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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF ALASKA**

12	JOE MILLER,)	
13)	Civil Action No:
14	<i>Plaintiff,</i>)	3:10-CV-00252 (RRB)
15)	
16	v.)	
17)	
18	LIEUTENANT GOVERNOR CRAIG)	
19	CAMPBELL, in his official capacity;)	
20	and DIVISION OF ELECTIONS,)	
21	STATE OF ALASKA,)	
22)	
23	<i>Defendants.</i>)	
24	_____)	

25 **PROPOSED ORDER GRANTING PLAINTIFF’S AMENDED**
 26 **MOTION FOR PRELIMINARY INJUNCTION**

27 Having considered Plaintiff Joe Miller’s Amended Motion for Preliminary
 28 Injunction, the Memorandum of Points and Authorities and Affidavit filed in support
 29 thereof, Defendants’ Motion to Dismiss and Opposition Memorandum and supporting
 30 affidavits, Plaintiff Miller’s Reply and Opposition to Defendants’ Motion to Dismiss and

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supporting affidavits, and for good cause shown, on this ____ day of November, 2010,
this Court hereby:

FINDS that Plaintiff Miller is likely to succeed on the merits of his claims, he will
suffer irreparable injury in the absence of a Preliminary Injunction, the balance of equities
tips in his favor, and a Preliminary Injunction is in the public interest;

ORDERS that Plaintiff's Amended Motion for a Preliminary Injunction is
GRANTED, pursuant to Fed. R. Civ. P. 65(a);

FURTHER ORDERS that Defendants Craig Campbell and the Division of
Elections, State of Alaska are hereby ENJOINED from certifying the results of the 2010
general election for the office of U.S. Senator based on a count in which write-in votes
were accepted as valid, on which the candidate's name was misspelled, or was not written
on the ballot as it appeared on the candidate's write-in declaration of candidacy;

FURTHER ORDERS that Defendants Craig Campbell and the Division of
Elections, State of Alaska are ENJOINED from accepting as valid any write-in votes in
which a candidate's name is misspelled, or is not written on the ballot as it appears on the
candidate's write-in declaration of candidacy, in any further counts or recounts of the
ballots in the 2010 general election for the office of U.S. Senator;

FURTHER ORDERS that Defendants shall count write-in ballots in compliance
with the requirements set forth by the Alaska Legislature in Alaska Stat.
§ 15.15.360(a)(10), (a)(11), and (b), without deviation or exception;

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1 FURTHER ORDERS that nothing in this Order shall apply to any federal write-in
2 absentee ballots cast in compliance with the Uniformed and Overseas Citizens Absentee
3 Voting Act, 42 U.S.C. § 1973ff, *et seq.*; and

4 FURTHER ORDERS that this Preliminary Injunction shall remain in effect until the
5 conclusion of a trial on the merits of this matter, at which time it shall be converted into a
6 Permanent Injunction, modified, or vacated.

7 SO ORDERED.

8
9 _____
10 United States District Judge

11 Certificate of Service:

12 The undersigned hereby certifies that a true
13 and exact copy of the foregoing was served
14 this 18th day of November 2010 via:

- 15 () First Class Mail
16 () Hand-Delivery
17 () Facsimile
18 () E-Mail
19 (X) ECF

20 to the following listed individual(s):

21 Michael Barnhill
22 Sarah Felix
23 Margaret Paton-Walsh

24 By: /s/ Thomas V. Van Flein
25 Thomas V. Van Flein