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elections@fcgov.com

December 26, 2023

Kathryn Dubiel, Registered Agent  
Campaign Committee for Patricia Babbitt for Mayor  
Via email: [tm.k.i.dubiel@gmail.com](mailto:tm.k.i.dubiel@gmail.com)

**Re: Response to Complaints against Patricia Babbitt**

Ms. Dubiel:

The City is in receipt of your response to the campaign finance complaints filed against Patricia Babbitt. The City appreciates your response and believes it is in the public interest to allow you an additional opportunity to address the allegations via cure or mitigation.

As you know, the requirements of Chapter 7, Article V of the Fort Collins Municipal Code, regarding paid-for-by disclosures provides as follows:

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, **such communication** if paid for or authorized by a candidate, candidate committee, issue committee, political committee, registered small-scale issue committee, or any agent for the same, **shall clearly state that the communication is paid for by** that candidate, candidate committee, issue committee, political committee or registered small-scale issue committee.

Municipal Code Section 7-140(a)(1) (emphasis added).

The "paid-for-by" statement "must be clear and conspicuous in the communication." Section 7-140(c). After reviewing your response, the City believes that a "clear and conspicuous" disclosure within the communication is not satisfied by a link to a Google advertisement verification of the advertiser's identity, as this is beyond the scope of the communication itself. External Google verification that is not present on the advertisement itself cannot satisfy Section 7-140(a)(1). Further, the "paid-for-by" disclosure available on the Patricia Babbitt for Mayor website does not serve to satisfy the "paid-for-by" requirement of a separate advertisement, because each communication is subject to this requirement, as opposed to a one-time disclosure, which does not comply with Section 7-140(a).

Additionally, Google's political advertisement policies clearly state that its political advertisers must comply with local laws and regulations of any area its ads target, in addition to the standard Google Ads policies. See Legal Requirements, Google Advertising Policies Help (available at: <https://support.google.com/adspolicy/answer/6023676>). Moreover, Google's ad support specifically addresses political content, which does incorporate the advertiser verification, but Google's policies do not fully incorporate the City of Fort Collins' paid-for-by requirements, nor can they be utilized to circumvent City Code requirements.

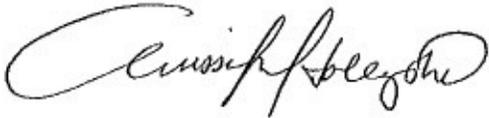
Finally, the response notes that "an earlier intervention would have led to a better outcome than filing a complaint." The City reiterates that pursuant to Code Section 7-145(d)(2), the complaints were forwarded to the City Attorney for her review. The City Attorney retained special counsel, and the special counsel,

Corey Y. Hoffmann of the law firm of Hoffmann, Parker, Wilson & Carberry, P.C., reviewed the complaints and found that the allegations satisfy the three elements set forth in Section 7-145(d)(2). Thus, the complaints each complied with the complaint process as required by City Code.

Accordingly, while a full cure of this violation may no longer be possible because the election has since passed and a corrected advertisement is therefore not feasible, the City seeks to allow you to mitigate the violation. Mitigation of this violation may be accomplished by issuing a public statement of accountability regarding the inadvertent nondisclosure of the required paid-for-by language on the advertisements indicated in the Complaint. . Once this statement is sent and the City receives proof of its distribution, the City will deem this Complaint resolved. In the alternative, the City will be compelled to seek the other remedies set forth in the Municipal Code.

If you have any questions regarding this proposed cure, please do not hesitate to contact us.

Regards,

A handwritten signature in cursive script, appearing to read "Anissa N. Hollingshead".

Anissa N. Hollingshead  
City Clerk

cc: Corey Y. Hoffmann, Esq.  
Carrie Daggett, City Attorney  
Sara Arfmann, Assistant City Attorney