

POLITICS

He pleaded guilty to voter fraud charges. That hasn't stopped one operative from building a signature-gathering army

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Comments

SACRAMENTO — A political operative whose company is gathering signatures for two of the state's most contested ballot measures this year was previously convicted of falsifying his voter registration in California and has been accused of using misleading tactics in multiple states.

Mark Anthony Jacoby, 38, who owns petition firm Let the Voters Decide, announced this month that his company is paying canvassers \$7.50 to \$8.50 per signature, or \$16 total, for each person they persuade to sign two ballot initiatives, including one related to tax increases and another that would allow tribes to expand gambling.

"A lot of money to be paid out between these two issues alone," Jacoby posted in a private Facebook group for his signature-gatherers. "We will be paying out between \$40 million and \$50 million in the next 90 days."

Paid circulators typically gather the bulk of signatures needed to qualify initiatives for the ballot in California. Because the state is so large, the threshold of signatures required — 997,139 for constitutional amendments like those Jacoby is carrying — can be all but impossible to reach without an army of paid circulators to pitch voters outside of grocery stores and other public places.

The big money involved makes California ground zero for the petition-gathering industry, and in that niche world of petition pitchers, Jacoby is among the biggest and most controversial players. He touts his company's reputation for collecting large numbers of signatures quickly.

Jacoby and workers for his companies have been accused of using misleading or deceptive methods to obtain voters' signatures for ballot measures or party registration changes in about a half-dozen states in the past 18 years, according to media reports and public records.

He was arrested on felony voter-registration fraud charges in California in 2008 for registering to vote at a childhood home where he did not live — a move that election officials alleged allowed him to skirt a state law that petition collectors be eligible to vote in the state.

Jacoby pleaded guilty to a lesser misdemeanor charge in 2009 and was sentenced to three years' probation and 30 days of community service.

His arrest came as investigators looked into separate accusations that workers for Jacoby had hoodwinked dozens of voters into registering with the California Republican Party by telling them they were signing an initiative to strengthen penalties for child molesters, the Los Angeles Times reported.

No charges were ever filed over the accusations related to GOP registration, and Jacoby said the allegations were false and politically motivated.

But similar allegations of "bait and switch" petition tactics have followed Jacoby's work in several states, from Florida to Michigan to Massachusetts. He did not respond to repeated messages left on his cell phone nor attempts to contact him through a business associate.

Such accusations most recently arose in 2020, when Jacoby's firm was hired as a subcontractor to gather signatures for an initiative to repeal Michigan Gov. Gretchen Whitmer's emergency powers during the pandemic.

Some Michigan voters said signature-gatherers tried to mislead them by claiming the initiative would ease the pressure on Whitmer or help small businesses, the Detroit Free Press reported. Around the same time, circulators on the Facebook group for Jacoby's company shared similar tips about how to persuade Whitmer's supporters to sign.

One circulator suggested telling Whitmer's supporters that repealing the state's emergency powers act would put more responsibility on the Legislature, so that "it will not all be on her shoulders." The circulator's Facebook post suggested telling them: "That's why she catches so much flak; it's all on her."

Jacoby told the Free Press that that circulator no longer worked for his company. Jacoby also told the newspaper that his workers are independent contractors and "my group page allows everyone to share their opinions."

The Michigan attorney general's office investigated complaints that signature-gatherers working on the Unlock Michigan petition, including some working for Jacoby's firm, as well as those employed by his subcontractors, had misled voters about what they were signing or used other unscrupulous tactics.

According to the state's investigation report, Eva Noemi Reyes, a circulator from Arkansas, said a subcontractor working for Jacoby's firm told her "that if she had trouble getting signatures on the petition she should just lie to the voter as to its purpose" and that she could permit people to sign on behalf of their spouses. The subcontractor denied those allegations.

Ultimately, the attorney general's office said it had insufficient evidence to pursue criminal charges against any of the circulators.

"While the investigation found evidence of sleazy practices and shady activity, the similarly unethical conduct of the witnesses to such activity makes prosecution of the circulators untenable," the report states.

Before Jacoby's 2008 arrest in California, Florida officials investigated complaints that workers for his prior company, Young Political Majors, had falsely registered some college students as Republicans.

In 2004, Jacoby drew suspicions when Gainesville Elections Supervisor Beverly Hill said he showed up to an election office with a box of about 1,200 voter registration cards, including about 510 people who switched to the Republican Party, the Tampa Bay Times reported.

Hill told the newspaper that she called some of the new Republicans to verify they wanted the change, but every person told her “absolutely not.” She added, “They didn’t even know they had signed a registration form.” Some students said they were told they were signing a measure to legalize medical marijuana. One student said his falsified voter registration card was in somebody else’s handwriting.

Jacoby did not respond to a request from The Chronicle about accusations in Florida involving his former company. He has previously said the claims are old and unsubstantiated. No charges appear to have been filed.

Jacoby’s work also raised red flags in Massachusetts in 2005, when he worked as a subcontractor on a ballot measure to oppose gay marriage.

Angela McElroy, a Florida college student who gathered signatures, testified during a legislative hearing that she had been trained to deceive voters into thinking they were signing a measure to legalize selling wine in supermarkets, the Associated Press reported. She said her clipboard was arranged so voters could be asked to sign twice without seeing the marriage question.

“Mark trained me personally in bait and switch tactics. ... The fraud was looked upon as a game,” McElroy said, according to the Associated Press. “I felt horrible for lying to so many people.”

Jacoby has previously denied the allegations. He told the Los Angeles Times that McElroy was on loan to another signature-gathering firm at the time.

Still, Jacoby’s previous conviction, as well as his long track record of facing accusations and investigations in other states, has stirred some opponents as his firm works to gather signatures for two California measures this year.

One measure, led by Native American tribes including the San Manuel Band of Mission Indians, would expand gambling at tribal casinos by allowing in-person betting on sports as well as roulette and dice games, along with online sports wagering operated by the tribes. The other, backed by the California Business Roundtable, would make it harder for the Legislature to raise taxes by requiring

majority voter approval; for many local governments, the initiative would raise the threshold for voter-approved tax increases, requiring a two-thirds vote.

Mike Roth, a spokesman for the Alliance for a Better California, a coalition of labor groups opposed to the tax initiative, said Jacoby's track record across the country "reads just like an organized voter crime rap sheet."

"Hiring voter fraud felons won't bail out their sinking ship, it just adds another bad optics anchor to drag them down," Roth said.

Jacoby's work on both ballots initiatives appears to be as a subcontractor for another petition management company, National Political Consultants. Representatives for both the Native American tribes and the Business Roundtable said their campaigns had not worked directly with Jacoby.

"National Political Consultants is our petition firm and is highly regarded nationally for having qualified dozens of ballot initiatives, including many in California, while meticulously complying with the rigorous standards of state laws and regulations," the tribal campaign committee said in a statement. "We are confident in NPC's attention to these details for our petition-gathering effort, including holding their sub-vendors to that high standard."

Let the Voters Decide has worked to help qualify 1,700 initiatives across the country, according to its website, and Jacoby has a network of more than 3,000 signature-gatherers. Many are roving contractors who travel the country for work.

In Facebook posts, Jacoby touts the generous bonuses and other perks he uses to recruit petition circulators. Several posts outline how he rewards those who collect the most signatures with expense-paid vacations to destinations like London, Paris, Rome, the Virgin Islands and other popular locales.

Jacoby wrote, in a 2020 post, about how he grew up in a low-income neighborhood but became wealthy through his work as a signature-gatherer. He told his followers he's working to similarly "create MILLIONAIRES" out of his team.

“Today, I am a multi-millionaire, high school drop-out, who had never even paid taxes until last year, and I am the (f—ing) living proof of it!!!!” Jacoby wrote.

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