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BY EMAIL (cela@fec.gov) AND OVERNIGHT DELIVERY

Jeff S. Jordan, Esq.  
Assistant General Counsel  
Federal Election Commission  
Office of Complaints Examination & Legal Administration  
Attention: Kathryn Ross, Paralegal  
1050 First Street, NE  
Washington, DC 20463

Re: MUR 7412

Dear Mr. Jordan:

August 1, 2018

On behalf of CBS Broadcasting Inc. ("CBS"), owner and operator of broadcast television station KDKA-TV, Pittsburgh, PA, I am responding to your letter dated June 15, 2018 regarding a complaint filed, in part against KDKA-TV, by the Libertarian National Committee (the "Complaint"). CBS was granted an extension of time, through August 3, 2018, to respond to the Complaint by letter dated June 26, 2018 from Kathryn Ross, Paralegal, to John Bagwell.

The Complaint alleges, in part, that KDKA-TV violated the Federal Election Campaign Act ("FECA" or the "Act"), which prohibits corporations from making contributions or expenditures in connection with any election, by failing to include Drew Gary Miller, the Libertarian Party's nominee ("Miller"), in a debate it conducted on February 19, 2018 for certain candidates in a special election for the U.S. House of Representatives in Pennsylvania's Congressional District 18 (the "Debate"). See Complaint at 13.

There are two exemptions to the above-referenced prohibition pursuant to which KDKA-TV's exclusion of Miller from the February 2018 debate was permitted and thus not a violation of the Act, specifically, (i) the Act's "press exemption" and (ii) an exemption provided by the Federal Election Commission's (the "Commission") debate regulation.

As discussed further herein, in conformance with both of these exceptions, KDKA-TV invited those candidates with a viable chance of winning the special election to participate in the Debate based on pre-established, objective criteria in order to devote the

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maximum amount of time to viable candidates for the benefit of viewers. Accordingly, the allegations in the Complaint fail to state a violation of the Act. As a result, the Complaint should be closed and dismissed without further action.

The Debate Was Exempt From Regulation Under the Press Exemption.

In establishing the “press exemption,” the Act expressly excludes, from the definition of a prohibited “expenditure,” “any news story ... distributed through the facilities of any broadcasting station ... unless such facilities are owned or controlled by any political party, political committee or candidate.” 52 U.S.C.S. § 30101(9)(ii)(B)(i).

The applicability of the press exemption is determined through a two-step analysis that examines (i) whether the press entity in question is owned by a political party, political committee or candidate and (ii) whether the entity was acting as a press entity in undertaking the alleged violation. *See* MUR 6703 (WCVB-TV) Statement of Reasons of Vice Chairman Lee E. Goodman, Commissioners Caroline C. Hunter and Matthew S. Petersen, at 5.

This analysis is reflected in the regulations promulgated by the Commission incorporating the press exemption and related analysis into its rules. These regulations provide that any cost incurred in covering a news story by any broadcast station is neither a prohibited “contribution” nor an “expenditure” unless the facility is “owned or controlled by any political party, political committee or candidate,” in which case the cost for a news story is exempt if the story “represent[s] a *bona fide* news account communicated ... on a licensed broadcast facility.” *See* 11 C.F.R. § 100.73(a) (relating to exempt contributions) and 11 C.F.R. § 100.132(a) (relating to exempt expenditures).

As a predicate matter, KDKA-TV is a broadcast television station owned and operated by CBS Broadcasting Inc., an indirect subsidiary of CBS Corporation and is not owned by a political party, political committee or candidate. *See* CBS Corporation 10-K, filed with the U.S. Securities and Exchange Commission on February 20, 2018, at I-2. Thus, KDKA-TV’s conduct of the Debate satisfies the first criterion of the press exemption.

The Commission has previously applied the press exemption to media-sponsored candidate debates like the Debate, recognizing that “a joint appearance or debate format is a well-established, traditional news format that is utilized by press entities everywhere to compare and contrast competing candidates.” MUR 6703 (WCVB-TV) Statement of Reasons of Vice Chairman Lee E. Goodman, Commissioners Caroline C. Hunter and Matthew S. Petersen, at 7. This is based on the Commission’s conclusion that “press entities engage in a legitimate press function when they sponsor and broadcast debates.” MUR 6952 (Fox News Network, LLC), Statement of Reasons of Chairman Matthews S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman, at 8. Thus, KDKA-TV’s conduct of the Debate also satisfies the second criterion of the press exemption.

As demonstrated above, the Debate qualifies for the press exemption and thus the Complaint should be dismissed.

The Debate Was Exempt Under the Commission's Debate Regulations.

KDKA-TV's conduct of the Debate is exempt not only pursuant to the Commission's press exemption, but is also exempt under the Commission's broader debate regulations. Under those rules, costs incurred in staging a candidate debate pursuant to sections 110.13 and 114.4(f) of the Commission's regulations are not deemed to be "contributions". See 11 C.F.R. § 100.92.

Sections 110.13 and 114.4(f) of the Commission's regulations provide, in relevant part, that a broadcaster not owned or controlled by a political party, political committee or candidate may conduct and structure a debate in its own discretion so long as: (i) the debate includes at least two candidates, (ii) the debate is not structured to promote or advance one candidate over another, and (iii) the station uses pre-established, objective criteria to determine the candidates.

In this instance, the Debate, which included two competing candidates, was organized by KDKA-TV's award-winning News Department<sup>1</sup> through the exercise of its good faith journalistic and editorial discretion for the benefit of viewers in Pennsylvania's 18th Congressional District – with no consideration given to promoting or advancing one candidate over another. Instead, KDKA-TV's news department invited candidates to participate in the Debate based on several pre-established, objective criteria that it had relied on in conducting previous debates – including independent polling in the race and a comparison of news coverage of the relevant candidates. These objective criteria are consistent with the types of criteria that the Commission has previously found to be acceptable. See MUR 6952 (Fox News Network, LLC), Statement of Reasons of Chairman Matthews S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman, at 11 (confirming criteria such as professional independent polling and comparisons of levels of news coverage are acceptable in the selection of debate participants).

KDKA relied upon the results of a pre-Debate poll released by Monmouth University on February 15, 2018, which found a three-percent gap between the two candidates that were invited to the debate (each garnering more than 45% of the respondents) with only one percent of respondents supporting a third party candidate such as Miller. See Exhibit I; Monmouth University Poll Press Release. The failure of Miller to poll above one percent clearly evidences the validity of KDKA-TV's decision not to include him in the Debate as a non-viable candidate at the time the Debate was conducted.<sup>2</sup>

Indeed, as the Complaint itself notes, KDKA-TV's News Director confirmed to Miller that his poor showing in this Monmouth University poll led to his not being included in the Debate, whose participants included candidates that had established their viability in

<sup>1</sup> In the last three years alone, the station has been awarded dozens of local, regional and national awards, including two Edward R. Murrow Awards (RTNDA), ten Mid-Atlantic Emmy Awards (NATAS), thirty-two Associated Press awards (PAPBA), six Pennsylvania Association of Broadcasters Awards, and sixteen Golden Quill Awards (Press Club of WPA).

<sup>2</sup> Miller remained a non-viable candidate through the election, ultimately receiving less than one percent of the total votes on March 13, 2018. See <https://www.electionreturns.pa.gov/Special/OfficeResults?ElectionID=62&ElectionType=S&IsActive=0>.

recognized polls. See Complaint, at 5. Despite Commission precedent, the Complaint argues that reliance on such third party polling would violate the Act and that the “appropriate remedy” would have been for KDKA-TV to invite candidates who failed to meet the station’s objective debate criteria. This argument cannot prevail.

In addition to the third party polling, KDKA-TV took into account the varied levels of campaign activity of each candidate in determining the Debate’s invitees. Specifically, KDKA-TV regularly received press releases and other campaign outreach from the two candidates who were ultimately invited to participate in the Debate. In stark contrast, KDKA-TV did not receive any outreach from Miller regarding either the announcement of his candidacy or any subsequent campaign activities. See Exhibit II; Statement of KDKA-TV News Director.

Indeed, in a post-election Tweet, Miller verified his lack of campaign efforts and the appropriateness of his exclusion from the Debate, characterizing himself as a “paper candidate” who did not dedicate the “time, energy & resources” needed to win.



Drew Gray Miller @DrewGrayMiller · Mar 21

After much consideration, I have decided to no longer run for public office. This year I would be unable to dedicate the time, energy & resources necessary to do so - and the @LPNational deserves better than a paper candidate. Thank you for your support!

5 4 21

The comparative levels of press coverage of the candidates were also taken into account in KDKA-TV’s conduct of the Debate. *Id.* As a matter of routine course, the KDKA-TV News Department monitors the news coverage of its competitors, including other broadcast stations in the Pittsburgh television market as well as major newspapers. *Id.* During the period between when KDKA-TV first decided to host the Debate in November 2017 through the Debate, the two candidates who were invited to participate in the Debate received frequent news coverage from various outlets related to their campaign activity while Miller received minimal, if any, news coverage. *Id.*

As shown above, KDKA-TV and its News staff appropriately relied on pre-established, objective criteria in selecting the candidates to participate in the Debate.

For the reasons stated above, CBS hereby respectfully requests that the Commission dismiss the Complaint, as it relates to KDKA-TV and the Debate, as without merit.

Sincerely,

John W. Bagwell  
Designated Counsel

**Exhibit I**

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Please attribute this information to:  
**Monmouth University Poll**  
West Long Branch, NJ 07764  
[www.monmouth.edu/polling](http://www.monmouth.edu/polling)  
Follow on Twitter: @MonmouthPoll

Released:  
Thursday, February 15, 2018

Contact:  
**PATRICK MURRAY**  
732-979-6769 (cell); 732-263-5858 (office)  
[pdmurray@monmouth.edu](mailto:pdmurray@monmouth.edu)  
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## **PENNSYLVANIA: SMALL LEAD FOR SACCONI IN CD18**

### *Opinion on Trump helps Dem candidate remain in the hunt*

West Long Branch, NJ – Republican Rick Sacconi has a small advantage in the special election for Pennsylvania's 18<sup>th</sup> Congressional District, even when the potential for a Democratic surge is taken into account. However, the *Monmouth University Poll* finds that a partisan gap in enthusiasm around President Donald Trump has helped Democrat Conor Lamb stay within striking distance.

Sacconi holds a 49% to 46% edge over Democrat Conor Lamb in the race to fill the open House seat on March 13, using a turnout model similar to voting patterns seen in other special elections over the past year. Another 1% opt for a third party candidate and 4% are undecided. A historical turnout model, based on lower turnout than the 2014 midterm, gives Sacconi a larger 50% to 45% lead. A model with higher turnout overall, similar to a presidential electorate, gives Sacconi a 48% to 44% advantage. It is worth noting that all of these leads are within the poll's margin of error for each model.

"Sacconi has a slight edge, but it's nowhere near the double digit advantage Republicans typically enjoy in this district. The potential for a Democratic surge like we have seen in other special elections helps Lamb stay in the hunt but it does not close the gap entirely," said Patrick Murray, director of the independent Monmouth University Polling Institute. Monmouth used a similar multi-model approach in polling December's special election for U.S. Senate in Alabama. That poll found a much wider 7 point swing between the low and high turnout models for that race.

The key difference between Monmouth's Democratic "surge" model and the standard low turnout model in PA18 is an increase in the districtwide vote share coming from historically Democratic-leaning and competitive precincts. Most of these precincts are located in Allegheny County with some in neighboring Washington County. These precincts typically make up about 19% of PA18's electorate in any given election. The surge adjustment increases that share to 23%.

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Democratic voters are generally more engaged in this race than are Republicans. Among likely voters, 48% of Democrats compared with 26% of Republicans say they are following the PA18 special election closely. Among all potential voters interviewed for the poll – including those unlikely to vote in this contest – Democrats (65%) are more likely than Republicans (50%) to say they have a lot of interest in this race. If all potential voters were likely to cast a ballot next month, Saccone would hold an even larger lead of 48% to 41% over Lamb in the current poll.

“The fact that Saccone does better among all potential voters than he does in any of the probable turnout models is a clear sign of higher enthusiasm among Democrats. However, this district’s strong Republican bent may simply be too high a hurdle for Lamb to overcome,” said Murray.

*Other poll results \**

Conor Lamb earns a slightly better net voter rating at 49% favorable and 31% unfavorable than Rick Saccone does at 48% favorable and 39% unfavorable. The district’s electorate is divided over whether they prefer having the Republicans (43%) or the Democrats (40%) in control of Congress. Likely voters in PA18 give similar overall ratings to the Republican Party (41% favorable and 52% unfavorable) and Democratic Party (44% favorable and 51% unfavorable).

President Donald Trump earns a nominally positive job rating from likely voters in this district – 51% approve and 47% disapprove. Trump beat Hillary Clinton by 20 points in this district in 2016. Voters are divided on whether they support (48%) or oppose (47%) how Trump is handling most issues. Two-thirds (68%) of likely voters say it is very important for them to cast a ballot that shows how they feel about Trump. However, among all potential voters interviewed – including those determined to be unlikely to vote – opponents of the president (67%) are more likely than supporters (50%) to see this election as a very important opportunity to send a message about the Trump presidency.

Nearly 6-in-10 voters (58%) are aware that Trump has endorsed Saccone, the Republican nominee. Most (86%) say this endorsement has not changed their candidate choice, with 5% saying it makes them more likely to support Saccone and 8% saying it makes them less likely.

“The impact of Donald Trump on this race is less about impacting the candidate choice and more about generating voter interest that drives turnout. These results find that the president’s detractors are more ginned up than his supporters, which is helping to keep this race tight,” said Murray.

On the Democratic side, Lamb has promised not to support Nancy Pelosi for another term as his party’s leader in the House of Representatives. This has had little impact on most voters in PA18 – just 40% have heard about his pledge – but among those who would take this promise into account, more say it increases (18%) rather than decreases (7%) their likelihood of supporting Lamb. Another 72% say the Democrat’s pledge has no impact on their vote. However, among likely voters who are undecided or say

that they could change their mind before next month's election, a majority (52%) say that Lamb's declaration about Pelosi makes them more likely to support him.

"Lamb's effort to distance himself from Pelosi is probably a smart calculation in this Republican district. Even if a Democratic surge materializes in the Pittsburgh suburbs, he still needs to win over moderate voters in more conservative areas. Lamb is having some success with that voting bloc, but he may have already maxed out that support," said Murray.

According to the poll, 64% of self-described political moderates currently support Lamb and 28% support Saccone. Other demographic breakouts show that Lamb has a slight edge with voters age 65 and over (50% to 46%) while Saccone leads among voters age 50 to 64 (48% to 45%) and age 18 to 49 (52% to 44%). Men prefer Saccone (51% to 42%) while women are divided (48% Lamb to 47% Saccone). Lamb has a sizable lead in the Allegheny County portion of the district (54% to 40%) while Saccone has an even larger advantage in Westmoreland County (63% to 32%). The remainder of the district in Washington and Greene counties is split (48% Saccone to 47% Lamb).

The Monmouth University Poll was conducted by telephone from February 12 to 14, 2018 with 320 Pennsylvania residents likely to vote in Pennsylvania's 18<sup>th</sup> Congressional District special election next month. The results in this release have a margin of error of +/- 5.5 percent. The poll was conducted by the Monmouth University Polling Institute in West Long Branch, NJ.

\* The results in this section use "surge" model weighting based on recent special election turnout patterns. Other turnout weights referenced in this release produce estimates that are no more than 2 to 3 percentage points different than the results reported here.

**QUESTIONS AND RESULTS**

(\* Some columns may not add to 100% due to rounding.)

1/2. If the election for U.S. Congress in your district was today, would you vote for ... Rick Saccone the Republican or Conor Lamb the Democrat, or some other candidate?  
 [IF UNDECIDED: If you had to vote for one of the following at this moment, do you lean more toward Rick Saccone or more toward Conor Lamb?] [NAMES WERE ROTATED]

| Likely voters with leaners | "Surge"<br>Model | High<br>Turnout | Low<br>Turnout |
|----------------------------|------------------|-----------------|----------------|
| Rick Saccone               | 49%              | 48%             | 50%            |
| Conor Lamb                 | 46%              | 44%             | 45%            |
| Other                      | 1%               | 2%              | 1%             |
| (VOL) Undecided            | 4%               | 5%              | 4%             |
| (n)                        | (320)            | (379)           | (320)          |

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[QUESTIONS 3 & 4 WERE ROTATED]

3. Is your general impression of Rick Saccone very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him?

|                      | February 2018 |
|----------------------|---------------|
| Very favorable       | 27%           |
| Somewhat favorable   | 21%           |
| Somewhat unfavorable | 14%           |
| Very unfavorable     | 25%           |
| No opinion           | 13%           |
| (n)                  | (320)         |

4. Is your general impression of Conor Lamb very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him?

|                      | February 2018 |
|----------------------|---------------|
| Very favorable       | 28%           |
| Somewhat favorable   | 20%           |
| Somewhat unfavorable | 17%           |
| Very unfavorable     | 14%           |
| No opinion           | 20%           |
| (n)                  | (320)         |

5. How much interest do you have in the upcoming special election for U.S. Congress – a lot of interest, a little interest, or not much interest at all?

|                 | February 2018 |
|-----------------|---------------|
| A lot           | 83%           |
| A little        | 16%           |
| Not much at all | 1%            |
| (n)             | (320)         |

6. Have you been following the campaign for U.S. Congress very closely, somewhat closely, or not too closely?

|                  | February 2018 |
|------------------|---------------|
| Very closely     | 38%           |
| Somewhat closely | 51%           |
| Not too closely  | 12%           |
| (n)              | (320)         |

7. Do you approve or disapprove of the job Donald Trump is doing as president? [Do you (approve/disapprove) strongly or somewhat?]

|                     | February 2018 |
|---------------------|---------------|
| Strongly approve    | 37%           |
| Somewhat approve    | 14%           |
| Somewhat disapprove | 5%            |
| Strongly disapprove | 42%           |
| (VOL) Don't know    | 2%            |
| (n)                 | (320)         |

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8. On most issues would you say you support or oppose what President Trump is doing?

|                    | February<br>2018 |
|--------------------|------------------|
| Support            | 48%              |
| Oppose             | 47%              |
| (VOL) Depends/both | 3%               |
| (VOL) Don't know   | 2%               |
| (n)                | (320)            |

9. How important is it for you to cast a vote for U.S. Congress that shows your [support of/opposition to] President Trump – very important, somewhat important, not too important, or not at all important?

|                      | February<br>2018 |
|----------------------|------------------|
| Very important       | 68%              |
| Somewhat important   | 16%              |
| Not too important    | 4%               |
| Not at all important | 7%               |
| (VOL) Don't know     | 6%               |
| (n)                  | (320)            |

10. As far as you know, has President Trump publicly endorsed a candidate for Congress in this race, or hasn't he done this? [IF YES: Who?]

|                       | February<br>2018 |
|-----------------------|------------------|
| Yes, endorsed Saccone | 58%              |
| Yes, endorsed Lamb    | <1%              |
| Yes, but not sure who | 3%               |
| No, has not endorsed  | 14%              |
| (VOL) Don't know      | 24%              |
| (n)                   | (320)            |

11. President Trump has endorsed Rick Saccone. [Does/Did] hearing about this endorsement change your mind about how you will vote, or not really? [IF CHANGE: [Does /Did] it make you more likely to vote for Saccone or less likely to vote for Saccone?]

|                             | February<br>2018 |
|-----------------------------|------------------|
| Change, more likely Saccone | 5%               |
| Change, less likely Saccone | 8%               |
| Did not really change       | 86%              |
| (VOL) Don't know            | 1%               |
| (n)                         | (320)            |

[QUESTIONS 12 & 13 WERE ROTATED]

12. Is your general impression of the Republican Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion?

|                      | February<br>2018 |
|----------------------|------------------|
| Very favorable       | 12%              |
| Somewhat favorable   | 29%              |
| Somewhat unfavorable | 18%              |
| Very unfavorable     | 34%              |
| No opinion           | 6%               |
| (n)                  | (320)            |

13. Is your general impression of the Democratic Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion?

|                      | February<br>2018 |
|----------------------|------------------|
| Very favorable       | 12%              |
| Somewhat favorable   | 32%              |
| Somewhat unfavorable | 16%              |
| Very unfavorable     | 35%              |
| No opinion           | 6%               |
| (n)                  | (320)            |

14. Would you rather see the Republicans or the Democrats in control of Congress, or doesn't this matter to you?

|                  | February<br>2018 |
|------------------|------------------|
| Republicans      | 43%              |
| Democrats        | 40%              |
| Does not matter  | 16%              |
| (VOL) Don't know | 1%               |
| (n)              | (320)            |

15. Have you heard that Conor Lamb said he will not support Nancy Pelosi for another term as the Democratic leader of the House if he is elected, or have you not heard about this?

|           | February<br>2018 |
|-----------|------------------|
| Heard     | 40%              |
| Not heard | 60%              |
| (n)       | (320)            |

16. Does knowing that Conor Lamb will not support Nancy Pelosi to lead the House Democrats make you more likely or less likely to vote for him, or does it have no impact on your vote?

|                  | February<br>2018 |
|------------------|------------------|
| More likely      | 18%              |
| Less likely      | .7%              |
| No impact        | 72%              |
| (VOL) Don't know | 3%               |
| (n)              | (320)            |

17. How important is it for you personally to get involved in politics – very important, somewhat important, not too important, or not at all important?

|                      | February<br>2018 |
|----------------------|------------------|
| Very important       | 46%              |
| Somewhat important   | 37%              |
| Not too important    | 9%               |
| Not at all important | 5%               |
| (VOL) Don't know     | 1%               |
| (n)                  | (320)            |

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**METHODOLOGY**

The *Monmouth University Poll* was sponsored and conducted by the Monmouth University Polling Institute from February 12 to 14, 2018 with a random sample of 320 likely voters in Pennsylvania's 18<sup>th</sup> Congressional District, drawn from a list of registered voters who voted in at least one of the last four general or primary elections or have registered to vote since January 2016, and indicate they are likely to vote in the upcoming special election. This includes 217 contacted by a live interviewer on a landline telephone and 103 contacted by a live interviewer on a cell phone. Monmouth is responsible for all aspects of the survey design, data weighting and analysis. Final sample is weighted for region, party primary voting history, age, gender, and race based on state voter registration list and U.S. Census information. Data collection support provided by Braun Research (field) and Aristotle (voter sample). For results based on this sample, one can say with 95% confidence that the error attributable to sampling has a maximum margin of plus or minus 5.5 percentage points (unadjusted for sample design). Sampling error can be larger for sub-groups (see table below). In addition to sampling error, one should bear in mind that question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls.

| DEMOGRAPHICS (weighted)       |                          |
|-------------------------------|--------------------------|
| <i>Party Registration</i>     |                          |
| 45%                           | Republican               |
| 51%                           | Democrat                 |
| 4%                            | Neither                  |
| <i>Self-Reported Party ID</i> |                          |
| 36%                           | Republican               |
| 29%                           | Independent              |
| 36%                           | Democrat                 |
| <i>Gender</i>                 |                          |
| 47%                           | Male                     |
| 53%                           | Female                   |
| <i>Age</i>                    |                          |
| 7%                            | 18-34                    |
| 18%                           | 35-49                    |
| 37%                           | 50-64                    |
| 40%                           | 65+                      |
| <i>Race</i>                   |                          |
| 85%                           | White, non-Hispanic      |
| 5%                            | Other                    |
| <i>Education</i>              |                          |
| 52%                           | No college degree        |
| 48%                           | 4-year college degree    |
| <i>County</i>                 |                          |
| 46%                           | Allegheny County         |
| 23%                           | Washington/Greene County |
| 30%                           | Westmoreland County      |

| MARGIN OF ERROR        |                   |                   |           |
|------------------------|-------------------|-------------------|-----------|
|                        |                   | unweighted sample | moe (+/-) |
| LIKELY VOTERS          |                   | 320               | 5.5%      |
| SELF-REPORTED PARTY ID | Republican        | 109               | 9.4%      |
|                        | Independent       | 89                | 10.4%     |
|                        | Democrat          | 117               | 9.1%      |
| IDEOLOGY               | Conservative      | 123               | 8.8%      |
|                        | Moderate          | 123               | 8.8%      |
|                        | Liberal           | 63                | 12.4%     |
| GENDER                 | Male              | 162               | 7.7%      |
|                        | Female            | 158               | 7.8%      |
| AGE                    | 18-49             | 82                | 10.8%     |
|                        | 50-64             | 118               | 8.0%      |
|                        | 65+               | 115               | 9.1%      |
| COLLEGE GRADUATE       | No degree         | 134               | 8.5%      |
|                        | 4 year degree     | 182               | 7.3%      |
| COUNTY                 | Allegheny         | 154               | 7.9%      |
|                        | Washington/Greene | 75                | 11.3%     |
|                        | Westmoreland      | 91                | 10.3%     |

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Monmouth University Poll - PA18 Special "Surge" Model - 2/15/18

|                              | TOTAL           | PARTY ID. |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |     |
|------------------------------|-----------------|-----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|-----|
|                              |                 | Rep       | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |     |
| Q1-2. CONG VOTE WITH LEANERS | Rick Saccone    | 49%       | 62% | 48% | 1%                 | 87% | 28% | 4%     | 51%    | 47%       | 52% |
|                              | Conor Lamb      | 46%       | 4%  | 44% | 86%                | 8%  | 64% | 98%    | 42%    | 48%       | 44% |
|                              | Other candidate | 1%        | 1%  | 3%  | 0%                 | 2%  | 0%  | 0%     | 3%     | 0%        | 3%  |
|                              | Unspecified     | 4%        | 3%  | 3%  | 6%                 | 2%  | 7%  | 0%     | 4%     | 5%        | 2%  |

|                              | TOTAL           | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                      |              |
|------------------------------|-----------------|-----------|-----|----------------|-----|-----------|----------------------|--------------|
|                              |                 | 50-64     | 65+ | No             | Yes | Allegheny | Washington<br>Greene | Westmoreland |
| Q1-2. CONG VOTE WITH LEANERS | Rick Saccone    | 49%       | 48% | 58%            | 65% | 40%       | 48%                  | 63%          |
|                              | Conor Lamb      | 43%       | 30% | 41%            | 51% | 34%       | 47%                  | 32%          |
|                              | Other candidate | 2%        | 0%  | 1%             | 1%  | 2%        | 0%                   | 1%           |
|                              | Unspecified     | 8%        | 4%  | 2%             | 1%  | 4%        | 5%                   | 4%           |

|   | TOTAL                | PARTY ID. |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |     |
|---|----------------------|-----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|-----|
|   |                      | Rep       | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |     |
| Q3. Is your general impression of Rick Saccone very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 67%       | 32% | 22% | 3%                 | 35% | 10% | 5%     | 30%    | 26%       | 24% |
|   | Somewhat favorable   | 21%       | 37% | 22% | 0%                 | 27% | 21% | 3%     | 21%    | 20%       | 23% |
|   | Somewhat unfavorable | 14%       | 5%  | 13% | 26%                | 3%  | 21% | 30%    | 12%    | 15%       | 16% |
|   | Very unfavorable     | 25%       | 2%  | 21% | 50%                | 4%  | 37% | 51%    | 25%    | 25%       | 27% |
|   | No opinion           | 13%       | 10% | 18% | 10%                | 12% | 12% | 10%    | 11%    | 14%       | 18% |

|   | TOTAL                | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                      |              | PA 18 CONG VOTE with LEANERS |
|---|----------------------|-----------|-----|----------------|-----|-----------|----------------------|--------------|------------------------------|
|   |                      | 50-64     | 65+ | No             | Yes | Allegheny | Washington<br>Greene | Westmoreland | Seizure                      |
| Q3. Is your general impression of Rick Saccone very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 26%       | 30% | 32%            | 21% | 26%       | 24%                  | 32%          | 38%                          |
|   | Somewhat favorable   | 25%       | 14% | 28%            | 21% | 15%       | 20%                  | 27%          | 34%                          |
|   | Somewhat unfavorable | 18%       | 11% | 8%             | 21% | 18%       | 14%                  | 9%           | 0%                           |
|   | Very unfavorable     | 22%       | 27% | 23%            | 28% | 28%       | 23%                  | 20%          | 0%                           |
|   | No opinion           | 10%       | 18% | 15%            | 9%  | 14%       | 8%                   | 15%          | 7%                           |

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Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|  |                      | PA 18 CONG VOTE LEANERS |             |
|--|----------------------|-------------------------|-------------|
|  |                      | Lamb                    | Other/Undec |
| Q3. In your general impression of Rick Saccoccia, is he very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 1%                      | 3%          |
|  | Somewhat favorable   | 9%                      | 22%         |
|  | Somewhat unfavorable | 30%                     | 10%         |
|  | Very unfavorable     | 32%                     | 20%         |
|  | No opinion           | 12%                     | 43%         |

|  |                      | TOTAL | PARTY ID |     |     |     | POLITICAL IDEOLOGY |     |      | GENDER |  |
|--|----------------------|-------|----------|-----|-----|-----|--------------------|-----|------|--------|--|
|  |                      |       | Rep      | Ind | Dem | Con | Mod                | Lib | Male | Female |  |
| Q4. In your general impression of Conor Lamb, is he very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 20%   | 1%       | 10% | 60% | 6%  | 30%                | 64% | 20%  | 32%    |  |
|  | Somewhat favorable   | 20%   | 14%      | 21% | 27% | 8%  | 30%                | 28% | 22%  | 18%    |  |
|  | Somewhat unfavorable | 17%   | 29%      | 22% | 1%  | 28% | 13%                | 1%  | 14%  | 18%    |  |
|  | Very unfavorable     | 14%   | 29%      | 16% | 2%  | 29% | 4%                 | 2%  | 20%  | 6%     |  |
|  | No opinion           | 30%   | 20%      | 23% | 4%  | 28% | 15%                | 6%  | 19%  | 20%    |  |

|  |                      | AGE & RACE |       |     | COLLEGE DEGREE |     | COUNTY    |                   |              |
|--|----------------------|------------|-------|-----|----------------|-----|-----------|-------------------|--------------|
|  |                      | 18-40      | 60-64 | 65+ | No             | Yes | Allegheny | Washington County | Westmoreland |
| Q4. In your general impression of Conor Lamb, is he very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 28%        | 22%   | 30% | 28%            | 32% | 34%       | 27%               | 22%          |
|  | Somewhat favorable   | 17%        | 27%   | 17% | 18%            | 22% | 21%       | 21%               | 14%          |
|  | Somewhat unfavorable | 18%        | 18%   | 16% | 17%            | 17% | 14%       | 20%               | 18%          |
|  | Very unfavorable     | 17%        | 14%   | 12% | 16%            | 12% | 13%       | 11%               | 18%          |
|  | No opinion           | 20%        | 20%   | 18% | 22%            | 17% | 15%       | 21%               | 25%          |

|  |                      | PA18 CONG VOTE LEANERS |      |             |
|--|----------------------|------------------------|------|-------------|
|  |                      | Saccoccia              | Lamb | Other/Undec |
| Q4. In your general impression of Conor Lamb, is he very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion of him? | Very favorable       | 1%                     | 63%  | 6%          |
|  | Somewhat favorable   | 8%                     | 32%  | 24%         |
|  | Somewhat unfavorable | 34%                    | 0%   | 12%         |
|  | Very unfavorable     | 30%                    | 0%   | 7%          |
|  | No opinion           | 28%                    | 5%   | 48%         |

Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|   | TOTAL           | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |     |
|---|-----------------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|-----|
|   |                 | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |     |
| Q5. How much interest do you have in the upcoming special election for U.S. Congress - a lot of interest, a little interest, or not much interest at all? | A lot           | 87%      | 86% | 89% | 87%                | 89% | 81% | 91%    | 89%    | 81%       | 80% |
|   | A little        | 10%      | 17% | 19% | 13%                | 16% | 19% | 7%     | 14%    | 19%       | 18% |
|   | Not much at all | 1%       | 7%  | 1%  | 0%                 | 4%  | 0%  | 0%     | 1%     | 1%        | 1%  |

|   |                 | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEARNERS |
|---|-----------------|-----------|-----|----------------|-----|-----------|-------------------|--------------|------------------------------|
|   |                 | 50-64     | 65+ | No             | Yes | Allegheny | Washington County | Westmoreland | Saccone                      |
| Q5. How much interest do you have in the upcoming special election for U.S. Congress - a lot of interest, a little interest, or not much interest at all? | A lot           | 82%       | 83% | 87%            | 83% | 83%       | 85%               | 89%          | 80%                          |
|   | A little        | 16%       | 14% | 16%            | 15% | 16%       | 15%               | 16%          | 16%                          |
|   | Not much at all | 7%        | 1%  | 1%             | 1%  | 1%        | 0%                | 4%           | 7%                           |

|   |                 | PA 18 CONG VOTE w/o LEARNERS |             |
|---|-----------------|------------------------------|-------------|
|   |                 | Learn                        | Other Users |
| Q5. How much interest do you have in the upcoming special election for U.S. Congress - a lot of interest, a little interest, or not much interest at all? | A lot           | 89%                          | 89%         |
|   | A little        | 11%                          | 28%         |
|   | Not much at all | 0%                           | 3%          |

|  | TOTAL            | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|--|------------------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|  |                  | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |
| Q6. Have you been following the campaign for U.S. Congress very closely, somewhat closely, or not too closely? | Very closely     | 38%      | 26% | 38% | 48%                | 33% | 31% | 42%    | 34%    | 33%       |
|  | Somewhat closely | 51%      | 52% | 46% | 43%                | 56% | 52% | 39%    | 48%    | 47%       |
|  | Not too closely  | 12%      | 12% | 16% | 9%                 | 11% | 13% | 10%    | 12%    | 16%       |

|  |                  | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEARNERS |
|--|------------------|-----------|-----|----------------|-----|-----------|-------------------|--------------|------------------------------|
|  |                  | 50-64     | 65+ | No             | Yes | Allegheny | Washington County | Westmoreland | Saccone                      |
| Q6. Have you been following the campaign for U.S. Congress very closely, somewhat closely, or not too closely? | Very closely     | 38%       | 39% | 33%            | 43% | 40%       | 41%               | 32%          | 31%                          |
|  | Somewhat closely | 48%       | 54% | 58%            | 44% | 50%       | 49%               | 56%          | 49%                          |
|  | Not too closely  | 14%       | 9%  | 11%            | 13% | 10%       | 14%               | 12%          | 16%                          |

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Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|  |                  | PA 18 CONG VOTE w/o LEANERS |              |
|--|------------------|-----------------------------|--------------|
|  |                  | Leaners                     | Other Unlean |
| Q6. Have you been following the campaign for U.S. Congress very closely, somewhat closely, or not too closely? | Very closely     | 46%                         | 31%          |
|  | Somewhat closely | 42%                         | 40%          |
|  | Not too closely  | 9%                          | 29%          |

|  |                     | TOTAL | PARTY ID |     |     |     | POLITICAL IDEOLOGY |     |      | GENDER |       | AGE 3-WAY |
|--|---------------------|-------|----------|-----|-----|-----|--------------------|-----|------|--------|-------|-----------|
|  |                     |       | Rep.     | Ind | Dem | Con | Mod                | Lib | Male | Female | 18-49 |           |
| Q7. Do you approve or disapprove of the job Donald Trump is doing as president? (PLEASE) Do you (approve/disapprove) strongly or somewhat? | Strongly approve    | 37%   | 49%      | 39% | 3%  | 89% | 10%                | 7%  | 44%  | 30%    | 39%   |           |
|  | Somewhat approve    | 14%   | 19%      | 18% | 6%  | 21% | 13%                | 1%  | 12%  | 18%    | 18%   |           |
|  | Somewhat disapprove | 3%    | 1%       | 6%  | 10% | 2%  | 12%                | 0%  | 8%   | 3%     | 2%    |           |
|  | Strongly disapprove | 42%   | 7%       | 38% | 78% | 8%  | 65%                | 82% | 31%  | 47%    | 43%   |           |
|  | [VOL] Don't Know    | 2%    | 4%       | 2%  | 1%  | 0%  | 4%                 | 0%  | 2%   | 3%     | 0%    |           |

|  |                     | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEANERS |
|--|---------------------|-----------|-----|----------------|-----|-----------|-------------------|--------------|-----------------------------|
|  |                     | 50-64     | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland | Saratoga                    |
| Q7. Do you approve or disapprove of the job Donald Trump is doing as president? (PLEASE) Do you (approve/disapprove) strongly or somewhat? | Strongly approve    | 38%       | 32% | 43%            | 29% | 32%       | 34%               | 43%          | 73%                         |
|  | Somewhat approve    | 14%       | 13% | 11%            | 18% | 13%       | 17%               | 14%          | 18%                         |
|  | Somewhat disapprove | 7%        | 6%  | 7%             | 3%  | 4%        | 4%                | 8%           | 1%                          |
|  | Strongly disapprove | 39%       | 48% | 36%            | 49% | 50%       | 41%               | 30%          | 3%                          |
|  | [VOL] Don't Know    | 3%        | 3%  | 3%             | 1%  | 1%        | 3%                | 7%           | 2%                          |

|  |                     | PA 18 CONG VOTE w/o LEANERS |              |
|--|---------------------|-----------------------------|--------------|
|  |                     | Leaners                     | Other Unlean |
| Q7. Do you approve or disapprove of the job Donald Trump is doing as president? (PLEASE) Do you (approve/disapprove) strongly or somewhat? | Strongly approve    | 2%                          | 17%          |
|  | Somewhat approve    | 4%                          | 33%          |
|  | Somewhat disapprove | 10%                         | 8%           |
|  | Strongly disapprove | 84%                         | 27%          |
|  | [VOL] Don't Know    | 0%                          | 15%          |



Mnmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|   |                 | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|---|-----------------|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|   |                 |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |
| Q8. On most issues would you say you support or oppose what President Trump is doing? | Support         | 48%   | 88%      | 52% | 6%  | 85%                | 29% | 6%  | 59%    | 47%    | 55%       |
|   | Oppose          | 47%   | 8%       | 43% | 89% | 13%                | 64% | 92% | 40%    | 50%    | 49%       |
|   | [VOL] Both      | 3%    | 1%       | 3%  | 4%  | 1%                 | 4%  | 2%  | 3%     | 3%     | 0%        |
|   | [VOL] Dont Know | 2%    | 3%       | 2%  | 1%  | 1%                 | 4%  | 0%  | 2%     | 2%     | 0%        |

|   |                 | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEARNERS |
|---|-----------------|-----------|-----|----------------|-----|-----------|-------------------|--------------|------------------------------|
|   |                 | 50-64     | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland | Seniors                      |
| Q8. On most issues would you say you support or oppose what President Trump is doing? | Support         | 50%       | 40% | 49%            | 47% | 43%       | 47%               | 56%          | 61%                          |
|   | Oppose          | 45%       | 52% | 45%            | 51% | 51%       | 51%               | 31%          | 5%                           |
|   | [VOL] Both      | 2%        | 5%  | 5%             | 1%  | 2%        | 2%                | 4%           | 2%                           |
|   | [VOL] Dont Know | 2%        | 3%  | 2%             | 2%  | 4%        | 0%                | 1%           | 3%                           |

|   |                 | PA 18 CONG VOTE w/o LEARNERS |             |
|---|-----------------|------------------------------|-------------|
|   |                 | Learn                        | Don't Learn |
| Q8. On most issues would you say you support or oppose what President Trump is doing? | Support         | 4%                           | 46%         |
|   | Oppose          | 94%                          | 39%         |
|   | [VOL] Both      | 1%                           | 12%         |
|   | [VOL] Dont Know | 1%                           | 0%          |

|  |                      | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|--|----------------------|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|  |                      |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |
| Q9. How important is it for you to cast a vote for U.S. Congress that shows your support/opposition to President Trump's energy, trade, immigration, and other important issues? | Very important       | 68%   | 71%      | 57% | 73% | 73%                | 59% | 81% | 64%    | 77%    | 70%       |
|  | Somewhat important   | 16%   | 16%      | 21% | 12% | 16%                | 18% | 9%  | 19%    | 16%    | 16%       |
|  | Not too important    | 4%    | 4%       | 5%  | 3%  | 2%                 | 7%  | 1%  | 5%     | 3%     | 2%        |
|  | Not at all important | 7%    | 4%       | 12% | 3%  | 6%                 | 8%  | 7%  | 11%    | 4%     | 11%       |
|  | [VOL] Dont Know      | 6%    | 6%       | 5%  | 6%  | 3%                 | 8%  | 2%  | 5%     | 6%     | 1%        |

Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|  |                      | AGE 3-WAY  |                | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEANERS |
|--|----------------------|--|----------------|----------------|-----|-----------|-------------------|--------------|-----------------------------|
|  |                      | 50-64  | 65+            | No             | Yes | Allegheny | Washington Greene | Westmoreland | Sacconi                     |
|  |                      | Q9. How important is it for you to cast a vote for U.S. Congress that shows your support/opposition to President Trump - very important, somewhat important, not too important, or not at all important? | Very important | 61%            | 72% | 73%       | 67%               | 66%          | 73%                         |
|  | Somewhat important   | 27%  | 10%            | 15%            | 16% | 15%       | 11%               | 20%          | 18%                         |
|  | Not too important    | 8%   | 3%             | 7%             | 6%  | 4%        | 4%                | 3%           | 3%                          |
|  | Not at all important | 6%   | 8%             | 3%             | 11% | 8%        | 8%                | 5%           | 5%                          |
|  | [VOL] Don't Know     | 4%   | 6%             | 7%             | 4%  | 7%        | 4%                | 6%           | 6%                          |

|  |                      | PA 18 CONG VOTE w/o LEANERS: |             |
|--|----------------------|------------------------------|-------------|
|  |                      | Lamb                         | Other/Undec |
| Q9. How important is it for you to cast a vote for U.S. Congress that shows your support/opposition to President Trump - very important, somewhat important, not too important, or not at all important? | Very important       | 76%                          | 32%         |
|  | Somewhat important   | 11%                          | 24%         |
|  | Not too important    | 4%                           | 5%          |
|  | Not at all important | 6%                           | 20%         |
|  | [VOL] Don't Know     | 3%                           | 19%         |

|  |                       | TOTAL | PARTY ID |     |     |     | POLITICAL IDEOLOGY |     |      | GENDER |  |
|--|-----------------------|-------|----------|-----|-----|-----|--------------------|-----|------|--------|--|
|  |                       |       | Rep      | Ind | Dem | Con | Lib                | Lib | Male | Female |  |
| Q10. As far as you know, has President Trump publicly endorsed a candidate for Congress in this race, or hasn't he done so? (IF YES, ASK WHO?) | Yes, endorsed Sacconi | 58%   | 57%      | 39% | 67% | 37% | 60%                | 63% | 60%  | 57%    |  |
|  | Yes, endorsed Lamb    | 0%    | 0%       | 0%  | 1%  | 0%  | 0%                 | 3%  | 1%   | 0%     |  |
|  | Yes, but not sure who | 3%    | 3%       | 4%  | 2%  | 6%  | 0%                 | 3%  | 2%   | 4%     |  |
|  | No, has not endorsed  | 14%   | 11%      | 15% | 16% | 11% | 16%                | 12% | 13%  | 14%    |  |
|  | [VOL] Don't Know      | 24%   | 23%      | 20% | 16% | 20% | 24%                | 18% | 23%  | 23%    |  |

|  |                       | AGE 3-WAY |       |     | COLLEGE DEGREE |     | COUNTY    |                   |              |
|--|-----------------------|-----------|-------|-----|----------------|-----|-----------|-------------------|--------------|
|  |                       | 18-49     | 50-64 | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland |
| Q10. As far as you know, has President Trump publicly endorsed a candidate for Congress in this race, or hasn't he done so? (IF YES, ASK WHO?) | Yes, endorsed Sacconi | 60%       | 62%   | 35% | 54%            | 64% | 63%       | 54%               | 54%          |
|  | Yes, endorsed Lamb    | 0%        | 0%    | 1%  | 1%             | 0%  | 0%        | 2%                | 0%           |
|  | Yes, but not sure who | 2%        | 4%    | 3%  | 4%             | 3%  | 3%        | 0%                | 1%           |
|  | No, has not endorsed  | 17%       | 12%   | 16% | 15%            | 13% | 12%       | 18%               | 14%          |
|  | [VOL] Don't Know      | 25%       | 21%   | 25% | 27%            | 20% | 22%       | 20%               | 30%          |

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Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|   |                       | PA 18 CONG VOTE INTENT |      |              |
|---|-----------------------|------------------------|------|--------------|
|   |                       | Saccone                | Lamb | Other/Undet. |
| Q10. As far as you know, has President Trump publicly endorsed a candidate for Congress in this area, or hasn't he done this? (IF YES, ASK: Who?) | Yes, endorsed Saccone | 99%                    | 0%   | 30%          |
|   | Yes, endorsed Lamb    | 0%                     | 1%   | 0%           |
|   | Yes, but not sure who | 3%                     | 2%   | 9%           |
|   | No, has not endorsed  | 13%                    | 14%  | 10%          |
|   | [VOL] Don't Know      | 26%                    | 18%  | 41%          |

|  |                             | TOTAL | PARTY ID. |     |     |     | POLITICAL IDEOLOGY |     |      | GENDER |  |
|--|-----------------------------|-------|-----------|-----|-----|-----|--------------------|-----|------|--------|--|
|  |                             |       | Rep       | Ind | Dem | Con | Mod                | Lib | Male | Female |  |
| Q11. President Trump has endorsed Rick Saccone. Does/Did hearing about this endorsement change your mind about how you will vote or not really? (IF "CHANGE" ASK) Does/Did it make you more likely to vote for Saccone or less likely to vote for Saccone? | Change, more likely Saccone | 9%    | 0%        | 0%  | 2%  | 10% | 1%                 | 3%  | 8%   | 3%     |  |
|  | Change, less likely Saccone | 8%    | 5%        | 4%  | 14% | 4%  | 12%                | 9%  | 5%   | 10%    |  |
|  | Did not really change       | 88%   | 30%       | 31% | 84% | 85% | 87%                | 89% | 88%  | 88%    |  |
|  | [VOL] Don't Know            | 1%    | 2%        | 0%  | 0%  | 1%  | 0%                 | 0%  | 0%   | 1%     |  |

|  |                             | AGE 3-WAY |       | COLLEGE DEGREE |     | CITY     |                   |              |     |
|--|-----------------------------|-----------|-------|----------------|-----|----------|-------------------|--------------|-----|
|  |                             | 18-49     | 50-64 | No.            | Yes | Abington | Washington Greens | Weirton/land |     |
| Q13. President Trump has endorsed Rick Saccone. Does/Did hearing about this endorsement change your mind about how you will vote or not really? (IF "CHANGE" ASK) Does/Did it make you more likely to vote for Saccone or less likely to vote for Saccone? | Change, more likely Saccone | 8%        | 7%    | 7%             | 9%  | 1%       | 3%                | 10%          | 0%  |
|  | Change, less likely Saccone | 9%        | 7%    | 8%             | 10% | 3%       | 1%                | 4%           | 3%  |
|  | Did not really change       | 93%       | 82%   | 83%            | 82% | 92%      | 95%               | 85%          | 84% |
|  | [VOL] Don't Know            | 0%        | 0%    | 1%             | 0%  | 1%       | 1%                | 1%           | 0%  |

|  |                             | PA 18 CONG VOTE INTENT |      |              |
|--|-----------------------------|------------------------|------|--------------|
|  |                             | Saccone                | Lamb | Other/Undet. |
| Q11. President Trump has endorsed Rick Saccone. Does/Did hearing about this endorsement change your mind about how you will vote or not really? (IF "CHANGE" ASK) Does/Did it make you more likely to vote for Saccone or less likely to vote for Saccone? | Change, more likely Saccone | 9%                     | 1%   | 9%           |
|  | Change, less likely Saccone | 2%                     | 15%  | 3%           |
|  | Did not really change       | 95%                    | 84%  | 88%          |
|  | [VOL] Don't Know            | 1%                     | 0%   | 3%           |

Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|   |                      | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE \$WAY? |
|---|----------------------|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|------------|
|   |                      |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-29      |
| Q12. Is your general impression of the Republican Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion? | Very favorable       | 12%   | 29%      | 8%  | 9%  | 25%                | 4%  | 1%  | 17%    | 8%     | 13%        |
|   | Somewhat favorable   | 29%   | 44%      | 42% | 3%  | 48%                | 22% | 2%  | 77%    | 31%    | 23%        |
|   | Somewhat unfavorable | 18%   | 15%      | 14% | 26% | 17%                | 23% | 13% | 18%    | 18%    | 21%        |
|   | Very unfavorable     | 34%   | 4%       | 34% | 65% | 4%                 | 45% | 83% | 31%    | 37%    | 37%        |
|   | No opinion           | 8%    | 8%       | 4%  | 4%  | 8%                 | 7%  | 1%  | 7%     | 4%     | 8%         |

|   |                      | AGE \$WAY? |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA-18 CONG. VOTE \$LEARNERS |
|---|----------------------|------------|-----|----------------|-----|-----------|-------------------|--------------|-----------------------------|
|   |                      | 50-64      | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland | Sec State                   |
| Q12. Is your general impression of the Republican Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion? | Very favorable       | 19%        | 12% | 13%            | 11% | 12%       | 8%                | 18%          | 28%                         |
|   | Somewhat favorable   | 30%        | 32% | 34%            | 23% | 21%       | 30%               | 40%          | 52%                         |
|   | Somewhat unfavorable | 21%        | 15% | 16%            | 22% | 18%       | 24%               | 15%          | 18%                         |
|   | Very unfavorable     | 31%        | 37% | 30%            | 48% | 42%       | 34%               | 22%          | 8%                          |
|   | No opinion           | 8%         | 4%  | 8%             | 4%  | 8%        | 3%                | 7%           | 9%                          |

|   |                      | PA 18 CONG. VOTE \$LEARNERS |           |
|---|----------------------|-----------------------------|-----------|
|   |                      | Lamb                        | Obw-Under |
| Q12. Is your general impression of the Republican Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion? | Very favorable       | 9%                          | 7%        |
|   | Somewhat favorable   | 3%                          | 39%       |
|   | Somewhat unfavorable | 22%                         | 14%       |
|   | Very unfavorable     | 72%                         | 23%       |
|   | No opinion           | 3%                          | 18%       |

|   |                      | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        |
|---|----------------------|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|
|   |                      |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female |
| Q13. Is your general impression of the Democratic Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable, or do you have no opinion? | Very favorable       | 12%   | 1%       | 4%  | 32% | 4%                 | 17% | 20% | 8%     | 10%    |
|   | Somewhat favorable   | 32%   | 9%       | 29% | 37% | 7%                 | 48% | 80% | 30%    | 33%    |
|   | Somewhat unfavorable | 16%   | 20%      | 21% | 8%  | 13%                | 22% | 8%  | 18%    | 16%    |
|   | Very unfavorable     | 34%   | 62%      | 48% | 7%  | 70%                | 12% | 2%  | 48%    | 30%    |
|   | No opinion           | 8%    | 8%       | 8%  | 9%  | 7%                 | 8%  | 1%  | 5%     | 8%     |

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|   |                      | AGE 3-WAY |       |     | COLLEGE DEGREE |     | COUNTY    |                   |              |
|---|----------------------|-----------|-------|-----|----------------|-----|-----------|-------------------|--------------|
|   |                      | 18-49     | 50-64 | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland |
| Q13 Is your general impression of the Democratic Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable or do you have no opinion? | Very favorable       | 9%        | 10%   | 18% | 15%            | 10% | 11%       | 8%                | 18%          |
|   | Somewhat favorable   | 29%       | 32%   | 34% | 27%            | 35% | 32%       | 40%               | 18%          |
|   | Somewhat unfavorable | 18%       | 19%   | 14% | 18%            | 18% | 18%       | 18%               | 14%          |
|   | Very unfavorable     | 40%       | 37%   | 27% | 36%            | 32% | 30%       | 32%               | 43%          |
|   | No opinion           | 4%        | 8%    | 7%  | 7%             | 4%  | 7%        | 4%                | 9%           |

|   |                      | PA 18 CONG VOTE w/o LEARNERS |      |             |
|---|----------------------|------------------------------|------|-------------|
|   |                      | Setones                      | Lomb | Other/Unrec |
| Q13 Is your general impression of the Democratic Party very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable or do you have no opinion? | Very favorable       | 1%                           | 27%  | 5%          |
|   | Somewhat favorable   | 8%                           | 62%  | 13%         |
|   | Somewhat unfavorable | 20%                          | 8%   | 30%         |
|   | Very unfavorable     | 68%                          | 1%   | 38%         |
|   | No opinion           | 6%                           | 2%   | 23%         |

|   |                  | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | DEBTER |       | AGE 3-WAY |
|---|------------------|-------|----------|-----|-----|--------------------|-----|-----|--------|-------|-----------|
|   |                  |       | Rep      | Ind | Dem | Con                | Mod | Lib | Mod    | Frnds |           |
| Q14 Would you rather see the Republicans or the Democrats in control of Congress or doesn't this matter to you? | Republicans      | 43%   | 64%      | 2%  | 4%  | 78%                | 23% | 4%  | 48%    | 40%   | 48%       |
|   | Democrats        | 49%   | 3%       | 38% | 80% | 6%                 | 34% | 80% | 39%    | 40%   | 42%       |
|   | Does not matter  | 16%   | 15%      | 22% | 12% | 14%                | 21% | 5%  | 13%    | 18%   | 12%       |
|   | [VDL] Don't Know | 1%    | 8%       | 1%  | 3%  | 2%                 | 2%  | 8%  | 2%     | 1%    | 6%        |

|   |                  | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE w/o LEARNERS |
|---|------------------|-----------|-----|----------------|-----|-----------|-------------------|--------------|------------------------------|
|   |                  | 50-64     | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland |                              |
| Q14 Would you rather see the Republicans or the Democrats in control of Congress or doesn't this matter to you? | Republicans      | 44%       | 38% | 44%            | 41% | 39%       | 41%               | 59%          | 89%                          |
|   | Democrats        | 30%       | 42% | 35%            | 45% | 48%       | 38%               | 28%          | 1%                           |
|   | Does not matter  | 18%       | 17% | 18%            | 14% | 15%       | 17%               | 17%          | 10%                          |
|   | [VDL] Don't Know | 0%        | 3%  | 2%             | 0%  | 0%        | 2%                | 2%           | 1%                           |

Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|  |                 | PA 18 CONG VOTE who LEADERS |              |
|--|-----------------|-----------------------------|--------------|
|  |                 | Lamb                        | Other Leader |
| Q14: Would you rather see the Republicans or the Democrats in control of Congress, or does not this matter to you? | Republicans     | 9%                          | 26%          |
|  | Democrats       | 89%                         | 14%          |
|  | Does not matter | 12%                         | 58%          |
|  | (VOL) Dont Know | 1%                          | 6%           |

|  |           | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|--|-----------|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|  |           |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-29     |
| Q15: Have you heard that Conor Lamb said he will not support Nancy Pelosi for another term as the Democratic leader of the House if he is elected, or have you not heard about this? | Heard     | 49%   | 30%      | 41% | 30% | 40%                | 42% | 42% | 44%    | 37%    | 47%       |
|  | Not heard | 50%   | 70%      | 59% | 50% | 60%                | 58% | 50% | 56%    | 63%    | 53%       |

|  |           | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY    |                   |              | PA 18 CONG VOTE who LEADERS |
|--|-----------|-----------|-----|----------------|-----|-----------|-------------------|--------------|-----------------------------|
|  |           | 60-64     | 65+ | No             | Yes | Allegheny | Washington Greene | Westmoreland | Schenck                     |
| Q15: Have you heard that Conor Lamb said he will not support Nancy Pelosi for another term as the Democratic leader of the House if he is elected, or have you not heard about this? | Heard     | 47%       | 30% | 39%            | 49% | 40%       | 41%               | 39%          | 35%                         |
|  | Not heard | 53%       | 70% | 61%            | 55% | 60%       | 59%               | 61%          | 65%                         |

|  |           | PA 18 CONG VOTE who LEADERS |              |
|--|-----------|-----------------------------|--------------|
|  |           | Lamb                        | Other Leader |
| Q15: Have you heard that Conor Lamb said he will not support Nancy Pelosi for another term as the Democratic leader of the House if he is elected, or have you not heard about this? | Heard     | 50%                         | 19%          |
|  | Not heard | 50%                         | 82%          |

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|   | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|---|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|   |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |
| Q18: Does knowing that Governor Lamb will not support Nancy Pelosi to lead the House Democrats make you more likely or less likely to vote for him, or does it have no impact on your vote? |       |          |     |     |                    |     |     |        |        |           |
| More likely   | 18%   | 22%      | 21% | 11% | 16%                | 23% | 11% | 23%    | 13%    | 27%       |
| Less likely   | 7%    | 13%      | 8%  | 2%  | 13%                | 4%  | 0%  | 4%     | 11%    | 7%        |
| No impact   | 73%   | 62%      | 70% | 84% | 68%                | 70% | 88% | 70%    | 74%    | 68%       |
| (VOL) Don't Know  | 3%    | 3%       | 2%  | 3%  | 3%                 | 3%  | 0%  | 4%     | 2%     | 2%        |

|   |     | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY |                      |                 | PA 18 CONG VOTE w/o LEARNERS |
|---|-----|-----------|-----|----------------|-----|--------|----------------------|-----------------|------------------------------|
|   |     | 50-54     | 55+ | No             | Yes | Albany | Wilmington<br>Greene | Westminsterland | Scraper                      |
| Q18: Does knowing that Governor Lamb will not support Nancy Pelosi to lead the House Democrats make you more likely or less likely to vote for him, or does it have no impact on your vote? |     |           |     |                |     |        |                      |                 |                              |
| More likely   | 11% | 22%       | 18% | 18%            | 17% | 17%    | 19%                  | 19%             |                              |
| Less likely   | 0%  | 3%        | 10% | 4%             | 8%  | 2%     | 11%                  | 12%             |                              |
| No impact   | 79% | 69%       | 68% | 78%            | 73% | 79%    | 68%                  | 68%             |                              |
| (VOL) Don't Know  | 1%  | 3%        | 4%  | 1%             | 2%  | 0%     | 3%                   | 5%              |                              |

|   |     | PA 18 CONG VOTE w/o LEARNERS |            |
|---|-----|------------------------------|------------|
|   |     | Lamb                         | Gov. Under |
| Q18: Does knowing that Governor Lamb will not support Nancy Pelosi to lead the House Democrats make you more likely or less likely to vote for him, or does it have no impact on your vote? |     |                              |            |
| More likely   | 13% | 33%                          |            |
| Less likely   | 2%  | 10%                          |            |
| No impact   | 84% | 38%                          |            |
| (VOL) Don't Know  | 2%  | 0%                           |            |

|   | TOTAL | PARTY ID |     |     | POLITICAL IDEOLOGY |     |     | GENDER |        | AGE 3-WAY |
|---|-------|----------|-----|-----|--------------------|-----|-----|--------|--------|-----------|
|   |       | Rep      | Ind | Dem | Con                | Mod | Lib | Male   | Female | 18-49     |
| Q17: How important is it for you personally to get involved in politics - very important, somewhat important, not too important, or not at all important? |       |          |     |     |                    |     |     |        |        |           |
| Very important  | 46%   | 47%      | 36% | 34% | 38%                | 40% | 36% | 50%    | 43%    | 43%       |
| Somewhat important  | 37%   | 33%      | 46% | 30% | 37%                | 43% | 31% | 34%    | 40%    | 42%       |
| Not too important   | 9%    | 9%       | 8%  | 11% | 8%                 | 12% | 7%  | 6%     | 12%    | 8%        |
| Not at all important  | 5%    | 5%       | 7%  | 4%  | 4%                 | 4%  | 0%  | 7%     | 4%     | 5%        |
| (VOL) Don't Know  | 1%    | 1%       | 0%  | 1%  | 1%                 | 0%  | 1%  | 2%     | 1%     | 0%        |

Monmouth University Poll -- PA18 Special "Surge" Model -- 2/15/18

|   |                      | AGE 3-WAY |     | COLLEGE DEGREE |     | COUNTY   |            |              | PA 18 CONG VOTE w/o LEANERS |
|---|----------------------|-----------|-----|----------------|-----|----------|------------|--------------|-----------------------------|
|   |                      | 50-64     | 65+ | No             | Yes | Atlantic | Wilmington | Westmontland | Saxton                      |
| Q17: How important is it for you personally to get involved in politics - very important, somewhat important, not too important, or not at all important? | Very important       | 49%       | 44% | 48%            | 44% | 49%      | 49%        | 53%          | 48%                         |
|   | Somewhat important   | 38%       | 36% | 38%            | 38% | 44%      | 35%        | 30%          | 37%                         |
|   | Not too important    | 11%       | 10% | 8%             | 10% | 10%      | 8%         | 8%           | 8%                          |
|   | Not at all important | 3%        | 8%  | 5%             | 8%  | 5%       | 5%         | 7%           | 7%                          |
|   | [VOL] Don't Know     | 0%        | 2%  | 1%             | 1%  | 2%       | 3%         | 0%           | 2%                          |

|   |                      | PA 18 CONG VOTE w/o LEANERS |             |
|---|----------------------|-----------------------------|-------------|
|   |                      | Leah                        | Other/Undec |
| Q17: How important is it for you personally to get involved in politics - very important, somewhat important, not too important, or not at all important? | Very important       | 30%                         | 32%         |
|   | Somewhat important   | 38%                         | 38%         |
|   | Not too important    | 8%                          | 15%         |
|   | Not at all important | 2%                          | 12%         |
|   | [VOL] Don't Know     | 1%                          | 0%          |

10047413000



Exhibit II

STATEMENT OF KDKA-TV NEWS DIRECTOR

I ANNE LINABERGER hereby state:

1. I am news director of KDKA-TV, Pittsburgh. In that capacity, I was the person at KDKA-TV responsible for KDKA-TV's political debate on February 19, 2018. The debate was between two candidates in a special congressional election to fill a vacancy in the 18<sup>th</sup> Congressional District. I submit this statement in connection with a complaint to the Federal Election Commission which I understand was filed, in part, against KDKA-TV, by the Libertarian National Committee regarding the decision to not invite Drew Gary Miller, the Libertarian Party's nominee, to participate in the debate.
2. I understand that the complaint alleges, in part, that KDKA-TV did not have "pre-established objective criteria" for deciding who should be included in the debate.
3. The criteria applied by KDKA-TV in this instance were the same as those KDKA-TV has applied in previous debates (for example, the debate KDKA-TV held on October 17, 2016 in that year's Pennsylvania Senate election) and which are those that typically go into journalistic determinations of this kind. A key criterion is the amount of public support that the candidate has attracted. In making these judgments, KDKA-TV typically considers, among other factors, the candidate's standing in recent independent polls and the extent of the candidate's public recognition, the coverage received from other news outlets, the extent of the candidate's campaign activities, and other indications of public support, such as attendance at campaign rallies. Applying these factors in this case, I determined that (i) Mr. Miller was not a serious candidate in the 18<sup>th</sup> District Congressional race at the time the February 19, 2018 debate was held and (ii) his inclusion in the debate would not have been in the best interests of our viewers.
4. Monmouth University released the results of a poll it had conducted regarding the race just days prior to the February 19, 2018. The two candidates invited to the debate were supported by 49% and 46% of poll respondents while only 1% of respondents supported a third party candidate (e.g., Mr. Miller).
5. While KDKA-TV's News Department regularly received press releases and other outreach from the campaigns of the two candidates who were included in the debate, the station's News Department had not received any outreach from the Miller campaign regarding either the announcement of his candidacy or subsequent campaign activities prior to his request to be included in the debate.
6. Based on the above factors, I do not believe that Mr. Miller could have been considered a serious candidate in the 18<sup>th</sup> District's special election at the time the debate was conducted. That is why KDKA-TV concluded that his request to participate in the debate should be denied.

  
ANNE LINABERGER

Sworn to before me this 26 day of July 2018

  
NOTARY PUBLIC

