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Murkowski acts like victor, though questions linger

WRITE-INS: Valid votes are yet to be determined, counted.By BECKY BOHRER
The Associated Press

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Alaska U.S. Sen. Lisa Murkowski is acting as though she already has pulled off an improbable victory after her write-in candidacy, enthusiastically thanking supporters and telling them they've made history.

She may have won. Or she may be overly optimistic.

Murkowski's fate rests in the reading of more than 83,000 write-in ballots. As of Thursday, initial returns showed write-in ballots held a 13,439-vote edge over GOP nominee Joe Miller, but it's not clear how many of those are for Murkowski -- or how many of the ballots have been cast properly.

At least 37,800 absentee, early and questioned ballots also need to be tallied.

One major issue that could ultimately send the race to court: voter intent.

The law calls for write-in votes to have the ballot oval filled in and the candidate's full name or last name next to it. That section states that the rules are mandatory and there are "no exceptions to them."

Lt. Gov. Craig Campbell, who oversees elections, said this week that ballot counters would debate over ballots on which there are spelling errors before determining whether they should count. Miller attorney Thomas Van Flein suggested that no such debate was needed, because clear standards exist for counting write-ins. He stopped short of saying the campaign would sue over misspelled ballots counted toward Murkowski's total. But he said the recourse it has is going to court.

"We intend to have the state of Alaska follow the law," he said Thursday. Counting ballots, he said, is "an objective test, not a subjective test."

Campbell's spokeswoman and the Division of Elections director pointed to case law -- court rulings on the law -- when asked about the use of discretion in determining voter intent.

While statewide write-in efforts in Alaska have occurred before, the rules have changed, making it difficult to accurately gauge what Murkowski calls "slippage," write-ins she'll lose because they were improperly cast. Still, she figures she'll lose only a "smaller" number of those ballots.

Since Election Night on Tuesday, she has sounded supremely confident as she touts the historic campaign she and her supporters waged. The last U.S. Senate candidate to win a write-in bid did so 56 years ago.

"The story of my write-in campaign will be told and retold; it will change the definition of American politics ... (a)nd it re-enforces what we all knew: In Alaska, anything is possible when you have a small group of people who are determined to change the world," she said in an e-mail to

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supporters.

Murkowski said her campaign did everything it could to avoid a repeat of the Republican primary that she lost in August to Miller, touting her strengths while aggressively responding to charges against her record.

It also reached out both to English and non-English speakers, educating voters on how to cast votes for her in a way in which the ballots could not be disputed. The campaign even handed out rubbery blue wristbands that voters could discreetly bring with them into polling booths, depicting the process, and urged voters to write her name on their hands, if they needed, to get it right.

Her campaign also believes it will secure a huge chunk of the still-outstanding absentee vote, though Miller, an Army veteran, believes he did well among absentee military voters. Those ballots aren't due until Nov. 17.

The write-in count is due to start Wednesday. Van Flein questioned why the state moved up the count -- it initially was set to start Nov. 18, eight days later -- saying the earlier date plus holding the count in Juneau, created "great challenges" logistically.

Campbell has said he moved up the date to keep the candidates and Alaska's residents from remaining in limbo so long.

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