

June 15, 2022

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Re: Violations of C.R.S. § 1-13-109(1)(a)

Dear Sirs/Madam:

I represent Joe O'Dea for Senate. I write to inform you of illegal conduct infecting Colorado's elections: repeated violations of C.R.S. § 1-13-109(1)(a) by dark-money actors flouting campaign finance laws, including keeping their identity a secret from the public. The actors coordinating this illegal scheme are willfully violating the law on the eve of a primary for cynical political ends. Pursuant to C.R.S. § 1-13-101(1), I ask that you investigate and prosecute these repeated violations.

Campaign Misconduct

With this letter, I have included the political mailers sent out by an unknown group. It is clear from the mailers that whoever is behind this illegal campaign seeks to wrongfully interfere in Colorado's June 28 Republican Senate Primary. Voters started to receive these during the week of June 6 and continue to receive them now.

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010-9393-9595/1/AMERICAS

The group behind this campaign is not playing by the rules. The mailers do not contain disclosures required by law and do not identify who is responsible for their contents. 52 U.S.C. § 30120(a); Colo. Rev. Stat. § 1-45-108.3(1) & (2).

The mailers are false. They claim that State Representative Ron Hanks has been “endorsed” by the Colorado Republican Party in his contest against Joe O’Dea. He hasn’t. The Republican Party does not endorse in primary races and has explained that this statement is “verifiably false and malicious.”

Many voters are filling out their mail ballots misinformed by these “verifiably false and malicious” mailers. Indeed, that is the entire point—to undermine the outcome of a fair election through a willful violation of carefully crafted campaign laws.

We estimate the cost of this mailing campaign at north of \$1,000,000 given its reach and professional appearance (if unprofessional contents). There is no effective and practical way for Joe O’Dea to counter these falsehoods by a counter-mail campaign, and these are not the sort of typical ‘dirty tricks’ that voters can resolve on their own in the usual hurly burly of politics.

The Law

Colorado law prohibits this exact conduct:

[n]o person shall knowingly make, publish, broadcast, or circulate . . . any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.

C.R.S. § 1-13-109(1)(a).

Colorado elections only have integrity if the rules are fairly and rigorously enforced. You should not allow the deliberate deception perpetrated by some hidden outside actor to misinform tens of thousands of Colorado voters. In fact, the United States Supreme Court has long recognized that “the use of the known lie as a tool is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected.” *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964).

Please take prompt and decisive action to remedy this issue and protect Coloradoans of all political persuasions from the malign influences of out-right false political ads inflicted on the voting public at the eleventh hour. You must investigate and punish this misconduct immediately.

Sincerely,

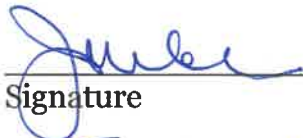
Squire Patton Boggs (US) LLP



Brent R. Owen

AFFIDAVIT OF JOE O'DEA

I have read the contents of this letter and attest to their truth.

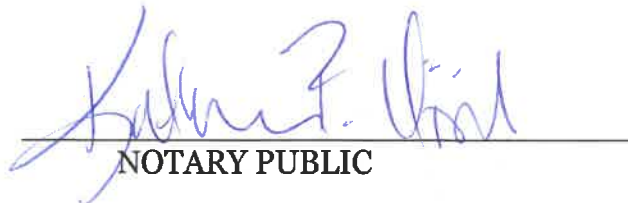


Signature

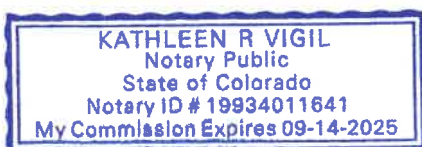
JOSEPH M. O'DEA

Print Name

SUBSCRIBED AND SWORN TO before me this 15th day of June, 2022.


NOTARY PUBLIC

My commission expires:

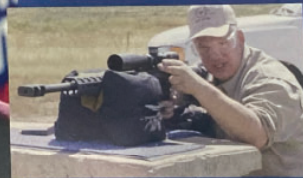


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and the endorsement of the Colorado Republican Party in April 2022.



- 32 years in uniform
- Defender of the Second Amendment
- Protector of the Unborn

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U.S. SENATE VOTER GUIDE: TAXES AND SPENDING



JOE O'DEA

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Biden's \$1.2 Trillion
Infrastructure Bill



RON HANKS

OPPOSED
Biden's \$1.2 Trillion
Infrastructure Bill

94% Of Republican U.S.
House Members **OPPOSED**
Biden's \$1.2 Trillion
Infrastructure Bill...



Republican Senate Candidate **JOE O'DEA SUPPORTED It**