

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

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JOE MILLER,	)	Civil Action No:
	)	
<i>Plaintiff,</i>	)	3:10-CV-00252 (RRB)
	)	
v.	)	
	)	
LIEUTENANT GOVERNOR CRAIG	)	
CAMPBELL, in his official capacity;	)	
and DIVISION OF ELECTIONS,	)	
STATE OF ALASKA,	)	
	)	
<i>Defendants.</i>	)	
_____	)	

**AFFIDAVIT OF JOE MILLER IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION**

State of Alaska	)
	) ss.
Third Judicial District	)

Joe Miller, being first duly sworn upon oath, deposes and states as follows under penalty of perjury:

- I am over eighteen years of age, of sound mind, and competent to testify to the following facts based on personal knowledge.
- The Division of the Elections publicly announced that it was beginning its count of write-in votes approximately a week early than had been scheduled. Consequently, my campaign team and I were forced to pull together volunteer observers at the last minute, and did not have time to adequately and fully recruit and train them before counting began.

Clapp, Peterson, Van Flein,  
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1 As a result, an indeterminate number of ballots with candidates' names misspelled were  
2 counted without being challenged during the first several days of counting.

3 3. Defendants have counted and accepted as valid write-in ballots for which the  
4 automatic tally machines had not recorded a vote in the race for U.S. Senate, because the  
5 oval next to the space for filling in the name of a write-in candidate had not been filled in  
6 properly.

7 4. Despite repeated requests, the Division of Elections has declined to confirm to either  
8 me, my attorneys, or my staff whether all requests from Uniformed and Overseas Voters  
9 were fulfilled in a timely manner, as required by federal law.

10 5. Despite repeated requests, the Division of Elections has declined to make available  
11 for inspection and review the records, tapes, and cards from its Diebold voting machines.

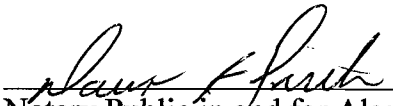
12 6. Given the close vote count in the race for U.S. Senate (excluding ballots containing  
13 misspellings), I presently intend to request a recount. I believe that the validity of all  
14 ballots should be determined according to a single, uniform standard, regardless of whether  
15 the voter cast the ballot for a candidate whose name was pre-printed on the ballot, or for a  
16 write-in candidate.

17 DATED this 18th day of November 2010.

18 By 

19 Joseph Miller

20 SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of November, 2010 at  
21 Anchorage, Alaska.

22   
23 Notary Public in and for Alaska

24 My Commission Expires: 03/20/2014.

25 AFFIDAVIT

26 *Miller v. Campbell*, 3:10-CV-00252 (RRB)

Page 2

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Certificate of Service:

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

- First Class Mail
- Hand-Delivery
- Facsimile
- E-Mail

X ECF

to the following listed individual(s):

Michael Barnhill                      Margaret Paton-Walsh  
Sarah Felix

By: Chelsea Greene  
Chelsea Greene