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Attorneys for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

JOE MILLER,

Plaintiff,

v.

LIEUTENANT GOVERNOR CRAIG
CAMPBELL, in his official capacity,
and the STATE OF ALASKA,
DIVISION OF ELECTIONS,

Defendants.

Case No. 1JU-10-1007 CI

**AFFIDAVIT OF JOE MILLER IN SUPPORT OF
PLAINTIFF MILLER'S SUMMARY JUDGMENT MEMORANDUM**

Affidavit of Joe Miller in Support of Plaintiff's
Summary Judgment Memorandum
Miller v. Campbell, Case No. 1JU-10-1007 CI
Page 1 of 5

1 STATE OF ALASKA)
2) ss.
3 CITY OF ANCHORAGE)

4 I, Joe Miller, being duly sworn, hereby depose and state as follows under penalty of
5 perjury:

- 6 1. I am over 18 years of age and of sound mind.
- 7 2. I have personal knowledge of the facts set forth in this affidavit, and would
8 testify to the same if called upon to do so.
- 9 3. I was the Republican nominee for the United States Senate in the 2010 general
10 election.
- 11 4. As the Republican nominee for Senate, I familiarized myself with the election
12 process. I also am familiar with the campaign advertisements and campaign materials
13 that were distributed to Lisa Murkowski's supporters and to the public by, or on behalf
14 of, the Murkowski campaign.
- 15 5. People wishing to cast votes in the election at their precinct polling places were
16 permitted to bring with them, into the voting booth, materials bearing the name of write-
17 in candidates. These materials included, but were not limited to, notes, flyers, writing
18 implements bearing the candidate's name, bracelets, and temporary tattoos. In addition,
19 a list of write-in candidates was available upon request from election personnel.
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24 Affidavit of Joe Miller in Support of Plaintiff's
25 Summary Judgment Memorandum
26 *Miller v. Campbell*, Case No. 1JU-10-1007 CI
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1 6. Based on my participation in numerous meetings and conversations and my
2 review of various e-mails and reports from campaign staff and field volunteers who
3 personally reviewed the state's precinct registers, I understand that there are several
4 thousand voter entries in those precinct registers for which an election worker did not
5 specify that the voter either showed identification or was personally known to the
6 worker.

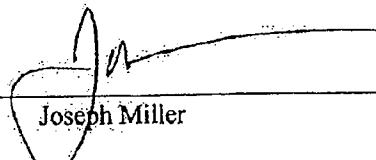
7
8 7. Because the State decided to start counting write-in votes over a week early, we
9 were unable to recruit the people we would have liked to act as observers. Additionally,
10 we did not have time to fully develop a thorough training program for our observers
11 before the count began. Particularly in the early days of the count, several volunteers
12 expressed uncertainty or a lack of confidence regarding their tasks and whether they
13 were performing them correctly. As time elapsed, we were able to train and familiarize
14 our observers with the types of issues they were likely to confront on ballots, and were
15 better able to focus our training to help ensure both that observers challenged all
16 improper ballots, and did not challenge proper ballots.

17
18 8. Based on my interactions with observers and my personal observations while in
19 Juneau during the vote count, I believe that, at least during the first few days of the
20 count, observers may have failed to challenge a substantial number of misspelled ballots
21 (either initially, or after Director Gail Fenumiai decided to count them).
22

1 9. I understand that automated tally (optical scanning) machines will decline to
2 count a vote in a particular race if the voter filled in more than one oval in that race,
3 incompletely erased an oval before filling in a different oval, filled in an oval too
4 lightly, did not fill in an oval completely enough, placed an 'X' over an oval, made
5 other stray marks in the voting area, or circled or crossed out a preprinted candidate's
6 name on the ballot.

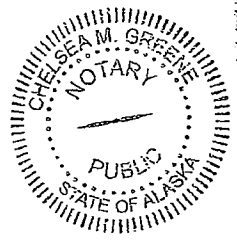
7 Further affiant sayeth naught.

8
9 DATED this 6th day of December 2010.
10

11
12 By 
13 Joseph Miller

14 SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State
15 of Alaska, this 6th day of December, 2010.

16 Chelsea Greene
17 Notary Public in and for Alaska
18 My Commission Expires: 9/4/12



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Certificate of Service:

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The undersigned hereby certifies that a true and exact copy of the foregoing was served this 6th day of December 2010 via:

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

to the following listed individual(s):

Joanne Grace Sarah Felix
Michael Barnhill Timothy McKeever

By: Chelsea Green
Chelsea Greene