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10 *Attorneys for Plaintiff Joe Miller*

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

13)	
14)	Civil Action No:
15)	3:10-cv-252 (RRB)
16)	
17)	
18)	
19)	
20)	
21)	

14 JOE MILLER,
 15 *Plaintiff,*
 16 v.
 17 LIEUTENANT GOVERNOR CRAIG
 18 CAMPBELL, in his official capacity;
 19 and the STATE OF ALASKA,
 20 DIVISION OF ELECTIONS,
 21 *Defendants.*

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

24 Affidavit of Joe Miller
 25 *Miller v. Campbell*, Case No. 3:10-CV-252 (RRB)
 26 Page 1 of 3

1 State of Alaska)
2 City of Anchorage) ss.
3)

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

6 1. I am over eighteen years of age, of sound mind, and competent to testify to the
7 following facts based on personal knowledge or information and belief.

8 2. A substantial number of votes in the 2010 general election for U.S. Senate were rejected
9 by automated tally machines.

10 3. The State of Alaska, Division of Elections (hereafter, "Division") conducted a manual
11 hand count and personal review of votes that were rejected by automated tally machines, in
12 which the voter apparently attempted to cast his or her ballot for a write-in candidate, or
13 otherwise wrote the name of a write-in candidate on the ballot. The Division accepted as valid
14 and counted ballots in which, in the subjective opinion of a Division employee and/or the
15 Director of the Division, Gail Fenumiai, it was the "intent of the voter" that the vote be counted
16 for the write-in candidate, who invariably was Lisa Murkowski.

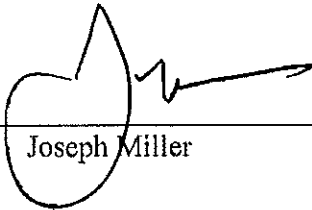
17 4. The Division did not conduct a manual hand count and personal review of votes that
18 were rejected by automated tally machines, in which the voter apparently attempted to cast his
19 or her ballot for a candidate whose name was pre-printed on the ballot, or otherwise did not
20 write in the name of a candidate on the ballot.

21 5. The Director of the Division, Gail Fenumiai, stated that neither she nor the Division
22 would hand count or personally review the votes that were rejected by automated tally
23 machines, unless the voter had attempted to vote for a write-in candidate.

24 Affidavit of Joe Miller
25 *Miller v. Campbell*, Case No. 3:10-CV-252 (RRB)
26 Page 2 of 3

1 Further affiant sayeth naught.

2 DATED this 19th day of November 2010.

3
4 By 
5 Joseph Miller

6 Certificate of Service:

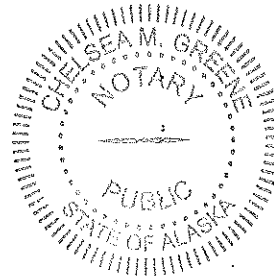
7 The undersigned hereby certifies that a true
8 and exact copy of the foregoing was served
9 this 19th day of November 2010 via:

- 10 First Class Mail
- 11 Hand-Delivery
- 12 Facsimile
- 13 E-Mail
- 14 ECF

15 to the following listed individual(s):

16 Michael Barnhill Margaret Paton-Walsh
17 Sarah Felix

18 By: Chelsea Greene
19 Chelsea Greene



Chelsea Greene
my Commission
expires: 9/4/2012