

EXHIBIT 1

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF

Stavros J Mendes

I, Stavros Mendes, being duly sworn, do hereby depose and state as follows:

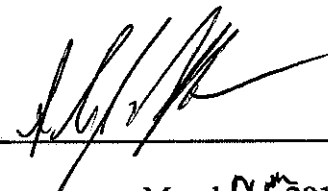
1. I am a resident of Lewiston, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a Maine Notary Public. I was appointed a notary public by the Secretary of State (the "Secretary") on 6-12-1997. My commission expires on 6-11-18.
4. I agreed to take the circulator's oath on petitions for individuals who circulated petitions for the initiated legislation entitled "An Act to Legalize Marijuana."
5. Each circulator whose petition I notarized swore before me that s/he witnessed all of the signatures on the petitions s/he was presenting to me and that to the best of his/~~her~~ knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

6. After administering the above oath, each circulator signed the petitions that s/he was presenting in my presence. I signed, dated and affixed my notary stamp to each such petition.

7. I attest that every petition for the initiated legislation that bears my notary stamp also bears my original signature. To the extent the appearance of some of those signatures may differ from the appearance of my signature on file with the Maine Secretary of State, any variance in my signatures on the petitions is inherent to handwriting and is further attributable to the number of petitions I was notarizing.

Dated this 24 day of March, 2016.

STATE OF MAINE
Antrosogian, ss



March 24, 2016

Personally appeared the above-named Stavros J. Mendros and made oath that the above affidavit signed by him is true to the best of his knowledge and belief.



Notary Public

SABRINA BUREAU
Notary Public, Maine
My Commission Expires March 1, 2021

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF

James Tracey Jr.

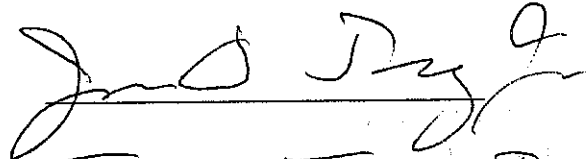
I, James Tracey Jr., being duly sworn, do hereby depose and state as follows:

1. I am a resident of Auburn, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a Maine Notary Public. I was appointed a notary public by the Secretary of State (the "Secretary") on 10/16/2009. My commission expires on 10/15/2016
4. I agreed to take the circulator's oath on petitions for individuals who circulated petitions for the initiated legislation entitled "An Act to Legalize Marijuana."
5. Each circulator whose petition I notarized swore before me that s/he witnessed all of the signatures on the petitions s/he was presenting to me and that to the best of his/her knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

6. After administering the above oath, each circulator signed the petitions that s/he was presenting in my presence. I signed, dated and affixed my notary stamp to each such petition.

7. I attest that every petition for the initiated legislation that bears my notary stamp also bears my original signature. To the extent the appearance of some of those signatures may differ from the appearance of my signature on file with the Maine Secretary of State, any variance in my signatures on the petitions is inherent to handwriting and is further attributable to the number of petitions I was notarizing.

Dated this 22nd day of March, 2016.

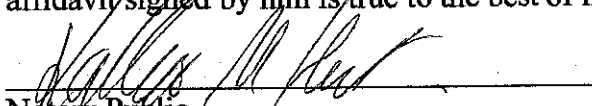

James Tracey Jr.

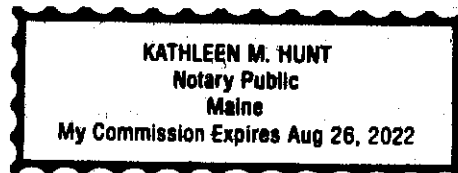
STATE OF MAINE

Andrew Rossen, ss

March 22nd, 2016

Personally appeared the above-named James Tracey and made oath that the above affidavit signed by him is true to the best of his knowledge and belief.


Notary Public



STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFHAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF
Elliot Chicoine

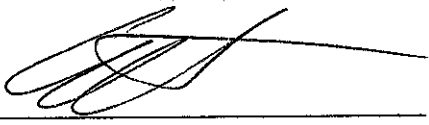
I, Elliot Chicoine, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Lewiston, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a Maine Notary Public. I was appointed a notary public by the Secretary of State (the "Secretary") on 1-12-2016. My commission expires on 1-11-2023.
4. I agreed to take the circulator's oath on petitions for individuals who circulated petitions for the initiated legislation entitled "An Act to Legalize Marijuana."
5. Each circulator whose petition I notarized swore before me that s/he witnessed all of the signatures on the petitions s/he was presenting to me and that to the best of his/her knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

6. After administering the above oath, each circulator signed the petitions that s/he was presenting in my presence. I signed, dated and affixed my notary stamp to each such petition.

7. I attest that every petition for the initiated legislation that bears my notary stamp also bears my original signature. To the extent the appearance of some of those signatures may differ from the appearance of my signature on file with the Maine Secretary of State, any variance in my signatures on the petitions is inherent to handwriting and is further attributable to the number of petitions I was notarizing.

Dated this 23 day of March, 2016.



Elliot Chicoine

STATE OF MAINE

Androscoggin, SS

March 23, 2016

Personally appeared the above-named Elliot Chicoine and made oath that the above affidavit signed by him is true to the best of his knowledge and belief.



Notary Public

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

EXHIBIT 2

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

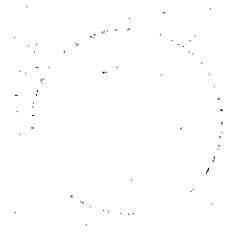
AFFIDAVIT OF Steven C. Pope

I, Steven C. Pope, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Old Town, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to

Legalize Marijuana" (the "Initiated Legislation").

5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Old Town, Maine.



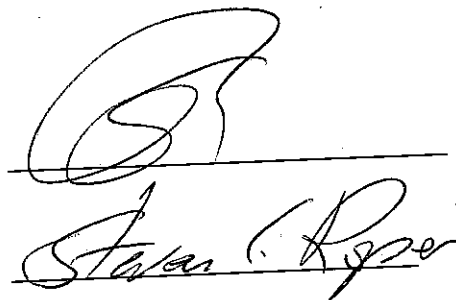
6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 17 day of March, 2016.

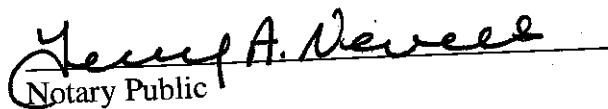


Steven C. Roper

STATE OF MAINE
Penobscot, ss

March 17, 2016

Personally appeared the above-named Steven C. Roper and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.



Terry A. Nevells
Notary Public

Terry A. Nevells
Notary Public, State of Maine
My Commission Expires September 7, 2018

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

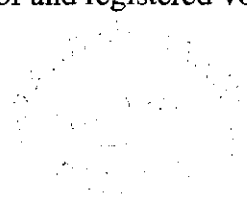
AFFIDAVIT OF Christian S. Rowell

I, Christian S. Rowell, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Sangerville, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to

Legalize Marijuana" (the "Initiated Legislation").

5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Sangerville, Maine.



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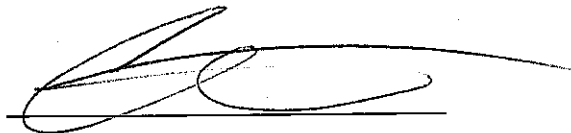
6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

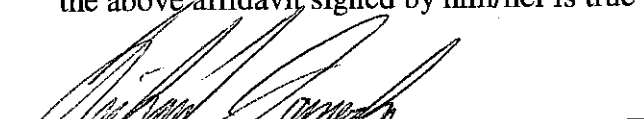
Dated this 17th day of March, 2016.


Christian S. Rowell

STATE OF MAINE
PISCATAQUIE, ss

March 17, 2016

Personally appeared the above-named CHRISTIAN S. ROWELL and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.


Notary Public

Richard Jarnecki
Notary Public, State of Maine
My Commission Expires 3/31/2022

6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 25 day of March, 2016.

William J County

William J County

STATE OF MAINE

Oxford, ss

March 25, 2016

Personally appeared the above-named William County and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.

Clacy Jammitta Strout
Notary Public

CLACY J. STROUT
NOTARY PUBLIC
State of Maine
My Commission Expires
July 21, 2022

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF Dennis Grause

I, Dennis Grause, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Androscoggin, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to

Legalize Marijuana" (the "Initiated Legislation").

5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Androscoggin Maine.

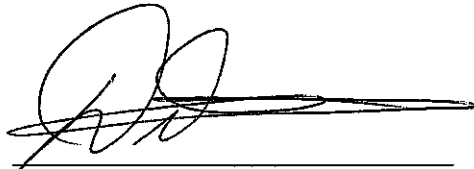
6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 23 day of March, 2016.

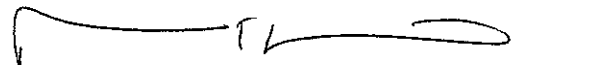


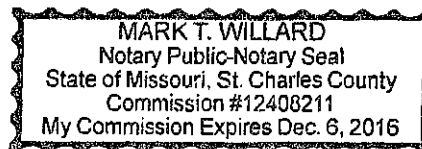
STATE OF MISSOURI

St. Louis, ss

March 23, 2016

Personally appeared the above-named Dennis Grause and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.


Notary Public MARK T. WILLARD



STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF Michael D. BREAU

I, Michael D. BREAU being duly sworn, do hereby depose and state as follows:

1. I am a resident of Peru, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to Legalize Marijuana" (the "Initiated Legislation").
5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Peru, Maine.

6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 22 day of March, 2016.

Michael D. Breau

Michael D. BREAU

STATE OF MAINE
Oxford, ss

March 22, 2016

Personally appeared the above-named Michael D. Breau and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.

Vera L. Parent
Notary Public

VERA L. PARENT
Notary Public, Maine
My Commission Expires August 24 2017

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF Jennifer Nadeau

I, Jennifer Nadeau, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Kennebunk, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to

Legalize Marijuana" (the "Initiated Legislation").

5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Kennebunk, Maine.

My Commission Expires 03/31/2017
Notary Public
Doreen Foss

6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 22 day of March, 2016.

Jennifer Nadeau

Jennifer Nadeau

STATE OF MAINE
Androscoggin, ss

March 22, 2016

Personally appeared the above-named Jennifer Nadeau and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.

Bonita Rose
Notary Public

Bonita Rose
Notary Public, Maine
My Commission Expires Oct 23, 2016

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF

Scott Lavery

I, Scott Lavery, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Lewiston, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to Legalize Marijuana" (the "Initiated Legislation").
5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Lewiston, Maine.


6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 23rd day of March, 2016.




Scott Laverty

STATE OF MAINE
Androscoggin ss

March 23, 2016

Personally appeared the above-named Scott Laverty and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.



Notary Public

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER COURT
Location: Portland
DOCKET NO. BCD-AP-16-04

ROGER BIRKS, JOHN BLACK,)
DAVID BOYER, ERIC BRAKEY,)
ERIN CANAVIN, CHRISTINA)
JONES, OLGA LaPLANTE,)
MATTHEW MALONEY, PAUL)
McCARRIER, TOM OBEAR,)
BETHANY PROFAIZER,)
SAMANTHA ROCRAY, DIANE)
RUSSELL, and LUKE SIROIS,)

Petitioners)

v.)

SECRETARY OF STATE)
MATTHEW DUNLAP,)

Respondent)

AFFIDAVIT OF Marcus Welch

I, Marcus Welch, being duly sworn, do hereby depose and state as follows:

1. I am a resident of Lewiston, Maine and am over 18 years of age.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am a citizen of the State of Maine.
4. I agreed to circulate petitions for the initiated legislation entitled "An Act to Legalize Marijuana" (the "Initiated Legislation").
5. At the time I was circulating the petitions for the Initiated Legislation, I was a legal resident of and registered voter in Lewiston, Maine.

6. I personally witnessed each of the signatures on the petitions signed and verified by me. To the best of my knowledge and belief, each signature on each petition signed by me is the signature of the person whose name it purports to be.

7. On the dates indicated on each petition, I signed such petitions before Stavros J. Mendros.

8. Before Mr. Mendros, I swore that I witnessed all of the signatures on the petitions I was presenting and that to the best of my knowledge and belief, each signature on such petitions was the signature of the person whose name it purports to be.

9. After Mr. Mendros administered the above oath, and still in Mr. Mendros's presence, I signed each of the petitions I circulated.

Dated this 23 day of March, 2016.

Marcus Welch

Marcus Welch

STATE OF MAINE

Androscoquin, ss

March 23, 2016

Personally appeared the above-named Marcus Welch and made oath that the above affidavit signed by him/her is true to the best of his/her knowledge and belief.

Erica L. Soiett

Notary Public

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

EXHIBIT 3

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

AFFIDAVIT

In the matter of:
Maine Referendum
An Act to Legalize Marijuana

I, Vickie L. Willard, first being duly sworn, make the following statement in the referenced matter.

I was retained by Rachel M. Wertheimer, Esq., Verrill Dana LLC., Portland, Maine to examine signatures of Stavos J. Mendros, Notary Public. The signature appeared on petitions related to the Maine Referendum. My assignment was to determine, if possible, whether Mr. Mendros signed certain petitions and, if for any reason that could not be done, to provide a detailed explanation of the reasons.

I conducted an examination and rendered my opinion in a report dated March 23, 2016. A true copy of my report is attached to this Affidavit.

This Affidavit includes a three page report and a two page resume.

Subscribed and Sworn to on this 25th day of March, 2016.

Vickie L. Willard

Vickie L. Willard, D-BFDE
Forensic Document Examiner

The above named, Vickie L. Willard, personally appeared before me, a Notary Public, and, being duly sworn, signed the foregoing instrument.

In Witness Whereof, I have hereunto set my hand and official seal on this 25th day of March, 2016.

Liz Coolick

Notary Public



VICKIE L. WILLARD

Forensic Document Examiner

Board Certified:
Board of Forensic Document Examiners

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Independence, OH 44131

Office: (216) 520-1520
vwillard@roadrunner.com

March 23, 2016

Rachel M. Wertheimer
Verrill Dana LLP
One Portland Square
Portland, MA 04112-0856

Re: Maine Referendum—An Act to Legalize Marijuana

Dear Ms. Wertheimer:

My assignment was to examine the signature of a notary, Starvos J. Mendros, appearing on one hundred petitions to determine, if possible, whether Mr. Mendros signed the petitions. Reproductions of two specimen signatures for Mr. Mendros were submitted on a notary form titled *Certificate of Qualification, State of Maine*, dated June 13, 2011. If for any reason the examination could not proceed with the documents submitted, then to provide a detailed explanation of the reasons.

A signature comparison involves an inter-comparison of the known (specimen) signatures of writer to study the writing patterns used to form letters, proportions of letters, size relationships, spatial patterns, pressure patterns, slope, directional tendencies, initial strokes, terminal strokes, connecting patterns, curvatures, speed of execution, quality of execution, range of variation, and any other graphic features present. The signatures in question are then studied for the same features to determine similarity or difference. The comparison cannot be properly conducted without a sufficient quantity of known specimens to establish the writer's *range of natural variation*.

In this instance two known signatures, dated four years before the date on the petitions, were submitted for comparison of the notary's signature on the various petitions. Both known signatures were written on one document, presumably within a minute of one another. When multiple signatures are written at the same time, there is less *natural variation* expressed by the writer than if the same number of signatures were written on documents dated days or months apart. It is essential to study a writer's natural variation in executing his or her signature, because when an apparent *difference* between a questioned and known signature is observed, that *difference* will either be the result of natural variation or be attributed to a different writer. If there is not an adequate number of specimens submitted to study the writer's patterns of natural variation, then whether the writing feature observed is a natural variation or a different writer cannot be properly determined.

ASTM Standard E 2290 *Standard Guide for Examination of Handwritten Items* states that the examiner is to determine whether there is a sufficient quantity of known specimens to proceed with the examination. If there is, the examiner is to determine the range of the writer's variation. If there is not a sufficient quantity of comparable writing submitted then the examination is to be discontinued and reported accordingly.

I have read Section A of *The Determination of the Validity of a Petition for Initiated Legislation Entitled: "An Act to Legalize Marijuana"*, which read, in part, "...the signature of the notary listed as having administered the oath did not match the signature on file and it could not be determined that the signature was made by that person." With all due respect to the Secretary of State, in my opinion, the two signatures on the Certificate of Qualification do not provide an adequate basis for determining the authenticity of the notary's signature on the petitions. The results of a comparison using only two specimens from 2011 must be inconclusive [no opinion] on the basis of an inadequate quantity of comparison signatures from which to study the writer's range of natural variation when executing his signature.

"Identifying the person who wrote a questioned document [signature] depends on the similarity between writing habits manifest in the writing and those found in the specimens written by a particular person. While weighing the evidence, consideration must be given to writing variation. Since variation is an integral part of natural writing, no two samples of writing prepared by one person are identical in every respect. The extent of variation differs among writers and, consequently, natural variation forms an important element in the identification of handwriting."¹

"There is a common belief that a writer can be positively identified from only one or two of his or her signatures. Unfortunately, this is far from the truth and is more the exception than the rule.... Only with a reasonable quantity of material can all the writing characteristics of an individual and the variations that usually occur from specimen to specimen be accurately determined."² The number of known specimens that will be adequate for any particular examination cannot be predetermined, however, ten to twenty signatures is usually sufficient. However, if a wide range of natural variation is observed, many more specimens will be necessary to accurately identify the writer's habits, writing ability, and variation.

Ideally, specimen signatures that will be used for comparison are collected from various documents of various dates. The reason for collecting documents, rather than having the individual simply write his or her signature 25 times on a sheet of paper is because a person will exhibit less variation within signatures written at one time than in the same number of signatures written over various dates.

Further consideration must be given to the circumstances under which a signature is written. "The best set of standards [comparison signatures] not only contains a sufficient quantity of writing, but also includes an ample amount of the same general type of material as that in dispute."³ In this instance, the ideal documents for comparison, in addition to the Certificate of Qualification and other notarized documents, would be other petitions on which Mr. Mendros signed as notary during 2014 and 2015.


¹ Scientific Examination of Questioned Documents, Kelly and Lindblom, CRC Press, 2006, page 58.

² Ibid, page 128.

³ Ibid, page 129.

In order to reach an opinion on the authenticity the Mendros signatures on the petitions, additional specimens, of the kind and nature previously mentioned, would be necessary. As submitted, the only proper opinion is no opinion.

Respectfully,

A handwritten signature in cursive script that reads "Vickie Willard".

Vickie L. Willard, D-BFDE
Forensic Document Examiner

VICKIE L. WILLARD

Forensic Document Examiner

Board Certified:
Board of Forensic Document Examiners

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Independence, OH 44131

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STATEMENT OF QUALIFICATIONS

TRAINING AND CONTINUING EDUCATION IN FORENSIC DOCUMENT EXAMINATION

Mentored and private study with qualified experienced document examiners [1975-1978]

Technical papers, workshops, classroom instruction and/or laboratory sessions sponsored by:

Association of Forensic Document Examiners (Annual Attendance)

Independent Association of Questioned Document Examiners

Co-sponsors of IAQDE conferences have included: University of Oklahoma Law Center [Oklahoma],

University of San Diego Law School [California], University of Dayton School of Law [Ohio],

Southern Methodist University School of Law [Texas]

American Academy of Forensic Sciences

FBI (and other organizations)

Presenters and participants included:

Forensic document examiners

Ink experts

Paper chemists

Forensic photographers

Medical professionals

Attorneys and law professors

Professionals in other related fields

Technical representatives of corporations

Psychologists

Others

Subjects included: handwriting identification and comparison, hand printing examination, laboratory techniques of ink analysis, indented writing examination, detection of alterations, dating of documents, typewriting comparison and identification factors, evidence collection, admissibility of evidence, expert witness testimony, document photography, digital imaging, preparation of demonstrative evidence, and other. Instructional visits to manufacturers of paper, watermark, and rubber stamps production.

Graduate of the Institute of Applied Science [1975]

Courses in criminal identification including handwriting and typewriting identification.

CERTIFICATION (by testing)

Board Certification through the Board of Forensic Document Examiners - 2003

[BFDE is an FSAB accredited board]

Board Certification through the Association of Forensic Document Examiners - 1991

General Certification through the Association of Forensic Document Examiners - 1987

PROFICIENCY TESTING

Participant in proficiency testing on a biennial basis since 1987.

COURT TESTIMONY

Ohio Common Pleas Courts of Cuyahoga, Lorain, Medina, Summit, Lake, Ashtabula, Allan, Columbiana, Delaware, Franklin, Geauga, Hamilton, Huron, Mahoning, Marion, Montgomery, Noble, Portage, Stark, Trumbull, Wayne.

Pennsylvania: Common Pleas Court of Allegheny, Indiana, and Westmoreland Counties.

Kentucky: District Courts of Casey and Floyd Counties

Michigan: County of Wexford

Rhode Island: Superior Court, Providence.

Puerto Rico: Labor Arbitration, San Juan.

United States District Court: Ohio and West Virginia

United States Bankruptcy Court, Northern District of Ohio.

United States Tax Court

CLIENTELE

Attorneys and law firms	Insurance companies	Title agencies
County Public Defender	Financial institutions	Legal Aid Societies
Federal Public Defender	Medical institutions	
Defense Attorneys	Corporations	[and others]
Plaintiff Attorneys	Labor unions	
Law enforcement agencies	Universities	
Court appointments for indigents	Investigation and Security firms	

OPINIONS RENDERED

Signatures, handwriting, and hand printing on contracts, probate documents, deeds, bank documents, security agreements, corporate documents, insurance forms, petitions, credit receipts, medical records, state documents, prescriptions, anonymous letters, graffiti, and other.

Other issues include altered documents such as medical records and business records, erasures, obliterated writing, ink comparison, sequence of writing, deciphering illegible writing, fabricated photocopies, and other.

PROFESSIONAL AFFILIATIONS

Board of Forensic Document Examiner (BFDE)
Offices held: President, Director

Association of Forensic Document Examiners (AFDE)
An international organization for document examiners
Admittance testing required
Offices held: President, Vice President, Board Member, Membership Director.

American Society for Testing and Materials (ASTM)
A standards development organization whose members work to develop standards for use in commercial, legal, forensic and other professions. Member: Forensic Science Committee

Prior: Forensic Specialties Accreditation Board (FSAB)
Director 2000-2007

PRESENTATIONS

Presentations at symposiums sponsored by Association of Forensic Document Examiners. Programs on questioned document examination have been presented to bar associations [CLE credit], law enforcement officers, crime prevention organizations, bank personnel, criminalistics and university law school classes.

ARTICLES [published in the *Journal of Forensic Document Examination*]

Forensic Document Examination: Guidelines for Evaluating Credentials
Parkinson's Disease and Graphic Disturbance
"Marks" as Signatures [co-author]
Light and Electron Microscopy Approaches to Sequence of Writing Problems [co-author]
Guided Hand Signatures
A Study in Hand Printing

PROFESSIONAL DEVELOPMENT includes regular attendance at continuing education conferences and involvement in professional activities.

LABORATORY

Laboratory facilities for the examination of documents, including stereo microscope, magnifiers, reticles, measuring devices, special lighting, infrared spectral analysis equipment, latent image development equipment, computer digital imaging, photographic equipment for specialized document photography and preparation of court exhibits.

EXHIBIT 4

2009 WL 6631827 (Me.Super.) (Trial Order)
Superior Court of Maine.
Kennebec County

Charles L. JOHNSON III, Petitioner,
v.
MATTHEW DUNLAP, SECRETARY OF STATE, Respondent,
and
Charles Webster, Intervenor.

No. AP-09-56.
December 23, 2009.

Decision

Plaintiffs Attorney: John Peterson, Esq., PO Box 9729, Portland, ME 04104.

Defendant's Attorney: Phyllis Gardiner, 6 SHS, Augusta, ME 04333.

Before the court is the petition for review of final agency action of Charles L. Johnson, III pursuant to M.R. Civ. P. 80C, 5 M.R.S.A. §11001 and 21-A M.R.S.A. §905(2).

This dispute arises from the submission and review of petitions intended to trigger a People's Veto referendum of "An Act to Implement Tax Relief and Tax Reform," P.L. 2009, ch. 382 (effective 1/1/10) (*hereinafter* the "Tax Reform Act") signed into law by Governor John Baldacci on 7/12/09.

Following the signing of the Tax Reform Act by Governor Baldacci, Intervenor Charles Webster began circulating petitions to trigger a People's Veto referendum pursuant to the Maine Constitution and the laws of the State of Maine. Me. Const. Art. IV, pt. 3, § 17; 21-A M.R.S.A. § 905. Within 90 days of the legislature's adjournment, Webster was required to submit at least 55,087 signatures, constituting ten percent of the total number who voted in the last gubernatorial election. Me. Const. Art. IV, pt. 3, § 17(1). On 9/11/09, Webster submitted completed petitions containing approximately 71,035 signatures. The Secretary stayed the effective date of the Tax Reform Act pending a determination of the validity of the petitions.

When the People's Veto petition was filed with the Secretary of State, the Secretary had 30 days to determine the validity of the petitions. 21-A M.R.S.A. § 905(1). Accordingly, the deadline to issue a decision was 10/13/09. The Secretary failed to issue a decision by that date. On 11/2/09, Webster filed a petition for review of agency action including an independent claim for declaratory relief in the companion case, *Webster v. Dunlap*, AP-09-55.

On 11/9/09, the Secretary issued a Determination of the Validity of the Petition for People's Veto of Legislation, invalidating 14,928 signatures for various reasons, but finding Webster had submitted 56,107 valid signatures. On 11/17/09, Petitioner¹ Charles Johnson filed his Petition for Review of Final Agency Action alleging the Secretary failed to invalidate at least 1,021 signatures that were in some way deficient.

Petitioner assigns five areas of error by the Secretary of State. Petitioner's specific arguments include that (1) petitions containing 4480 signatures are invalid because the oaths of circulator's were administered by Stavros Mendros, a notary public who petitioner alleges is a "self interested notary" due to payments received by his company for organization of signature gathering services; (2) petitions containing 3837 signatures are invalid because Cynthia Mendros² f/k/a Cynthia Bodeen signed the

attestation that she administered the circulators' oaths on the petitions as "Cynthia Bodeen" when her legal name was in fact "Cynthia Mendros;" (3) 315 signatures are invalid because the signatories do not appear on the Central Voter Registry (CVR), which petitioner contends is the authoritative database to determine whether a person is a registered voter; (4) signatures are invalid because the Secretary relied on the certifications of town registrar's that the signatories were registered voters and did not conduct his own independent investigation; and (5) 1042 signatures are invalid due to factual issues presented on the face of the petitions, including incorrect dates, illegible signatures, duplicate signatures, and clerical errors. In total, accounting for signatures that fall into more than one category, petitioner has challenged that 9674 signatures are invalid.

On 12/21/09, this court entered a decision in the *Webster* case, holding that the Secretary had lost his authority to act by failing to complete his review within the thirty-day period proscribed in 5 M.R.S.A. § 905. The holding in *Webster* necessarily means that any error the Secretary's substantive review in this case is moot. However, in the event that the *Webster* decision is not sustainable on appeal and due to constrained deadlines for judicial review in this case, the court addresses the merits of petitioner's claims.

In conducting a judicial review of the evidence presented by the record and additional evidence, the court is guided by two important principles established in Maine law. The power in the agency "to reject names and names falsely certified may tend to prevent fraud and to protect the referendum from disrepute." *Opinion of the Justices*, 116 Me. 557, 103 A. 761, 772 (1917). On the other hand, in the context of the direct initiative, the Maine Constitution "cannot be said merely to *permit* the direct initiative of legislation upon certain conditions. Rather, it reserves to the people the *right* to legislate by direct initiative if the constitutional conditions are satisfied." *McGee v. Secretary of State*, 2006 ME 50, S 25; 896 A.2d 933, 941. Certainly the Constitution creates the *right* in the people to veto legislation under certain conditions. Accordingly, this court is constrained to require a constitutional, statutory, regulatory or common law basis to overturn a decision of the respondent in accordance with the Administrative Procedures Act.

Subsequent to the filing of his petition, discovery procedures revealed that two individual notary publics taking the oaths of circulators on petitions containing 8,550 signatures had a financial interest in the outcome of the petition campaign by contract with the sponsor of the referendum. This allegation was not presented to the Secretary of State and is not a part of his validation process. The issue, therefore, is whether, as a matter of law, those documents containing the acknowledgement of those notaries must be disallowed and the signatures thereon not validated to meet the veto referendum requirement. Petitioner relies on public policy and a publication of the Secretary called the Notary Public Handbook and Resource Guide. The document states that a notary public must not act in any official capacity if there is any interest that may affect impartiality. The statement relies upon the general "conflict of interest" principle and refers to a "beneficial interest" rule. This provision of the Handbook does not rely on any statute or regulation nor does it provide the basis for invalidating elector's signatures under the circumstances.³

Petitioner further challenges the notary's authority to take the oath of the circulator on a petition wherein the notary has signed as a registered voter. To this deficiency, the Secretary responds that the Constitution spells out very clearly the role of the notary in the referendum petition process, to administer an oath to a circulator who swears that the signatures on the petition are original, made in the presence of the circulator and that to the circulator's best knowledge and belief, each signature is that of the person whose name it purports to be. Me. Const. Art. IV, pt. 3, § 20.

Whatever concerns may be appropriate regarding the public interest in the enforcement of a rule of "conflict of interest" or "beneficial interest," the court has not been presented with any substantive law to cause it to invalidate the signatures on petitions acknowledged under such circumstances.

Likewise, the petitioner has challenged the signatures on petitions on which the notary public has taken the oath of a circulator by signing her previous name and not her married name existing at the time of the acknowledgement. It is clear from the record that a notary public involved in a substantial number of petitions applied for, was granted and is registered with the Secretary under her name at the time of the application. However, without notification to the Secretary, she married and assumed the surname of her husband prior to this petition campaign. By administrative rule, a notary public must notify the Secretary of a

change of address, email address, name or other contact information within 10 days of the change. 29-250 CMR Ch. 700. This, also, appears in the Handbook. However, there is no indication that such a filing is a condition that must be met in order for the notary to perform her duties with authority as long as she does not use the name of another and the name used is consistent with that registered with the Secretary. *See Maine Taxpayer's Action Network v. Sec'y of State*, 2002 ME 64, 795 A.2d 75. Further, there does not appear to be any authority for the proposition that use of the registered name rather than the new married name invalidates the function performed on the referendum petitions.

Petitioner's third argument is that the signatures of persons who do not appear on the Central Voter Registry are invalid. *See* 21-A M.R.S.A. § 902 (providing that verification of people's veto must be conducted in the same manner as nonparty nomination petitions); 21-A M.R.S.A. § 354(7)(C) (providing that, for nomination petitions, the registrar "shall certify which names on a petition appear in the central voter registration system as registered voters in that municipality and may not certify any names that do not satisfy subsection 3⁴"). An examination of the language of the statute reveals the deficiency with petitioner's argument. Section 354 requires that the registrar shall *certify* names that are found on the CVR. The statute does not provide that the registrar is required to *invalidate* names due to their absence on the CVR. To the extent that an argument could be made that the negative implication of Section 354 is that the CVR is the exclusive authority to consult in determining whether a name could be certified, the sentence of Section 354 providing that the registrar may not certify names under certain conditions reveals that the Legislature did not intend such an implication.

Petitioner's fourth argument is that the Secretary is under an independent duty to review signatures under section 905, notwithstanding valid certificates from the municipal registrars that the names on the petitions are of persons qualified to vote in the municipality. Presumably, this review would require the Secretary to consult the CVR, as the CVR is the voter list within the Secretary's custody. This argument presents two problems, one resulting from the text of section 905 and another from the constitution. Section 905 requires the Secretary to review the "petitions," not the individual signatures. Accordingly, it would be difficult to read section 905 as imposing a mandatory duty to inspect each individual signature rather than relying on the certificate by the municipal registrar that the names are those of persons qualified to vote.⁵ With regard to the Constitutional issue, Section 20 of Article IV, part third of the Maine Constitution defines "electors" as the persons of the State qualified to vote for Governor. The certification of the registrar that the names "appear on the voting list of the city, town, or plantation of the official as qualified to vote for Governor" constitutes prima facie evidence that the signatories to the petitions are registered voters. Me. Const. Art. IV, pt. 3, § 20; *Opinion of the Justices*, 116 Me. 557, 571, 103 A. 761, 768 (1917). Additionally, 21 M.R.S.A. § 121 provides that the registrar has the "exclusive power" to determine whether a person is a registered voter, and being listed on the CVR is not considered a prerequisite to voting for Governor under Title 21-A. *See also Palesky v. Sec'y of State*, 1998 ME 103, q 13, 711 A.2d 129, 133 (acknowledging the registrar's exclusive authority to maintain the municipal voting list). Accordingly, if the Secretary had the authority to invalidate a person's signature because his or her name is not listed on the CVR, that authority would infringe upon the right any person "qualified to vote for Governor," who is absent from the CVR for one reason or another, to sign a people's veto petition. Me. Const. Art. IV, pt. 3, § 20.

The remaining challenges by petitioner relate to particular factual allegations regarding specific signatures. The Secretary has explained the activities undertaken by him and his staff to address the alleged deficiencies but the explanations take the form of arguments in the briefing material and the statute providing for judicial review is specific regarding the correction of the record and the taking of additional evidence. The respondent has not requested the taking of evidence on these issues. Under the circumstance, the court would normally remand the matters to the Secretary to prepare findings for the court's review. However, inasmuch as the present situation is more than 100 days from the filing with the Secretary and the Constitution anticipates the final review by the appellate court within that period, the court does not seem to have such a luxury. Relying on the record, as corrected, the court considers the petitioner's challenges.

The parties agree that there are an additional 62 signatures that may be considered duplicates notwithstanding the agency review and the court will disallow same.

The petitioner asserts that an additional three signatures are illegible and must be disallowed. He premises the claim on his argument that the Secretary has the statutory authority to make the final determination of each signature, a premise to which this court disagrees as held above. The court is satisfied that the Secretary has the authority to rely on the local registrar who has examined the writing and the printed name and has certified the voter. As stated in the procedure required by the Secretary in his People's Veto Petition Certification Instructions, ("Instructions") found in the record, "...if you believe the voter has signed the petition, you may accept it. We want to give the benefit of the doubt to the voter who signed the petition."

The petitioner challenges over 500 signatures he claims were written after various petitions were notarized. Based on date issues, he asserts that the signatures were either dated after the notary took the circulator's oath, the signature was not dated or the signature was dated outside of the circulation period. He challenges the acceptability of the Secretary in making an assumption that undated signatures, or signatures with unlikely dates are not in compliance with the Constitution. To some degree, he, again, relies on his position that the Secretary has an independent duty not to rely on the notarized oath of the circulator. The Instructions provide that the signatures must be determined to have been entered during the circulation dates between June 30, 2009 and September 8, 2009. It requires a signature to be discounted only if the reviewer "cannot determine what the date of signing was." This allows the consideration of factors such as obvious mistakes in a date and other dates appearing on the petition. The respondent accepts the challenge as to 66 signatures but denies a factual basis for the others. The court is satisfied that the agency exercised acceptable judgment in this circumstance.

Me. Const. Art. IV, pt. 3, § 20 requires that petitions "must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m. on the fifth day before the petition must be filed in the office of the Secretary of State,..." Presumably this important provision is to assure the registrars receive the petitions before the close of business and have sufficient time to certify the signatures. Mr. Johnson alleges that 117 signatures were on petitions submitted to the town clerks after the Constitutional deadline. The Secretary agrees as to 54 signatures. However, he argues that in spite of being encouraged to do so, not all town clerks have and use date stamps. In his brief, the Secretary asserts that he is in possession of evidence to establish receipt by the officials in due time. The record is not clear as to the complaint and the court makes no findings except to accept the allegation.

Three signatures are challenged because the date of notarization is indicated as September 27, 2009. The response is that the other signatures are dated in the vicinity of August 27th and on September 27, 2009, the petition was already in the possession of the Secretary. This is an obvious error and recognized as such by the Secretary within his discretion.

The petitioner challenges 1,597 signatures because the signature of the notary is illegible. This happens to be the notary whose name change has occasioned the challenge previously discussed. As is recognized by the court in the case of the registrars familiar with a number of characteristics of the registered voter, the Secretary has sufficient documentation and familiarity with this notary public's signature to remove doubt as to authenticity. Examples of such documentation exist in the record.

With the exception of the findings of this court in *Webster v. Dunlap*, AP 09-55 (Ken. Cty. Sup. Ct., Dec. 21, 2009), as to the date of the Secretary's determination, the court is satisfied that the agency decision of the Secretary of State in this matter is founded upon constitutional and statutory provisions, not in excess of such authorities, followed lawful procedure, was not affected by bias or error of law, is supported by substantial evidence, (with the minor exceptions as noted) and is not arbitrary or capricious or characterized by abuse of discretion.

Accordingly, the entry will be:

The Determination of the Validity of a Petition for People's Veto of Legislation Entitled: "An Act To Implement Tax Relief and Tax Reform" dated November 9, 2009 by the Office of the Secretary of State is AFFIRMED.

December 23, 2009

<<signature>>

JUSTICE, SUPERIOR COURT

Plaintiffs Attorney:

John Peterson, Esq.

PO Box 9729

Portland, ME 04104

Defendant's Attorney:

Phyllis Gardiner

6 SHS

Augusta, ME 04333

Footnotes

- 1 Petitioner is a registered voter in Town of Hallowell. 21-A M.R.S.A. § 905(2) permits any voter to appeal a decision by the Secretary validating a petition.
- 2 Cynthia Mendros and Stavros Mendros are married. Accordingly, petitioner argues that if the court invalidates petitions due to Stavros Mendros' financial interests, petitions containing an attestation by Cynthia Mendros should be similarly invalidated.
- 3 The court is advised by the Assistant Attorney General at oral argument that a Maine statute prohibiting the payment of circulators on the basis of number of signatures was struck down by the Federal District Court on Constitutional grounds. *See On Our Terms '97 Pac v. Secretary of Me.*, 101 F. Supp.2d 19 (D. Me. 1999).
- 4 Subsection 3 requires that the voter must personally sign the petition.
- 5 This does not imply that the Secretary lacks the power to review individual signatures for duplicates, forgery, and other issues. Rather, it means that relying on the certificates of municipal registrars, who have the "exclusive power" under 21-A M.R.S.A. § 121 to determine whether a person is a registered voter is not error.

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