

STATE OF COLORADO ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-55	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	CASE NUMBER  2024 AHO _____
Complainant,	
vs.	
PATTI SHANK	
Respondent.	
<b>COMPLAINT</b>	

Pursuant to § 1-45-111.7, C.R.S. (2023) and Rule 24 of the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, the Elections Division of the Secretary of State files this Complaint against Patti Shank (“Respondent”).

### BACKGROUND

1. To foster transparency and assist voters in assessing the sources of electioneering communications, Colorado law requires any person spending one thousand dollars or more on electioneering communications to include a “paid for by” disclaimer on the communication. This disclaimer must clearly and conspicuously include the name of the entity paying for the communication, and if the entity is not a natural person, it must also identify the entity’s registered agent.

2. Here, Respondent paid for and distributed just over \$1,000 worth of regular biennial school board electioneering communications in the months leading up to the 2023 election. These included yard signs, banners, and Facebook ads. Although the Facebook advertisements included compliant disclaimer statements, neither the banners nor the yard signs originally included compliant disclaimer statements.

3. Accordingly, the Division brings this complaint for appropriate relief.

## **PARTIES**

4. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

5. Respondent is Patti Shank, a standalone candidate registered with the Colorado Secretary of State, ID # 20235045895.

## **JURISDICTION AND VENUE**

6. The Hearing Officer has jurisdiction under § 1-45-111.7.

7. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).

8. This complaint is timely filed within fourteen business days of the Deputy Secretary’s denial of the Division’s motion for reconsideration under § 1-45-111.7(5)(a)(IV).

9. Venue is proper before the hearing officer under § 1-45-111.7(5).

## **ALLEGATIONS**

10. Patti Shank was a candidate for Lewis Palmer School District 38 Board Director in the November 2023 coordinated election. She appeared on the November 7, 2023, ballot.

11. In the months leading up to the election, Respondent distributed several electioneering communications in support of her candidacy.

12. First, Respondent spent \$190.42 on five banners, two of which she displayed outside of Rosie’s Diner. She did not display the other three banners. Respondent also spent \$84.82 on cords and posts to display the banners but did not end up using those cords and posts to display the banners, and returned the unused posts to Home Depot.

13. The banners did not originally include a “Paid for by” disclaimer.

14. Second, Respondent spent \$418.37 on 50 yard signs, 48 of which she distributed. The yard signs did not originally include a “Paid for by” disclaimer.

15. Third, Respondent spent \$204 to register a website domain, and for website design and hosting. The website launched in August, and included the disclaimer: “Paid for by Patti Shank, PhD.”

16. Finally, Respondent spent \$187.43 for five Facebook advertisements. The advertisements ran from October 9, 2023, through October 24, 2023. Each Facebook advertisement included the disclaimer: “Paid for by Patti Shank, PhD.”

17. The amounts and dates of these expenditures were as follows:

Date Paid	Date distributed	Type	Cost	Cummulative Electioneering Totals	Compliant Disclaimer?
8/21/2023	8/23/2023	Website Registration	\$ 12.00	\$ 12.00	Yes
8/23/2023	8/23/2023	Website Maintenance	\$ 192.00	\$ 204.00	Yes
<b>9/8/2023</b>		<b>WINDOW BEGINS</b>			
10/9/2023	10/9/2023	Facebook Ad 1	\$ 34.92	\$ 238.92	Yes
10/9/2023	10/9/2023	Facebook Ad 2	\$ 46.00	\$ 284.92	Yes
9/24/2023	10/11/2023	Banners	\$ 190.42	\$ 475.34	No
10/17/2023	10/17/2023	Facebook Ad 3	\$ 49.99	\$ 525.33	Yes
9/24/2023	10/18/2023	Yard signs	\$ 208.84	\$ 734.17	No
10/8/2023	10/18/2023	Yard signs	\$ 209.53	\$ 943.70	No
10/21/2023	10/21/2023	Facebook Ad 4	\$ 31.53	\$ 975.23	Yes
10/24/2023	10/24/2023	Facebook Ad 5	\$ 24.99	\$ 1,000.22	Yes

18. On October 24, 2023, the Division received a campaign finance complaint against Patti Shank filed by Samantha Wild. The Wild Complaint alleged that Shank’s banner in front of Rosie’s diner did not include compliant disclaimer statements.

19. The Division reviewed and investigated the complaint, and originally moved to dismiss the complaint. The Deputy Secretary denied that Motion to Dismiss on December 21, 2023.

20. Because the Division identified errors in its original analysis, it moved the Deputy Secretary to reconsider the decision. The Deputy Secretary denied that Motion for Reconsideration on January 10, 2024.

21. In denying the Motion to Reconsider, the Deputy Secretary acknowledged that the electioneering communications that were distributed after Respondent reached the \$1,000 threshold included a paid for by disclaimer.

22. However, the Deputy Secretary determined that once Respondent reached the \$1,000 threshold, a disclaimer was required on all electioneering communications for the remainder of the electioneering window. In other words, once Respondent crossed the \$1,000 threshold, Respondent was required to add disclaimer statements to the yard signs and banners that had already been distributed and were still being displayed.

23. Upon receiving notice of the Wild Complaint, Respondent added “paid for by” disclaimers to the banners outside Rosie’s Diner.

### **COLORADO CAMPAIGN FINANCE LAW**

24. Under Colorado law, “any person who expends one thousand dollars or more per calendar year on . . . regular biennial school electioneering communications shall, in accordance with the requirements specified in section 1-45-107.5(5), state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S.

25. Under § 1-45-107.5(5), C.R.S. the disclaimer must include “A statement that: (I) The communication has been ‘paid for by (full name of the person paying for the communication)’; and (II) Identifies a natural person who is the registered agent of if the person identified in subsection (5)(a)(I) of this section is not a natural person.”

### **CLAIM ONE**

#### **Failure to Include a Sufficient Disclaimer (§ 1-45-108.3(3), C.R.S.)**

26. All preceding allegations are incorporated.

27. Patti Shank was a candidate for School District 38 Board Director in the November 2023 coordinated election.

28. In the months leading up to that election, Shank distributed regular biennial school electioneering communications.

29. Some of those communications did not include a “paid for by” disclaimer.

30. When Shank crossed the \$1,000 threshold, she did not originally add “paid for by” disclaimers to the electioneering communications that were still being displayed.

31. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 *et seq.*

Respectfully submitted this 31st day of January, 2024.

PHILIP J. WEISER  
Attorney General

*/s/ Peter G. Baumann*

---

PETER G. BAUMANN\*  
Assistant Attorney General, No. 51620  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, Colorado 80203  
Telephone: 720-508-6152  
Fax: 720-508-6041  
[peter.baumann@coag.gov](mailto:peter.baumann@coag.gov)  
\*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 31st day of January, 2024, addressed as follows:

Patti Shank  
255 Mcshane Pl.  
Monument, CO 80132  
Patti@learningpeaks.com  
*Respondent*

Samantha Wild  
6160 Catskill Ln.  
Colorado Springs, CO 80918  
Patriotmom2022@gmail.com  
*Third-Party Complainant*

/s/ Kerry Wade