

01/08/24

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JENI ARNDT FOR MAYOR

RESPONSE TO CAMPAIGN FINANCE COMPLAINT

1. Respondent Jeni Arndt for Mayor (the "Committee") is a candidate committee formed pursuant to City Code Sec. 7-134 with the purpose of advocating for the re-election of Fort Collins Mayor Jeni Arndt.
2. Fort Collins City Code § 7-140(a)(1) requires that, "Whenever a ... candidate committee ... makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election ... such communication ... shall clearly state that the communication is paid for by that ... candidate committee...."<sup>1</sup>
3. Regarding online digital ads, City Code § 7-140(b)(3) further clarifies that this disclosure requirement applies to "Advertisements placed for a fee on another person's website or social media."
4. On 10/16/2023, Committee reported a 10/13/2023 expenditure of \$7,000.00 for "Digital Campaign Program" on its 21-day report.
5. Committee's ad buy included digital placements of one (1) graphic interchange format (GIF) creative file (the "Ad"); which was sized in various dimensions for placement. The Ad in its various dimensions is viewable here.
6. A GIF file is a simple animation format that strings together a series of static images to "create a flipbook effect by containing a number of related images, giving the impression of a video."<sup>2</sup>
7. Review of the Ad will show that each of its formatted versions includes a final frame with language complying with § 7-140: "Paid for by Jeni Arndt for Mayor."
8. Regarding the Ad, Committee, therefore, contends that it has more than "substantially complied with its legal obligations under Chapter 7, Article 5, of this Code."<sup>3</sup>
9. Further, since Complainant's submission does not capture the entirety of the Ad, instead submitting only one static image of a three-image GIF file, the complaint fails to satisfy its § 7-145(b)(4) requirement.

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<sup>1</sup> Also see the City's "[Paid for By" Requirements](#) backgrounder via fcgov.com, access 01/08/2024.

<sup>2</sup> "[GIF Files.](#)" via Adobe.com, accessed 01/08/2023.

<sup>3</sup> City Code § 7-145(d)(6).

10. Through its various deficiencies, Complainant's "Grounds" regarding the Ad fails to satisfy either § 7-145(d)(2)(a) or § 7-145(d)(2)(b) of the Code's three element test that a complaint must meet, per City Code § 7-145(d)(4).
11. While Complainant does not include in her "Grounds" any of the elements required by City Code § 7-145(b) to file a cognizable complaint, nor the required "date of the alleged violation" per § 7-145(a), Respondent wishes to note that Complainant included in her exhibits an image of a campaign sticker produced by Committee.<sup>4</sup> Although not required to respond, committee does takes the opportunity to document here that the exhibit was of a 2.5 inch by 1 inch campaign sticker, who's small dimensions (see image below) more than qualifies for the § 7-140(c)(1) exception.<sup>5</sup>



12. Therefore, per #10, Respondent respectfully requests that this Complaint be dismissed.

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<sup>4</sup> See **Elections complaint001.pdf**, p. 3.

<sup>5</sup> One exception to the § 7-140 disclaimer requirement is that it "shall not apply to communications where including the statement would be impractical, such as ... Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed."