

## Rita Knoll

---

**From:** Emily Francis <emilyforfc@gmail.com>  
**Sent:** Wednesday, November 22, 2023 10:20 AM  
**To:** Anissa Hollingshead  
**Cc:** elections  
**Subject:** [EXTERNAL] Re: Campaign complaint follow up  
**Attachments:** Emily Francis Alleged Violation Response.pdf

Hello,  
Please see my attached response to the alleged campaign violation.

Please confirm receipt of this email and attachment.

Thank you,  
Emily

On Fri, Nov 17, 2023 at 5:14 PM Anissa Hollingshead <[ahollingshead@fcgov.com](mailto:ahollingshead@fcgov.com)> wrote:

Dear Ms. Francis:

I am writing regarding a complaint filed by Robbie Moreland against Emily Francis alleging a violation of Chapter 7, Article V of the Code of the City of Fort Collins. Ms. Moreland filed a complaint with the Fort Collins City Clerk's Office on November 6, 2023.

Pursuant to Code Section 7-145(d)(2), I forwarded the complaints to the City Attorney for her review. The City Attorney retained special counsel, and the special counsel, Corey Y. Hoffmann of the law firm of Hoffmann, Parker, Wilson & Carberry, P.C., has notified me that the allegations satisfy the three elements set forth in Section 7-145(d)(2). More specifically, the following October 22, 2023 "robotext" message stated as follows:

"Hey Joann, this is Emily Francis running to Fort Collins City Council District 6! I am running for re-election as the only progressive candidate because I believe in affordable housing, accessible transportation, and climate responsibility. Stop to quit. Can I count on your vote this November?"

The message did not have a paid for disclosure included with the message as required by the Code.

In accordance with Section 7-145(d)(4), you have seven (7) days to cure the violations, or provide an explanation that would otherwise indicate the above communication did not violate the Code, or the City will have to consider additional action in accordance with Article V of Chapter 7 of the Code.

.....  
**ANISSA HOLLINGSHEAD**

Pronouns: she/her/hers

City Clerk  
[City of Fort Collins](https://www.fcgov.com)  
300 Laporte Ave, Bldg A  
970-416-2995 office  
612-720-8751 mobile  
[ahollingshead@fcgov.com](mailto:ahollingshead@fcgov.com)

Please see below for the response to the alleged violation of Chapter 7, Article V of the Code of the City of Fort Collins

As no section of the code was referenced in the complaint I am making an assumption based on the nature of the complaint the alleged violation is in reference to *Sec. 7-140. - Responsibility for communications.*”

Per the City Code I do not believe it is required to include “paid for” in texting. Section (a) states “whenever a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee makes an expenditure for the purpose of financing communications **expressly advocating a particular result in an election, or solicits any contribution or contribution in-kind** through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising. The text message was not an advocacy or fundraising piece, it was more of a get out the vote piece and specifically NOT directed to the general public, and therefore not subject to the attribution legend requirement. Under Article V, the City Code defines a political message “shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate”. Again here, text messaging is not included nor did it advocate for the election or defeat of a particular candidate. The text simply asked will you support Emily Francis? This is an example of a voter ID question, will you support the candidate yes/no. The text is sent through a service which facilitates the sending and receiving of texts. The text came from the candidate (Emily Francis), it clearly identified the candidate and what office they were running for, and it will be filed in the 35 day after report. These satisfy the reporting requirements outlined in the City Code. Moreover, I was advised by the firm which provided the services that the item did NOT require the attribution legend. Which means that if I am found to have violated the code, it was done inadvertently and not knowingly. My other campaign literature which is clearly governed by these provisions of the code, which does solicit funds and is clearly an advocacy piece DOES include the attribution legend.

Additionally, texting does not fall in the *communication* requirements outlined in (2) “Section 7-140, “communication” shall include, but shall not be limited to:(1)Websites or social media of a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee available to the general public;(2)Websites or social media of a person if and to the extent they are financed by independent expenditures in excess of the reporting threshold in § 7-139 and are available to the general public; and (3)Advertisements placed for a fee on another person’s website or social media.” The text message was not a website, social media, or advertisement.

The “paid for” requirements outlined in Chapter 7, Article V of the Code of the City of Fort Collins sets forth the rules and requirements for advertising for a candidate, such as literature distributed, mailers, and soliciting contributions. The city code applies to literature “ direct mailing or any other type of general public political advertising”. These rules have been followed by the Elect Emily campaign as evidence in the attached materials. The intent of the code is not to set forth rules and regulations for one on one communications such as texting, door knocking, and phone calling. If the City of Fort Collins intends to include texting as a solicitation or advertising, the code needs to be updated to clearly provide guidance to candidates .If my explanation above does not resolve the matter, then I wish to cure the violation however I can. Because the campaign is over my suggestion for curing is: in the future, the campaign will add “paid for by” to any future texting. Please advise if this is sufficient.

Thank you,  
Emily Francis

# VOTE

# EMILY FRANCIS

FOR FORT COLLINS DISTRICT 6

Fort Collins Municipal Elections | Vote by 11/07/23

## Responsive Representation

### Collaborative Leadership with Results

- ▶ Connecting to build a Fort Collins for everyone
- ▶ Listening to residents and making change
- ▶ Creating a better and brighter future for all



"I'm supporting Emily Francis because Emily has proven she's able to listen to all sides and work hard to improve our community. Most importantly, Emily knows how to bring people to the table and find collaborative solutions."



— **John Kefalas**  
Larimer County  
Commissioner and  
District 6 Resident



Fort Collins Municipal  
Elections on 11/07/23

Paid for by Elect Emily  
Registered Agent: Emily Francis

# MAKING FORT COLLINS A PLACE WHERE EVERYONE CAN THRIVE



I am **dedicated** to making our community a **place** where everyone can **afford to live** and **thrive**. We've accomplished a lot by **working together**.

## VOTE

FORT COLLINS MUNICIPAL ELECTIONS ON **11/07/23**

## If re-elected, I will prioritize:

### AFFORDABILITY

Improve housing affordability and support for the homeless, increase access to quality childcare, support small businesses and workforce development training.

### CLIMATE EMERGENCY

Reduce waste, vehicle miles traveled, and our carbon footprint to protect our natural areas, Poudre River, and the environment for today and future generations.

### TRANSPORTATION

Enhance safe routes to school, make e-bikes more accessible, keep our bus system fare free and strengthen neighborhood connectivity.

### BUILDING COMMUNITY

Support community-led initiatives, rebuild connections, and ensure everyone feels welcome and has the opportunity to succeed in Fort Collins.



**LET'S WORK TOGETHER TO  
MAKE SURE OUR COMMUNITY  
WORKS FOR EVERYONE**

Get involved at [EmilyForFC.com](https://www.EmilyForFC.com)

📞 970-769-6446

🌐 [www.EmilyForFC.com](https://www.EmilyForFC.com)

**SUPPORT EMILY FRANCIS  
FOR FORT COLLINS!**

*Paid for by Elect Emily*

RE-ELECT

# EMILY FRANCIS

FOR FORT COLLINS DISTRICT 6

## Responsive Representation

Collaborative Leadership with Results



From promoting housing affordability to advocating for environmental sustainability, I have worked tirelessly to ensure the needs of our residents are met. I am eager to continue to help face and address the challenges in Fort Collins. Together, we can build a better and brighter future for all.

— Emily Francis

*Current Mayor Pro Tem and  
District 6 Council Representative*

[www.emilyforfc.com](http://www.emilyforfc.com)

**VOTE**   
**Emily Francis**

for Fort Collins District 6

**Fort Collins Municipal  
Elections on 11/07/23**



“I’m supporting Emily Francis because Emily has proven she is able to listen to all sides and work hard to improve our community. Most importantly, Emily knows how to bring people to the table and find collaborative solutions.”

— **John Kefalos**

*Larimer County Commissioner  
and District 6 Resident*



“Throughout her career, both in and outside of public service, Emily has worked tirelessly to support working families and the most vulnerable in our community. Her efforts have made Fort Collins more equitable. I’m excited to endorse her re-election campaign and look forward to seeing more of her work in the future.”

— **Joe Neguse**

*United States Representative*

## MAKING FORT COLLINS A PLACE WHERE EVERYONE CAN THRIVE

We've accomplished a lot over the last four years, but there's more work to make a more equitable community for all. If **re-elected**, I will prioritize working collaboratively to:

- IMPROVE AFFORDABILITY AND SUPPORT FOR WORKING FAMILIES
- ADDRESS THE CLIMATE EMERGENCY
- IMPROVE ALTERNATIVE TRANSPORTATION
- BUILD COMMUNITY
- INCREASE DIVERSE EMPLOYMENT OPPORTUNITIES
- MAINTAIN OUR WONDERFUL CITY SERVICES

*Let's collaborate, listen to each other, and continue to make Fort Collins one of the best places to live. Learn more at [www.emilyforfc.com](http://www.emilyforfc.com).*

**VOTE**



Emily Francis

for Fort Collins District 6

Paid for by Elect Emily  
Registered Agent Emily Francis