

All persons bringing an election protest under Article 15A shall complete and timely file the following form. For the purposes of this Rule, "timely" means within the time required by G.S. 163-182.9(b). Please note this form shall not be used to challenge the registration of an individual voter or to report an incident other than an irregularity affecting the outcome of an election.

### ELECTION PROTEST

(Use of this form is required by G.S. 163-182.9(c))

This form must be filed with the county board of elections within the timeframes set out in G.S. 163-182.9(b)(4). Please print or type your answers. Use additional sheets if needed to answer the below questions fully. Number the pages of all additional sheets. Please note that filings will be a public record. Please redact all confidential information, such as date of birth, Social Security number, and driver's license number.

Respond to all prompts. Failure to complete this form as required may result in the dismissal of your protest. Attach additional sheets as necessary, including all exhibits and supplemental documents. All attachments are deemed incorporated and covered under the Protest Certification.

#### PROTESTOR

##### 1. Provide your preferred contact information:

Name: Robert W. Cook County of Residence: Macon  
 Email: rwcook15@gmail.com Phone: 828-371-4475  
 Mailing Address: 356 Climbing Bear Drive, Franklin, NC 28734

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

##### 2. Are you represented by counsel? Yes No

NOTE: If you answered Yes, above, your counsel must complete and you must attach the Counsel Certification Addendum.

##### 3. Mark all that describe you:

- Candidate for the office of Sheriff  
 Registered voter eligible to participate in the protested election contest  
 Neither of the above\*

*\*If you select this option, you are not eligible to file a protest.*

#### PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

**Protested Contest(s)**

**Current Vote Margin**  
(subtract runner-up totals from apparent winner's totals)

Example:

Entire Macon County Election Totals

5. This protest alleges (*select at least one*):

A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.

A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

**FACTUAL BASIS & LEGAL ARGUMENT**

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

On May 17, 2022, Macon County announced the election results with a total ballots of 9,844 cast. When doing the math, it appeared that 1,173 voted on the Democrat ballot. When those totals were subtracted, it resulted in a total of 8,671 potential votes for any single office by a Republican voter. After totaling up the votes for the Sheriff's race there 7,332 votes cast for the Office of the Sheriff. That left 1,339 votes not cast for the Sheriff who could have voted. This was the single most important race we have had in our county in over twenty years. The citizens turned out to vote for a new Sheriff. When I questioned it, I was informed by Asst. Director of BOE (Macon County) Gary Tallent that the reason for the disparity was because of the two votes cast for County Commissioners. That was their explanation and it wasn't going to change. The next day I was advised by Mr. Tallent that he was retiring and I would need to address my questions to Ms. Thibault.

On May 24, 2022, I emailed Ms. Thibault. She initially told me that I would have to wait for an explanation until the recount that was requested by another candidate was completed. I pointed out that doing so would cause the time constraints put forth by the State of North Carolina to expire. I received a response today that the reason for the discrepancy was a "bad code" was programmed into the total ballots cast, causing the number to be skewed. Consequently, the ballot totals that were reported to the state were changed as of May 23<sup>rd</sup> to reflect 8,613 total ballots. A reduction of 1,231 ballots total.

When those who are questioned appear (real or not) to be hiding something by multiple answers or deflecting, it causes way more questions to be asked. I am not accusing anyone of impropriety or

incompetence. As a citizen in our county, we deserve honest answers to our questions. The initial response from our Board of Elections leaves a lot of questions. These should have been hammered out prior to the release of any ballot results. It would have saved all of us a lot of conspiratorial rumors and dissatisfaction with the system. Mistakes can be explained. When it appears to be an attempt to cover up, it becomes something complete different. Real or not.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Director M. Thibault

Asst. Director G. Tallent (Retired)

8. Cite any statute or case, administrative rule or decisions, and election policy or procedure that supports your claim set out under Prompt 5.

\_\_\_\_\_  
\_\_\_\_\_

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change.
- Other \_\_\_\_\_

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: \_\_\_\_\_

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:

Myself \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. See 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

Yes

No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

Yes

No

**AFFECTED PARTIES & SERVICE**

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at [www.ncsbe.gov](http://www.ncsbe.gov).

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**PROTESTOR CERTIFICATION**

15. By signing this protest application, you affirm the following:

I, ROBERT WAYNE COOK (*full name*), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

*(initial)*

RWC I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

RWC My protest must originate with a filing at the county board of elections.

RWC I must timely serve all Affected Parties.

*fwc* I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

*fwc* It is a crime to interfere unlawfully with the conduct and certification of an election.

*fwc* It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

*fwc* The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2019-381, s. 5.4.

Signature of Protestor: Robert W. Cook Date: 5-26-2022  
(This signature must be signed in the presence of a notary)

State of North Carolina, County of macon

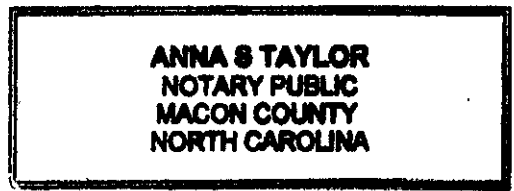
Sworn to (or affirmed) and subscribed before me this the 26 day of May, 2022

Anna S. Taylor  
Official Signature of Notary

(Official Seal)

Anna S. Taylor, Notary Public

Printed Name



My commission expires: 1-24-2026

Date/Time Filed with County Board

(completed by the county board)

**NOTE:** The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

COUNSEL OF RECORD ADDENDUM

If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.

Attorney Must complete all of the following:

Protector Name: \_\_\_\_\_ Protector County: \_\_\_\_\_

Attorney Name: \_\_\_\_\_

Attorney Email: \_\_\_\_\_ Attorney Phone: \_\_\_\_\_

I am a member in good standing with the North Carolina State Bar

I am not licensed to practice law in North Carolina but am a member in good standing in \_\_\_\_\_ (State or District of Columbia), and do hereby apply to appear pro hac vice and certify that I have or will file all appropriate documents required under G.S. 84-4.1.

Law Firm: \_\_\_\_\_

Bar Number: \_\_\_\_\_

I (choose one)  am  am not:

Subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I represent the Protector whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163 and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Date

*History Note: Authority G.S. 163-22; 163-182.9;  
Temporary Adoption Eff. April 15, 2002;  
Eff. August 1, 2004;  
Readopted Eff. September 1, 2018;  
Amended Eff. November 1, 2020.*