

Date/Time: Sep. 10. 2014 10:17AM

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5685	Memory TX	93045588386	P. 3	OK	

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 E. 3) No answer
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ELECTION COMPLAINT FORM
 State of West Virginia
 Secretary of State's Office

Natalie E. Tennant
 Secretary of State
 Building 1, Suite 137-K
 1506 Kanawha Blvd., East
 Charleston, WV 25305-0770

Telephone: (304) 558-6000
 Toll Free: 1-866-SOS-VOTE
 FAX: (304) 558-0990
 www.wvso.com

§3-9-3(b): Any person who makes a false statement or representation on this form is guilty of false swearing, punishable by a fine of not more than \$1,000 and imprisoned not more than one year.

Today's date: 9-9-2014
 Name of person making complaint: Susan K. Cookman, Campaign manager
 Cause: Rec. by Elect Donald H. Cookman
 Contact information (address, daytime phone #, times to call, etc): P.O. Box 875, 169 E. Main Street, Romney, WV 26757
(304) 641-8655 or (304) 922-7000
 Date(s) alleged event(s) occurred: 8/25/14 to 8/29/2014 (and possibly more)
 Person(s) allegations are against: See attached Position (if applicable): N/A
 Elected office being sought (if applicable): N/A
 Description of allegations (if further description is needed beyond the capacity of this form, please attach additional pages as needed):
See attached.

Relief Sought:
See attached.

I acknowledge that all of the above information is true and accurately reflects the matter in question, to the best of my knowledge:
 (signed) Susan K. Cookman

STATE OF WEST VIRGINIA
 COUNTY OF Ohio
 The foregoing instrument was acknowledged before me this 10th day of September, 2014
 by Susan K. Cookman.

My commission expires 9/1/22
Judith R. Baskin
 (Notary Public)



(Revised 5/19/2014)

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Today's date: 9-9-2014

Name of person making complaint: Susan K. Cookman, Campaign Manager
Committee to Elect Donald H. Cookman

Contact information (address, daytime phone #, times to call, etc.): P.O. Box 875, 169 E. Main Street, Romney, WV 26757
(304) 641-8655 or (304) 822-7000

Date(s) alleged event(s) occurred: 8/25/14 to 8/29/2014 (and possibly more)

Person(s) allegations are against: See attached Position (if applicable): N/A

Elected office being sought (if applicable): N/A

Description of allegations (if further description is needed beyond the capacity of this form, please attach additional pages as needed):

See attached.

Relief Sought:

See attached.

I acknowledge that all of the above information is true and accurately reflects the matter in question, to the best of my knowledge:

(signed)

Susan K. Cookman

STATE OF WEST VIRGINIA
COUNTY OF Ohio

The foregoing instrument was acknowledged before me this 10th day of September, 2014
by Susan K. Cookman.

My commission expires 9/1/22

Jessica L. Basinger
(Notary Public)

(Revised 5/19/2014)



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Attachment to Election Complaint
Susan K. Cookman, Campaign Manager
Committee to Elect Donald H. Cookman
Dated 9-9-2014

During the period of August 25, 2014 to August 29, 2014, (and possibly other dates) a "push poll" was run and published to members of the public. The poll was an election communication and designed to influence and persuade voters, and further designed to benefit the candidate himself, Charles S. Trump. The election communication was false and misleading. Further, the communication failed to disclose the party or parties responsible for its creation and/or publication. A copy of the communication may be found at: <http://morgancountyusa.org/wp-content/uploads/2014/09/Trump.m4a> or by following the "Audio Here" link at <http://morgancountyusa.org/?p=1262>

While the name or names of the parties responsible were not disclosed, information from Republican political operatives indicates that this was instigated by and arranged by Americans for Prosperity, at the request of the West Virginia State Republican Party to benefit Charles S. Trump, IV in his election bid. Therefore, upon information and belief, this campaign communication was either directly disseminated by, or at the direction of, or with the tacit compliance of: 1) the candidate himself, Charles S. Trump, IV and/or 2) the Committee to Elect Charles S. Trump IV, or alternatively, 3) the West Virginia State Republican Party/Executive Committee, 4) West Virginia State Party Chairman Conrad Lucas; and/or 5) Americans for Prosperity, 6) Americans for Prosperity State Director, Wendy McCusky; and or 7) Charles G. Koch and/or 8) David H. Koch; or some or all of them acting in conjunction with each other.

The party/parties responsible for the communication and its dissemination violated West Virginia Code as it amounted to a misleading "push poll" targeting Senator Donald H. Cookman in the counties making up the 15th Senatorial District. This election communication violated West Virginia election law in that it made false statements to the public concerning Donald H. Cookman, was a "push poll" as prohibited by state law and further failed to disclose the party or parties responsible for the election communication. In addition the communication may have violated various other state and federal laws.

These actions specifically violate:

West Virginia Code 3-8-9(10):

"(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase "conducting of public opinion poll or polls" shall mean and be limited to the gathering, collection, collation and evaluation of information reflecting public opinion, needs and preferences as to any candidate, group of candidates, party, issue or issues. **No such poll shall be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition or other matter to be voted on by the public at any election: Provided, That** nothing herein shall prevent the use of the results of any such poll or polls to further, promote or

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enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election (emphasis added.)”

West Virginia Code 3-8-2b(e):

“(e) In each electioneering communication, a statement shall appear or be presented in a clear and conspicuous manner that:

- (1) Clearly indicates that the electioneering communication is not authorized by the candidate or the candidate's committee; and
- (2) Clearly identifies the person making the expenditure for the electioneering communication: *Provided*, That if the electioneering communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.”

West Virginia Code: 3-8-11(c):

“(c) Any person who shall, knowingly, make or publish, or cause to be made or published, any false statement in regard to any candidate, which statement is intended or tends to affect any voting at any election whatever...

Is guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than ten thousand dollars, or confined in jail for not more than one year, or, in the discretion of the court, shall be subject to both such fine and imprisonment.”

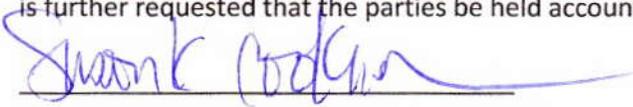
West Virginia Code 3-8-12(a):

(a) A person may not publish, issue or circulate, or cause to be published, issued or circulated, any anonymous letter, circular, placard, radio or television advertisement or other publication supporting or aiding the election or defeat of a clearly identified candidate.

(n) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or, both fined and confined.”

RELIEF SOUGHT:

It is requested that a thorough investigation be conducted, the parties responsible for the illegal communication identified and publicly exposed as the source of the communication. It is further requested that the parties be forced to cease in desist in further dissemination of the communication. It is further requested that the parties be held accountable by any other punishment allowed by law.



Susan K. Cookman

