

Affidavit of Penny Mayo

State of Alaska                    )  
  ) ss.  
City and Borough of Juneau    )

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

1. I am over the age of eighteen years, of sound mind, and competent to testify to the following facts based on personal knowledge.
2. Of all the rules, I feel that having your badge displayed at all times when on the floor was the most important. We were able to see who the person was representing and their names for our records.
  - a. On November 11, 2010 Becky Weimer DOE stopped me returning to the floor from a bathroom break. She said I could not return to the floor without my badge. I had taken my jacket off which I my badge on it. I quickly got my badge and put it back on my shirt, reentering the floor after showing Becky I had placed it visible on my shirt.
  - b. From November 10, 2010 through November 14, 2010, there were two men who walked around the floor without badges. When I question them about badges they just walked off. On November 13, 2010 these same men walked up to table 7 wanting to shake my hand. Again I asked them for their badges. One of them said "I am you Lieutenant Governor and I don't need a badge...I don't have to follow the law...I can change the law!" Laughing they walked off. I learn later the other man was John Cramer.
  - c. On November 15, 2010 two unknown men walked up to my table. They stood watching us do the count. When I asked them about their badges one replied he was the mayor from North Pole and the DOE worker said they did not need badges.
  - d. To me, this show how the DOE had different standard for their rules.
3. I personally saw the following on Wednesday, November 10, 2010:
  - a. Shelly Growden (DOE) gathered us for a briefing on floor rules. We were told there was to be no cell phones, electronic equipment, coats, purses, bags allowed on the floor. Name badges must be worn at all times.
  - b. At table 12, which was across from Table 7 where I was assigned, there was a Murkowski observer, Bonnie Jack, who was sitting on the side table had her paper, pens, and coffee on the table for two days, while counting and sorting were in progress.
  - c. I was assigned to table 7. Two tables were put together as an L, the hand count workers had seats on one side with 5 box lids marked 1 thru 5: the other table served as a tallying and sealing table. Only red pens were allowed on the tables nothing else (no cups, water, food, blue/black pens, clip boards). Anne Gruening (Murkowski observer) was at the table; her purse and coat placed under the side table. I was nervous about the first day; felt it was not my place to question this. All morning Anne would say "you're challenging that!" and hit my arm with a thick wooden

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clipboard while looking away never acknowledging doing this. (I had bruises on my arm.) Never did I say anything, just smiled.

- d. Joan Brown and Kathy Hilder were the hand count workers for table 7. They were cold and only concerned to do the work as instructed. The first count was a learning experience for them and worked together well. Neither one placed misspelled ballots in box 4; even really badly misspelled or unreadable. They placed all no oval ballots in box 2, which were challenged by the Murkowski observer.
  - e. It was intimidating at first with 3 DOE workers, lawyers and the press pushing you away from the table when Gail Fenuniai came to sort the challenged ballots.
  - f. Of the first counts; districts 07-210, 07-225, 07-237, and 07-235, I challenged 1, 84, 35, and 36 respectively. All were misspelled, written on the wrong space, had extra words or markings and/or no ovals. Gail would hold them up 2 inches from her head, sometimes to her forehead, and then say Murkowski counted.
  - g. 07-225 had spellings: Mc CUNT ski, MurSLUTky and Murcowsbutt; these Gail took to a sidebar came back and said counted. When I asked her why she accepted these she just walked off.
  - h. 07-240: I challenged 39 ballots. All were accepted except 4 which were over votes.
  - i. Other example of ballots accepted by Gail throughout the entire day were:
    - All ballots without the write in ovals filled in for Lisa Murkowski
    - lisa [no last name]
    - lise [no last name]
    - Lt Lisa
    - Mvrkowski
    - Murv
    - Meroski
    - lisa R Murkowski
    - usa Markarvey
    - MurSLUTky
    - MurCUNTskie
    - Liza Mercowsky
    - Mu~~~~~n
    - Mur[illegible]k
    - ~~~~~
    - Others that were so unreadable I could not type them with a keyboard.
4. On November 11, 2010, I personally heard Shelly Growden (DOE) told us the rules of the floor. Hand count workers were stiff and had new instruction for the day. The press was everywhere. I don't think we had time to think about how obtrusive they were.
- a. On this day Joan Brown and Kathy Hilder were placing ballots which had Murkowski, Lisa in the challenge box (3).
  - b. District 5-16 had several unreadable ballots; also one with lots of extra marking and corrections. All of these ballots were counted. Gail was not counting ballots that did not have an oval filled in.
  - c. District 8-130 had really unreadable ballot which again Gail held to her forehead and moaned Murkowski (misspelling intended) Counted.
  - d. District 25-690 had 2 over vote ballots which Gail counted for Murkowski.

- e. Some of the misspellings that were challenged but accepted on this day were: Lista Murkuski, Mccowskei, Murkanski, Msun---, USA, Murkanski, Muckowsk.
5. On November 12, 2010 at Table 7, I personally observed the following that Kathy and Joan had a much better attitude. They had received new standards to review the ballots and seemed more at ease. On the first count they started placing misspelled ballots in the 4 box, challenge box. When I smiled and ask them about it, they said that the standard had been changed again via Gail.
6. See the following sheet below with more examples of misspellings from November 12, 2010.
7. On November 13, 2010 I personally observed the following:
  - a. I was at table 7, the atmosphere with Joan Brown and Kathy Hilder was much at ease compared to previous days. The press did not show up in droves as before. Our counts were villages along the northwest districts such as Aklachak, Cheformak, Goodnews Bay, Kwrthluk, Mekotyuk, Napaskiak, Nightmute, Toksook, Scammon Bay, and Stebbins. All the ballots were very badly filled out except for the ballots with legible writing which all appear to be written with the same penmanship. After I told the Division of Elections, they said that they did not agree with my concerns about the penmanship or that the ballots must have been filled in by poll workers assisting voters. All of these ballots were accepted.
  - b. District 38-800 had a total of 101 ballots for Lisa Murkowski. Of that total, 67 ballots were not challenged because they had the oval filled in and Lisa Murkowski spelled correctly. However, all of these ballots were also all written in pencil with the same handwriting. An additional 19 ballots were challenged because they were very poorly spelled and basically unreadable. Gail still accepted these ballots for Lisa Murkowski. An additional 15 ballots were declared by Gail to be challenged but not counted. These 15 ballots were the first time I observed Gail rejecting the spellings listed below. I had seen here previously accepted these earlier in the week.
    - Lisa M.
    - lis Murkowski
    - L Lisa
    - Mcguire
    - Murkosi
    - All of the accepted ballots were in pencil and same handwriting.
  - c. In District 38-826, ballots were filled out with a blue pen and had the same penmanship. One ballot was written in black ink but spelled incorrectly. That same ballot was then corrected using blue ink so that it was more accurately spelled (but was still not correct). This ballot was still accepted. The remaining accepted ballots looked to be filled out by same person.
  - d. In District 38-832, there were 33 accepted ballots which were all in the same handwriting. There was an additional 5 challenged but accepted ballots that were all badly misspelled and nearly unreadable. There was an additional 15 touch screen ballots which were all perfectly spelled.
  - e. 38-840 had ballots with Lisa in black ink and Murkowski in blue ink.

[Below this page is an additional page with a handwritten list of misspellings of Murkowski that were accepted and rejected by the Division of Elections.]

15 accepted (CC)

all pulled by Staff  
31-900 challenged by Penny

MURCOBSKI KR

MURKOSKI

MURKESKI

MURROBASKI

MURKOSKEY

MURCOSKY NOVAL

MURCONSKI

MURHOUSKI

MURKOSKI (J)

MURKOSKI

MURKOTUSHI

MURKUSHEW

MURKUSHEW

USA MURKOSKI

MURKOSOWSKI

MURKOSKI

MURKOSKI

MURKOSKI

36-618

Lisa MURKOSKI

Lisa MURKOSKI

NOVAL

NO MURCOSKY

MURKOSKI

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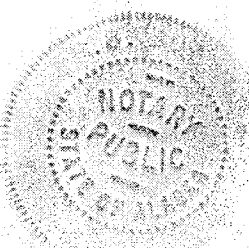
MURKOSKI

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Renny May 17, 2010

Stephanie

Notary Public

My commission expires July 4, 2013

11-12-10

35 accepted

[Above this page is an additional page with a handwritten list of misspellings of Murkowski that were accepted and rejected by the Division of Elections.]

Further affiant sayeth naught.

Dated this 17th day of November, 2010 in Juneau, Alaska.

Penny Mayo  
Penny Mayo

Subscribed and sworn to before me, a notary public in and for the State of Alaska this 17th day of November, 2010.

R. Buzard  
R. Buzard

NOTARY PUBLIC

My commission expires: July 4, 2013

