

## Write-ins to be counted sooner than expected

### LAWYERS LINE UP: Murkowski, Miller camps gird for tally tussle.

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Sen. Lisa Murkowski said Wednesday she's confident that she's won Alaska's contentious Senate race but is starting a legal fund and bringing up election lawyers to fight an expected battle over the results. Joe Miller isn't conceding defeat, and his campaign claimed to "remain optimistic" that he'll win.

With all 438 of the state's precincts reporting on Wednesday, results show nearly 41 percent of voters cast a write-in ballot. That compares with just over 34.3 percent for Republican nominee Miller and about 23.6 percent for Democratic nominee Scott McAdams.

There were 13,439 more write-in ballots cast than votes for Miller, who ran on a tea party platform with the backing of former Alaska Gov. Sarah Palin. The Division of Elections has received 26,306 absentee ballots so far that still need to be counted and has 10,645 questioned ballots. State elections officials also need to open the write-in ballots and count them by hand to see how many of the voters actually wrote in Murkowski's name.

But Alaskans could know sooner than expected whether Murkowski won. Lt. Gov. Craig Campbell, who oversees elections, said he's moving up the opening of write-in ballots to next week. The state's original plan was to wait until Nov. 18.

"I am elated at where we are as a campaign," Murkowski said at her campaign headquarters on Wednesday afternoon. "I am feeling pretty confident right now."

Murkowski spent more than \$1 million on a write-in campaign after losing to Miller in the Aug. 24 Republican primary. Alaska Native corporations spent more than \$1.2 million on her behalf.

Murkowski said she was especially proud of her results in rural Alaska and that more people cast write-in votes in Miller's home district in Fairbanks than voted for him or McAdams. (The district where Miller lives is one of the less conservative areas of Fairbanks, with influence from the University of Alaska Fairbanks.)

The Miller campaign, which has 6.61 percent fewer votes than the number of write-ins cast, posted a statement Wednesday on its website saying it isn't over.

"Previous write-in campaigns in Alaska have demonstrated that as much as 5 to 6 percent of returned ballots have not met the standard to be counted as a valid vote," the statement said.

But Division of Elections director Gail Fenumiai said the state does not keep statistics on that and she has no idea where Miller's numbers came from. The Miller campaign did not respond when asked where it obtained those figures.

Miller gave no interviews Wednesday. His campaign manager, Robert Campbell, told reporters on

Tuesday night that lawyers are on their way to Alaska to help Miller battle over the numbers. "We have several teams in place that will hopefully be on the ground here shortly and we'll start the process," he said.

The fight would be over "voter intent," with the Miller team questioning if a particular write-in vote was meant to be cast for Murkowski or not. The state hasn't been clear on what's allowed. Minor misspellings of Murkowski's name are probably OK, but simply writing "Lisa M," for example, could be an issue.

Murkowski said she's starting "the Alaska Voter Protection Fund" to pay for her legal work. She said she'd be soliciting contributions.

Murkowski said her team will be led by Tim McKeever of Washington, D.C., who was Ted Stevens' longtime campaign manager and attorney. Scott Kendall from McKeever's law firm will be involved. So will Ben Ginsberg, a Washington-based lawyer who helped Republican Norm Coleman in the contentious count in Minnesota's 2008 U.S. Senate election and was a top member of George W. Bush's team in the 2000 Florida election dispute with Al Gore.

Campbell said on Tuesday night that the National Republican Senatorial Committee would be helping Miller on the ballot count. The NRSC has had staffers on the ground working in Alaska, but it's unclear exactly what role it will have in the legal fight going forward, because the committee's aim is electing Republicans, and Murkowski is a Republican.

NRSC spokesman Brian Walsh said in a Wednesday e-mail that it will continue to assist the Miller campaign, but he did not provide specifics. "Like everyone else, we will continue to closely monitor this race as it unfolds," Walsh said.

Campbell said the Federalist Society, a conservative lawyers group, could also get involved on Miller's side.

Federalist Society CEO Eugene Meyer responded by e-mail that the **organization would not become involved in partisan political activity.**

Alaska Democratic Sen. Mark Begich, who backed McAdams, congratulated Murkowski on Wednesday. But Begich said he saw the voting as mostly a rejection by Alaskans of Joe Miller, rather than a mandate for Murkowski. In Alaska, 65 percent of voters on Tuesday chose another candidate over Miller, Begich said.

Begich also called it an Alaska rejection of one of Miller's main backers, former Gov. Palin. "They rejected Sarah Palin's picked person in Alaska," Begich said of voters. "It says a lot that Alaskans have now rejected her style of politics, too."

The Palin camp did not respond to a request for comment.

A statement posted on the Miller campaign's website Wednesday said candidates "who mount a write-in campaign opt for an uphill battle. At this point, without a single write-in ballot counted, Lisa Murkowski has no claim on a victory."

The Division of Elections reports that more than 31,200 absentee ballots were requested and the turnout won't be clear until the deadline for them all to be mailed back (they had to be postmarked by Election Day). Based only on the ballots counted so far, turnout stands at 41.47 percent. Elections officials said turnout in 2006, Alaska's last non-presidential election, ended up being 51.1 percent.

The first count of absentee ballots will be Tuesday. There also will be a count of questioned ballots later in the week. Ballots can be questioned for reasons including being cast by voters outside their home precincts.

Write-in ballots will be opened in Juneau on Wednesday, Thursday and possibly Friday. Absentee write-in ballots also will be opened once they come in, with the final count of absentees sent from overseas scheduled for Nov. 17.

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