

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Thomas V. Van Flein
John Tiemessen
Clapp, Peterson, Van Flein,
Tiemessen & Thorsness LLC
711 H St., Suite 620
Anchorage, Alaska 99501-3454
Phone: (907) 272-9228
Facsimile: (907) 272-9586
E-mail: tvf@akeplaw.com

Michael T. Morley
616 E St. N.W #254
Washington, D.C. 20004
Phone: (202) 393-2851
Facsimile: (907) 272-9586
E-mail: michaelmorleyesq@hotmail.com
Application for *pro hac vice* admission pending

Attorneys for Plaintiff Joe Miller

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

JOE MILLER,)	Civil Action No:
)	
<i>Plaintiff,</i>)	3:10-cv-252 (RRB)
)	
v.)	
)	
LIEUTENANT GOVERNOR CRAIG)	
CAMPBELL, in his official capacity;)	
and the STATE OF ALASKA,)	
DIVISION OF ELECTIONS,)	
)	
<i>Defendants.</i>)	

**AFFIDAVIT OF JESSICA TALBERT IN SUPPORT OF PLAINTIFF'S
SECOND MOTION FOR PRELIMINARY INJUNCTION**

Affidavit of Jessica Talbert
Miller v. Campbell, Case No. 3:10-CV-252 (RRB)
Page 1 of 3

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

4 Jessica Talbert, 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.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

Further affiant sayeth naught.

DATED this 19th day of November 2010.

By Jessica Talbert
Jessica Talbert

Certificate of Service:

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

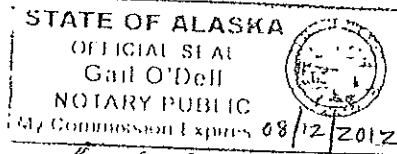
- First Class Mail
- Hand-Delivery
- Facsimile
- E-Mail
- ECF

to the following listed individual(s):

Michael Barnhill Margaret Paton-Walsh
Sarah Felix

By: Chelsea Greene
Chelsea Greene

Signed before me today
11/19/2010 in Juneau, Alaska.



Gail O'Dell
Notary Public