

Rita Knoll

From: Anissa Hollingshead
Sent: Tuesday, November 28, 2023 9:25 AM
To: Rita Knoll
Subject: FW: [EXTERNAL] Response to Elections Code Violation complaints
Attachments: Election Code Violation Complaint Response 2023-11-7pdf.pdf; GoogleVerification_Screenshot 2023-11-05.png; GoogleAdTransparency_Screenshot 2023-11-05.png; CandidatePignataro_WrongDisclosure_Screenshot 2023-11-05.png; Candidate_ArndtAd_NoDisclosure_Screenshot.jpg; IRS Letter 2023-11-20.pdf

From: K I Dubiel <tm.k.i.dubiel@gmail.com>
Sent: Monday, November 27, 2023 4:56 PM
To: Anissa Hollingshead <ahollingshead@fcgov.com>
Cc: Carrie Daggett <CDAGGETT@fcgov.com>; patriciababbittfoco@gmail.com
Subject: [EXTERNAL] Response to Elections Code Violation complaints

Dear Ms. Hollingshead,

Attached is the response to the Elections Code Violation complaints filed by Cathy Kipp and Robbie Moreland, both filed with the City Clerk on 11-6-2023.

We would appreciate an acknowledgment of receipt.

Sincerely,

Kathryn Dubiel

in the capacity of Registered Agent of the Campaign Committee for Patricia Babbitt for Mayor

November 27, 2023

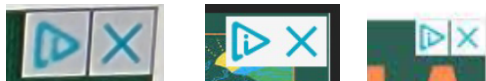
To: Fort Collins City Clerk Anissa Hollingshead

CC: Fort Collins City Attorney Carrie Daggett, patriciababbittfoco@gmail.com

Dear Ms. Hollingshead,

It is our opinion that these complaints arise from a misunderstanding on the part of the complainants regarding how the Google web advertising platform (Google Display Network) and Google ad disclosures for approved and verified advertisers (including election advertisers) function.

1. Every instance of the responsive digital ads referred to in the two complaints includes the advertising platform's method of identifying the advertiser as the sponsor of the ad. As with many digital advertising companies, Google's method of disclosure is via the AdChoices ad transparency program managed by the Digital Advertising Alliance. To comply with Google's paid ad disclosure requirements, an advertiser must be formally approved and verified by Google to run paid election advertisements, which Patricia Babbitt for Mayor did. See the attached screenshots and this image:



In every instance, the ad sponsor was shown as Patricia Babbitt for Mayor by expanding the right facing arrow and viewing the "About this Ad" disclosure.

When Google accepts ads from verified advertisers for digital display, Google requires an EIN. Patricia Babbitt for Mayor provided Google with the EIN issued by the IRS. Incidentally, when the EIN was first issued, the business name was spelled incorrectly, but without significant impediment to a reader knowing who the sponsor was. The error was reported to the IRS on 11-8-2023 and corrected. See attached reply from the IRS (IRS letter 2023-11-20.pdf). All google ads displayed had the correct spelling of "Patricia Babbitt for Mayor" in Google's ad sponsorship disclosures.

2. There was no attempt to prevent a reader from knowing who was paying for the digital ads. In many cases, including the ones in these two complaints, the company displaying the ads determines the manner of disclosure. In fact, Google controls how the responsive web ad displays in the digital environment, including cropping of an image to various aspect ratios and resolutions, and generating automatic combinations of text and image content in a display ad. The advertiser does NOT control how the images' text and images are ultimately displayed on a publisher's website. Furthermore, the verified advertiser of the election ad must be the one paying for the ad, which serves as another built-in transparency check for the AdChoices

program. Google requires payment set up by the advertising organization as part of advertiser verification, in this case, an election committee, so that the name on the manner of payment matches the organizational info on the EIN of the advertiser. The icon of the right-facing arrow is common practice via the AdChoices ad transparency program, and the Candidate relied on this practice as the means to comply with the Fort Collins Elections Code.

3. It should also be noted that clicking on all ads run on the Google display network by Patricia Babbitt for Mayor directed the user to the candidate's website at patriciababbitt4mayor.com (as one complainant helpfully noted in her complaint). Prominently displayed on the website was a text box stating, "Paid for by Patricia Babbitt for Mayor".
4. The screenshots provided by complainant Moreland it appears that the display ad was known to her on 10/9/2023 (see the URL in the screenshot). Had Ms. Moreland been concerned with the need for disclosure and compliance with the Elections Code, it would have helped all concerned if she had contacted the Campaign Committee directly at that time. The screen shots of all but one of the alleged violations shows that these images were captured to file the complaint on 11/4/2023. Needless to say, an earlier intervention would have led to a better outcome than filing a complaint.
5. Attached are several screenshots in response to the two complaints:
 - GoogleAdTransparency_Screenshot 2023-11-05.png
 - GoogleVerification_Screenshot 2023-11-05.png
 - CandidatePignataro_WrongDisclosure_Screenshot 2023-11-05.png
 - Candidate_ArndtAd_NoDisclosure_Screenshot.jpg
6. Attached is a digital copy of the IRS letter confirming the name correction for the EIN for Patricia Babbitt for Mayor:

IRS letter 2023-11-20.pdf

References:

- Where your ads can appear:
<https://support.google.com/google-ads/answer/1704373?hl=en>
- About responsive display ads:
<https://support.google.com/google-ads/answer/6363750?sjid=17475764258714381087-NC>

We would appreciate acknowledgment of the email transmitting the response to the Elections Complaints filed by Cathy Kipp 11-6-2023 and Robbie Moreland 11-6-2023. We would also appreciate regular updates about the ongoing process of review.

Sincerely,

Kathryn Dubiel

in the capacity of Registered Agent for the Campaign Committee Patricia Babbitt for Mayor



📅 Any time ▾ 📍 Shown in the United States ▾ All formats ▾

🔍 All topics ▾

Search by advertiser or website name

Patricia Babbitt for Mayor

Legal name: Patricia Babbitt for Mayor

Based in: the United States

🔒 Advertiser has verified their identity



- Create
- Campaigns
- Goals
- Tools
- Billing
- Admin

- Summary
- Billing activity
- Transactions
- Documents
- Documents
- Payment methods
- Promotions
- Account budgets
- Billing transfers
- Advertiser verification**
- Settings
- Billing setup

Advertiser verification

Advertiser verification

Verification is complete. Thanks for helping create a more transparent web.

[Learn more about why we're doing this](#)



✓ Tell us about your business

✓ Verify your organization

Your verified disclosure

Here's what people see in your ad disclosure for this account.

Ad [Redacted]

About this advertiser

Name

Patricia Babbitt for Mayor

Location

United States

📅 Any time ▾ 📍 Shown in the United States ▾ All formats ▾

🔍 All topics ▾

Search by advertiser or website name

Julie Ann Pignataro

Legal name: Julie Ann Pignataro

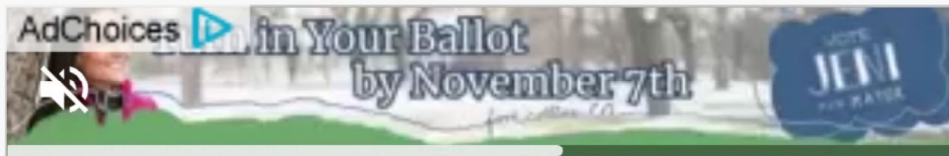
Based in: the United States

👤 Advertiser has verified their identity



Data from the Secretary of State's Office shows that statewide turnout is somewhere around 26%, with just over a million people voting so far.

Advertisement



[Learn more](#)

OGDEN UT 84201-0038


023812.385906.473445.31223 1 AB 0.537 693



PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

023812

CUT OUT AND RETURN THE VOUCHER BELOW IF YOU HAVE AN INQUIRY OR A RESPONSE.
DO NOT USE IF YOU ARE MAKING A PAYMENT.

 The IRS address must appear in the window.
0458929088

BODCD-

Use for inquiries only

Letter Number : LTR0147C
Letter Date : 2023-11-20
Tax Period : 000000



*****2817

INTERNAL REVENUE SERVICE

OGDEN UT 84201-0038

PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

933962817 CP BABB 00 2 000000 670 000000000000

OGDEN UT 84201-0038

In reply refer to: 0458929088
Nov. 20, 2023 LTR 147C 0
93-3962817 000000 00

00007060
BODC: SB

PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

Employer identification number: 93-3962817

Dear Taxpayer:

Thank you for your inquiry of Nov. 08, 2023.

Your employer identification number (EIN) is 93-3962817. Please keep this letter in your permanent records. Enter your name and EIN on all federal business tax returns and on related correspondence.

You can get any of the forms or publications mentioned in this letter by visiting our website at [IRS.gov/forms](https://www.irs.gov/forms) or by calling 800-TAX-FORM (800-829-3676).

If you have questions, you can call us at 800-829-0115.

If you prefer, you can write to us at the address at the top of the first page of this letter.

When you write, include a copy of this letter, and provide your telephone number and the hours we can reach you in the spaces below.

Telephone number () _____ Hours _____

Keep a copy of this letter for your records.

Thank you for your cooperation.

0458929088
Nov. 20, 2023 LTR 147C 0
93-3962817 000000 00
00007061

PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

Sincerely yours,



Dwayne Wilson
Department Manager, Accounts Mgmt.

Enclosures:
Copy of this letter

OGDEN UT 84201-0038

In reply refer to: 0458929088
Nov. 20, 2023 LTR 147C 0
93-3962817 000000 00

00007060
BODC: SB

PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

023812

Employer identification number: 93-3962817

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PATRICIA K BABBITT
PATRICIA BABBITT FOR MAYOR
309 SCOTT AVE
FORT COLLINS CO 80521-2462

Sincerely yours,



Dwayne Wilson
Department Manager, Accounts Mgmt.

Enclosures:
Copy of this letter

