

Miller attorney wants to ensure law's upheld

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Becky Bohrer, The Associated Press --

An attorney for Alaska U.S. Senate hopeful Joe Miller says election workers should not be allowed to use discretion in determining whether a write-in vote counts for Sen. Lisa Murkowski.

Thomas Van Flein says the law provides for ballots with the ovals filled in and either the candidate's last name or name as it appears on a declaration form to count. The state's top election official has said ballot counters will use discretion in determining voter intent, possibly allowing misspelled names to count, but there must be complete agreement among the counters for it to be tallied.

Van Flein wouldn't say if the campaign would sue over ballots in which discretion was applied.

Murkowski ran a write-in campaign after losing the primary to Miller. Write-ins had the most votes in initial returns, it's not clear how were for Murkowski.

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