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District of Alaska

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 MEAD)	
TREADWELL, in his official capacity;)	
and the STATE OF ALASKA,)	
DIVISION OF ELECTIONS,)	
)	
<i>Defendants.</i>)	
)	

**AFFIDAVIT OF MATTHEW JOHNSON IN SUPPORT OF
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Affidavit of Matthew Johnson in Support of Plaintiff's
Motion for Partial Summary Judgment
Miller v. Treadwell, Case No. 3:10-CV-252 (RRB)
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EXHIBIT 3
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State of Michigan)
) ss
Montcalm County)

Matthew Johnson, being first duly sworn upon oath, deposes and states as follows under penalty of perjury:

1. I am over eighteen years of age, of sound mind, and competent to testify to the following facts based on personal knowledge or information and belief.
2. I was present at the write-in count in Juneau, and the following are based upon my role as observer/part-time supervisor for the Joe Miller Campaign.
3. I believe the current count of unchallenged ballots for Senator Murkowski to be inflated, and remain uncertain about her putative 2,169 vote lead if the challenged ballots were thrown out.
4. One of the primary obstacles to an accurate count was the lack of preparation for our volunteers ahead of the write-in count. None of our campaign volunteers were fully prepared, and several were thrown into the count with virtually no training beyond a "two-minute" briefing sometimes on the way out to the floor, or after they were already on the floor.
5. Exacerbating the lack of preparation was the fact that at the beginning of the count, Division of Election ("DOE") workers were moving at a pace that precluded careful examination of all the ballots.
6. We were forced to examine the ballots upside-down. At one point on the first day, I appealed to the DOE workers at my table to turn the ballots around so I could examine them

right-side-up, at which point the Murkowski observer (Bonnie Jack) challenged my request and it was denied. The decision was reversed in subsequent days.

7. Several Miller volunteers complained to me of perceived intimidation by Murkowski staff or observers.

8. Some ballots that should have been challenged were not, on account of the capricious nature of the DOE's protocols. For instance, apparently DOE officials invited the media into the initially prohibited area where the ballots were being counted so they could take pictures to disseminate in an attempt to embarrass or intimidate Miller observers. To my knowledge, the media did not publish pictures that reflected poorly on the DOE or the Murkowski campaign, in spite of the fact that the Director counted votes that did not even remotely approximate Murkowski, and the Murkowski camp was challenging ballots that were clearly against Alaska Statutes and were ruled to be such by the State Courts. Only on the fifth day of the count did the DOE relent and allow us to take pictures after I challenged them on equal access grounds. This lack of equity created undue pressure on Miller observers.

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Further affiant sayeth naught.

DATED this 27 th day of December 2010.

By Matthew Johnson
Matthew Johnson

SUBSCRIBED AND SWORN to or affirmed before me at Greenville, Michigan,
on this 27 day of December, 2010.

Amy Gulembo
Notary Public ~~in and for Alaska~~
My Commission Expires: 4-11-2012

AMY J GULEMBO
Notary Public, State of Michigan
County of Montcalm
My Commission Expires 04-11-2012
Acting in the county of montcalm

Certificate of Service:

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

- () First Class Mail
- () Hand-Delivery
- () Facsimile
- () E-Mail

to the following listed individual(s):

By: _____
Chelsea Greene