

Petition flaws doom pot, casino referendums

Written by Administrator
Thursday, 03 March 2016 04:06 -

AUGUSTA — Widespread irregularities, including the potential forgery of signatures, have prompted the secretary of state to disqualify separate ballot campaigns to legalize marijuana and give a Las Vegas gambling promoter the exclusive right to build a casino in York County.

The decision Wednesday dealt a potentially fatal blow to a marijuana campaign that wants Maine to join Washington, D.C., and a small number of Western states in allowing adults to buy and possess the drug. Meanwhile, the failure of the casino effort followed an expensive and controversial scramble to get on the ballot that raised questions about whether Maine needs to update regulations for its citizen petition law.

Both campaigns, and the vendors and notaries they used to collect and verify signatures, could face an investigation by the Office of Attorney General if requested by state election officials.

Maine Secretary of State Matt Dunlap said his office had consulted with the attorney general during its review of the campaigns' petition documents. He said a decision to request an investigation would not be made until after the expiration of a 10-day appeal period, which begins Thursday.

"We're not equipped to make a judgment if this is criminal activity," Dunlap said.

David Boyer, manager of the Campaign to Regulate Marijuana Like Alcohol, said the campaign will appeal. Cheryl Timberlake, the registered agent for the casino campaign, did not return a call seeking comment.

Each campaign needed 61,123 signatures to qualify for the ballot. According to Dunlap's office, the marijuana campaign only provided 51,543 valid signatures – despite submitting 99,229 for certification on Feb. 1. The casino campaign, Horseracing Jobs Fairness, submitted 91,294 signatures on Feb. 1. Election officials determined that less than 40 percent, or 35,518 signatures, were valid.

MANY PROBLEMS TIED TO ONE FIRM

Maine law says a petition circulator must sign an affidavit before a public notary swearing that he or she personally witnessed the act of signing. The notaries are responsible for determining that the circulator is who they claim to be.

Dunlap said many of the irregularities in both campaigns were from circulators paid or contracted by Olympic Consulting, a Lewiston firm led by former state legislator Stavros Mendros. The casino campaign paid Olympic Consulting more than \$117,000 over a two-week period in December. Olympic Consulting likely received more money from the casino campaign, but updated finance reports will not be available until April.

Mendros, who pleaded guilty to petition irregularities in 2007, did not return a call seeking comment Wednesday. His firm has been used by a number of ballot campaigns in recent years, including the marijuana campaign, which paid him \$26,930, according to state finance reports.

According to Dunlap's office, over 31,000 of the voter signatures on the 20,761 marijuana petitions were deemed invalid because the signatures of the petition circulators, or of the notaries who verified the circulators' identities, didn't match what the state had on file. The Secretary of State's Office didn't specify how the signatures differed.

One individual was listed as the notary on 5,099 petitions containing 26,779 of the 31,338 signatures. More than 9,500 of these signatures also were invalid for other reasons, making up the bulk of the 13,525 signatures that were disqualified because they didn't belong to a registered voter in the municipality where they were submitted.

Boyer, of the Campaign to Regulate Marijuana Like Alcohol, said his group was "very disappointed" with the ruling by the Secretary of State's Office.

"We will be exploring all legal avenues that are available to appeal this decision and sincerely hope that more than 17,000 Maine citizens will not be disenfranchised because of a handwriting technicality," Boyer said.

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If passed by voters, the initiative would allow adults 21 and older to possess small amounts of marijuana for recreational use.

Election officials found that 32,526 signatures in the casino campaign were invalid because the circulator's signature on the circulator's oath, or the signature of the notary listed as having administered the oath, did not match the signatures on file. Of those, 16,096 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in the municipality where the signature was submitted.

"Some of the biggest swaths of invalid signatures were people who weren't registered to vote," Dunlap said. "Some of the technical problems that were fairly serious, in our view, were around the circulators' oaths. It was clear just by looking at the documents that somebody had a stack of petitions and somebody was just notarizing them."

EARLY TROUBLES FOR CASINO EFFORT

Dunlap said there were many instances in which a notary's signature didn't match the one the state had on file, or in other cases, didn't match signatures on different petition sheets.

"The bottom line here is that we don't look for reasons to disqualify signatures," he said. "We're looking to verify that they were made properly."

Dunlap said his office is confident that its decision will survive an appeal.

The casino proposal generated considerable scrutiny of its tactics during an aggressive signature-collection drive to qualify for the ballot. The campaign, Horseracing Jobs Fairness, submitted its petitions to the Secretary of State's Office at the deadline after an expensive and controversial drive that raised questions about whether Maine needs to tighten and reform its referendum law. Had it been approved and passed by voters, the referendum was worded so that only gambling impresario Shawn Scott would have been allowed to build the casino.

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Scott's sister, Lisa Scott, financed the campaign, which at one point was paying petition circulators between \$7 and \$10 per signature. The campaign produced a number of complaints from voters about aggressive tactics, and more recently, petition circulators complained that they haven't been paid.

Early indications suggested that the campaign would have some difficulty qualifying. Dunlap said last month that there had been widespread reports from municipal clerks about shoddy work and duplicate signatures on petitions.

In early February, the Bangor city clerk reported that of 6,869 signatures gathered in Bangor, only 2,913 appeared to be from registered city voters. The rest were invalid.

If Maine were to legalize recreational marijuana, it would join Colorado, Washington state, Oregon, Alaska and Washington, D.C., in allowing adults to buy and possess the drug. Legalization referendums are expected to be considered this year in Nevada, California, Arizona, Michigan, Massachusetts and Vermont.

LEGAL POT ALREADY A PRESENCE

Maine has allowed medical marijuana since 1999, and the program has become increasingly popular. Last year, Mainers spent \$23.6 million on medical marijuana from the state's eight dispensaries, a 46 percent jump from the previous year. Those numbers don't include sales to patients from the more than 2,200 caregivers licensed to grow and sell marijuana to patients.

The state cannot provide an exact number of patients because it does not keep a registry, but doctors have printed more than 35,000 certificates required under state regulations to certify patients. That number could include duplicates and replacement certificates and is likely higher than the actual number of patients, according to the Department of Health and Human Services, which oversees the medical marijuana program.

The legalization bill would have allowed adults to possess up to 2½ ounces of marijuana and to cultivate a limited number of plants. Retail stores and social clubs would be allowed with

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municipal approval. Adults would be prohibited from using marijuana in public, with violations punishable by a \$100 fine. The bill also would place a sales tax of 10 percent on retail marijuana and marijuana products.

Staff Writer Gillian Graham contributed to this report.

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