning firms to stay afloat. Companies like Portland-based Democracy Resources, for example, have taken a massive hit this year. Other firms "poached" workers from the company, and their bottom line is damaged because Democracy Resources spends money for training, paying managers to supervise employees, and maintaining hourly payroll records. Plus, "petition fatigue" has turned voters away from the process all together, making it more difficult to find enough people willing to sign a petition. And if people are already wary of signature gatherers, sending an army of homeless people into downtown with petitions isn't going to help the cause.

"When voters hear about fraud, they get turned off from the whole process," says Ted Blaszak, owner of Democracy Resources. "The most frustrating thing is that it's just not hard to follow the law and treat your staff with respect."

The irony is that payment per signature—at least the way it played out on the streets last week—will only lead to lower validity rates for those campaigns.

The next two years will likely see a fight over the initiative system in Oregon. Reformers are pushing the state to actively enforce M26, conceivably making it more difficult for campaigns to get measures on the ballot. At the same time, embattled initiative veteran Bill Sizemore and Tim Trickey (the owner of Democracy Direct) have filed a series of initiative petitions for 2008 that would lower the bar—including a repeal of Measure 26's ban on payment per signature. Considering the overwhelming majority of votes M26 received, and the fact that many in Oregon are simply fed up with the flood of initiatives the state's seen in recent years, that may be a hard sell.

On the other hand, Arno Political Consultants has declared that it won't be back in Oregon again any time soon. The company is accustomed to paying per signature in every other state it works in and, as it turns out, it's simply too expensive for Arno to follow the law in Oregon.

<http://www.portlandmercury.com/portland/Content?oid=45426&category=34029>

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### **ADDITIONAL ARTICLES**

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Willamette Week (Portland Oregon)

## **Arno Political Consulting**

BY WW EDITORIAL STAFF

For veteran rogue-rousters, some activities naturally set off alarm bells. Take signature-gathering: Although the recent ban on per-signature bounties appears to have greatly reduced the amount of fraud, it hasn't eliminated another problem--the misleading sales pitch.

In recent days, the petitioners for Measure 36 have stepped up their signature-gathering on Portland streets. Like its predecessor, Measure 7, the measure would require that government reimburse property owners if their property value is affected by a regulation.

But, as Katy Daily, a politically savvy downtown pedestrian, noted, you'd have a hard time figuring that out based on what some signature gatherers (also known as "circulators") are saying.

Daily called the Rogue Desk to suggest we check out the circulators--who are on the payroll of **Arno Political Consulting** of Sacramento. Last week, we approached three separate circulators to see how they explained the measure.

In the first instance, the circulator at the corner of 10th Avenue and Yamhill Street told us the measure would prevent the government from devaluing your land, then taking it over using the courts--a process known as eminent domain.

"So this is about eminent domain?" the Rogue operative asked.

"Yeah," said the circulator.

That's not true. The misinformation was repeated by two other signature gatherers we interviewed and, according to Daily, several others near Pioneer Courthouse Square.

Oregonians In Action, the group sponsoring the measure and paying Arno, wasn't pleased to hear about this. "It absolutely concerns me if the signature gatherers are misrepresenting the measure," says OIA director Dave Hunnicutt. "I don't see a connection between this measure and eminent domain. If [misrepresentation] is happening, we will stop it."

Bill Arno, co-owner of Arno Consulting, told *WW* the "eminent domain" line isn't coming from his shop.

"We actually give people written pitch sheets that say nothing about eminent domain," Arno says. "If they are saying anything about eminent domain, then they have independently arrived at that conclusion and we'll take corrective action in our crew."

How about not turning in the signatures that were gathered dishonestly? "That's certainly something that we'd consider," says Hunnicutt. "I have no idea how to figure out how you would do that."

Originally Published on **2/25/2004**

<http://www.willametteweek.com/editorial/3017/4853>



## Petitions spur suspicions

### Possible forgeries cloud a vote on SMUD annexation

By Ed Fletcher -- Bee Staff Writer

*Published 2:15 am PST Friday, February 17, 2006*

*Story appeared in Metro section, [Page B1](#)*

Elections officials suspect "some instances of fraudulent signatures" in the petitions filed to force a June vote among SMUD customers on whether the public-power utility should expand into Yolo County.

The suspicious signatures, among the 53,317 filed, were discovered during a routine verification process in Sacramento County, which includes a random check of 3 percent of the signatures turned in.

Of the 1,600 signatures randomly checked, 32.2 percent were invalid, officials said. If that validity rate (67.8 percent) is applied to the total number of signatures turned in, the result is too close to the 31,395 signatures needed to order the election. Now, election officials will have to examine every signature, as required by state law, said Alice Jarboe, Sacramento County's assistant registrar.

The call for a June vote was triggered by opponents of the Sacramento Municipal Utility

District's proposal to annex 77,000 Pacific Gas and Electric Co. customers living in Davis, West Sacramento, Woodland and adjacent unincorporated areas.

Yolo County voters will head to the polls in November to decide the annexation issue. But the opposition group, which is backed by PG&E, asked for a vote in June for current ratepayers, who live in Sacramento and Placer counties.

SMUD later agreed that its current customers in Sacramento and Placer counties also should vote on the issue in November, regardless of whether the June vote proceeds.

SMUD officials said the prospect of fraudulent signatures was a serious issue.

"Anytime you are talking about a violation of the law ... it's a huge issue and there needs to be an investigation," said SMUD attorney Arlen Orchard. "I think the responsibility has to lie with PG&E. They hired the people to do (the signature gathering)."

PG&E spokeswoman Jann Taber said the company holds itself to the "highest ethical standards," but referred questions to the coalition behind the signature drive.

"The campaign is absolutely in agreement that, if there is any indication of fraud, it should be investigated by the appropriate authorities," said Jeff Raimundo of the Coalition for Reliable and Affordable Electricity.

He said the questionable signatures are likely a case of problems with individual signature gatherers, rather than a conspiracy to commit fraud.

Michael Arno, whose company Arno Political Consultants, handled the signature-gathering effort, said shady signature gatherers should be prosecuted.

"Almost all petitions have some forgeries," said Arno, whose firm was paid about \$1.50 per signature gathered. More than 100 gatherers were used in the effort. The signatures were filed last month.

"When you have done a few petitions you can see things that look suspicious," said Jarboe, the elections official, who declined to elaborate.

Even if some phony signatures are thrown out, Raimundo said the coalition has enough signatures to trigger the election.

"This is going to qualify to get on the ballot," Raimundo said.

But Jarboe said it's too close to call at this point. "If it continues to be in this 30 percent range it's going to be cutting it close for it to qualify," Jarboe said.

The signatures have to be verified by March 10. To meet that deadline the staff will have to work overtime, Jarboe said.

SMUD has agreed to pay for the extra staff hours. Raimundo said the coalition also has offered to pick up the tab.

About the writer: The Bee's Ed Fletcher can be reached at (916) 321-1269 or [efletcher@sacbee.com](mailto:efletcher@sacbee.com).

[http://www2.dcn.org/orgs/localpower/SacBee\\_PetitionSuspisions.pdf](http://www2.dcn.org/orgs/localpower/SacBee_PetitionSuspisions.pdf)

## BACKGROUND ON OTHER BAD ACTORS | APPENDIX B

### National Voter Outreach

Last year in several states, anti-tax measures were being pushed, along with ballot proposals concerning regulatory takings the judicial independence of judges. The level of fraud, deceit and outright lying perpetrated by the circulators of these measures has never been witnessed before and was so extreme it prompted at least ten states to push for legislation to shore up holes in their initiative laws that allowed fraud to go unnoticed. To quote Montana judge Dirk Sandefur, "the signature gathering process for CI-97, CI-98, and I-154 was permeated by a pervasive and general pattern and practice of deceit, fraud, and procedural non-compliance."

### Fraud in Ballot Initiative Signature Gathering

National Voter Outreach (NVO) of Ludington, Michigan was hired to circulate TABOR in five of the nine TABOR states (MI, MO, MT, NE and OK). NVO has been operating for almost a decade and has circulated initiative petitions in a majority of states which allow the initiative process. NVO has long been a member, or arguably a leader, in the culture of mercenary petition gathering. NVO's past pattern has been to move into a state and hire subcontractors to run the signature gathering process with little oversight from NVO. These subcontractors will then hire nomadic signature gathers that migrate from one state to another, chasing whichever petitions are paying the biggest rate per signature. These mercenaries will flood a state, at best being ignorant of the state's laws governing signature collection, or at worse, actively choosing to ignore those laws. Gatherers have been paid by the number of signatures gathered so they have every reason to cheat to boost those numbers. These migrant signature gathers routinely use false names or addresses and are almost impossible to track once they leave the state. Some circulators have even been discovered to have prior identity theft and sexual predatory convictions. NVO has been a major player in the culture of deceit for years, as the attached news clips verify.

### Why NVO Deserves Scrutiny

Of the five states where NVO circulated TABOR, four of those were thrown off the ballot due to sloppy and fraudulent signature gathering.

- In **Michigan**, the Board of Canvassers found that the sample contained both fraud and such a large number of duplicates that the proponents did not collect enough legitimate signatures to qualify for the ballot.
- In **Missouri**, NVO was so sloppy that they failed to bundle and label the petitions in accordance with Missouri law, so the Secretary of State declined to accept the signatures.
- In **Montana**, NVO was accused of using a "stopper petition" and then tricking voters into signing the TABOR petition as well. This is done by asking someone to stop and sign a more popular petition and then saying that the circulator was out of carbon paper so the voter

needed to sign two duplicate sheets as well. Instead of copies of the more popular petition, voters were really signing the TABOR initiative. (The court ultimately ruled that the pattern of pervasive fraud warranted removal of all three proposals.)

- **Nebraska** did not opt to pursue a signature challenge, instead believing they could ultimately beat it at the ballot, but we have evidence of signature fraud there as well. In fact, a circulator charged with assaulting a voter educator turned out to be a convicted murderer from Florida.
- Although these four states certainly put forth a plethora of wrongdoing by NVO, perhaps no example is as powerful as **Oklahoma**. Oklahoma law requires that all signature gatherers be residents of the state. During the subsequent trial, a signature gatherer returned to Oklahoma and admitted that he never lived there and that his “handlers” got him a fake Oklahoma driver’s license so he wouldn’t be hassled. The Oklahoma initiative system requires the opponent of a measure to verify every individual signature submitted if they choose to pursue a legal challenge. The “no” TABOR committee in Oklahoma was required to go to court every Friday for four months and argue why each individual signature should be disallowed. The proponents submitted 299,029 signatures and it was discovered that 20% of those were submitted by out of state migrant workers and a total of 32% were invalid. The Supreme Court agreed with the opponents of TABOR and ordered that it not appear on the November ballot. And just recently, the president of NVO and two others involved in the fraudulent activity, are under a felony conspiracy indictment for defrauding the state of Oklahoma.

As a result of the fraud documented, several states have been pursuing reforms in their signature gathering laws. Two of the most popular areas for reform include banning the payment by signature system, to help cut down on the temptation to forge signatures. Additionally, some states are seeking to better track signature gatherers and those who hire them by requiring that everyone register with the Secretary of State before beginning circulating. This should make the process much more transparent and hold those at the top more accountable for the fraud which is perpetrated on the voters.

While we commend these efforts, it is simply unacceptable that signature firms be able to get away with perverting direct democracy and defrauding voters. Professional signature firms deserve to be held accountable for their willingness to cheat the system of petition gathering, and thus cheat voters. State authorities must act quickly and decisively toward reform, so that the burden of keeping fraud in check is not left to advocacy organizations and the general citizenry.