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5. Attorneys for Intervenor, Senator Lisa Murkowski

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

8. JOE MILLER,
9. Plaintiff,
10. v.
11. LIEUTENANT GOVERNOR MEAD
TREADWELL, in his official capacity,
12. and the STATE OF ALASKA,
DIVISION OF ELECTIONS,
13. Defendants.

Case No. 1JU-10-1007 CI

15. AFFIDAVIT OF KAREN KNUTSON

16. CITY OF WASHINGTON)
17. DISTRICT OF COLUMBIA) ss.

18. I, KAREN KNUTSON, being first duly sworn do state as follows:

19. 1. I was a long time resident of Ketchikan and presently serve as Chief of
20. Staff to United States Senator Lisa Murkowski. I have served in this capacity since 2007.

21. 2. As a result of the delay in the certification of the Alaska 2010 U.S. Senate
22. election I have researched the effect of such a delay on Alaska and its needs in
23. Washington.

24. 3. If the Alaska Division of Elections does not issue an election certificate, in
25. the form laid out by Rule 2 of the US Senate

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1. <http://www.rules.senate.gov/public/index.cfm?p=RuleII>) for Senator Murkowski, prior
2. to January 3, 2011, at noon, she will no longer be a US Senator. Her current term ends at
3. that time.

4. 4. If a certificate of election certifying Senator Murkowski as the properly-
5. elected Senator has been received by the Senate by that time she will be sworn in for her
6. new term on January 5, 2011. Her term will start January 3 but the official swearing in
7. will occur on January 5. There will be no break in her service.

8. 5. If the Alaska Division of Elections has been unable to issue a certificate of
9. election by January 3, 2011, Senator's Murkowski's seat will become vacant and Alaska,
10. unlike all other states will have only one senator. Senator Murkowski will not be able to
11. vote or speak on the Senate floor. She will not have a vote on committee matters. This
12. means that Alaska will have only one voice as the Senate addresses issues like taxes,
13. energy, defense matters and the many other issues the nation faces. Depending on how
14. long it takes to certify the election, the implications for Alaska could be significant.

15. 6. Also on January 3, 2010, if Senator Murkowski is not certified as the
16. winner of the election, her offices in DC and Alaska will either be forced to shut down or
17. come under the control of the Secretary of the Senate and will no longer be available to
18. serve Alaskans. The offices will only perform the work necessary to pack up files and
19. close up the offices. Case work issues such as Alaskans seeking help with Social
20. Security issues, Medicare problems, immigration concerns and the like, will no longer be
21. handled, and any pending requests for help will go unanswered. Alaskans seeking such
22. help will need to contact other members of the Alaska Delegation. That will impose an
23. added burden on those two offices.

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1. 7. For those Alaska offices that are rented from private individuals, it may be
2. necessary to close these offices effective January 3 because those are in leased private
3. space and the Senate will no longer pay the cost after the end of Senator Murkowski's
4. current term.

5. 8. Also, unless the Senate takes specific action, Senator Murkowski's staff
6. will not be paid after January 3, 2011.

7. 9. If Senator Murkowski is not sworn in with other members on January 5,
8. 2011 it is possible that she could experience a "gap in service" which could mean that her
9. seniority in the Senate could be lost and she could become the least senior member of the
10. senate. In spite of her 8 years of service she would be lower in seniority than all other
11. members.

12. 10. Senator Murkowski presently serves as the Ranking Member of the Senate
13. Energy and Natural Resources Committee and as Ranking Member of the Legislative
14. Branch subcommittee of the Appropriations Committee. Ranking Members control the
15. selection of the Republican staff for the appropriate committees and subcommittees and
16. play a leading role in setting the agenda for the committee/subcommittee.

17. 11. Each Congress the Republican Conference selects the Republican
18. members to serve in the Ranking Member positions. Usually that selection is made based
19. on the length of service on the committee or subcommittee and a break in service could
20. affect that length of service calculation. In addition, to be selected as ranking member
21. one must be a member of the Senate.

22. 12. Normally the process of selecting these Ranking Members occurs within a
23. few days of the swearing in of new members. If Senator Murkowski is not a member of
24. the Senate when that organization occurs, she might not be selected as the ranking .
25.

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1. member. That would mean that she could lose significant influence in the business of the
2. committees.

3. 13. In addition if she is not the Ranking Member, the staff Senator Murkowski
4. has on the committees and subcommittees could lose their employment—consequently
5. about 20 people from the committee staffs could lose their jobs.

6. 14. In addition, she may be precluded from moving up to be the Ranking Member
7. on a more senior appropriations subcommittee like Military Construction or Interior –
8. both of which have significant impact on Alaska.

9. 15. The effect on the state of Alaska and the people of Alaska if Senator
10. Murkowski is not certified in time for her service to be continuous could be substantial.
11. In addition to losing the voice and vote of one of our senators, Alaska could not have a
12. member of its delegation in senior positions of leadership on the committees important to
13. our state and the issues it faces. A very experienced and talented staff both in the
14. Senator's Senate office and her committee offices could be lost. Alaskans could lose the
15. help that her staff provides for case work and legislative work.

16. 16. This effect could be longstanding. Senator Murkowski has achieved her
17. current positions after 8 years of service in the Senate. It is likely that, if she suffers a
18. loss of seniority as a result of a delay in the certification of this election, it would take at
19. least 8 years to get back similar positions of influence.

20. 17. While the circumstances were different, there are two recent precedents
21. that are relevant to this issue. In 2009, the outcome of the Senate race in Minnesota was
22. unclear. On January 3, 2009, then-Senator Norm Coleman's offices closed when his term
23. expired. His staff was retained for 120 days but only for purposes of winding up his
24.
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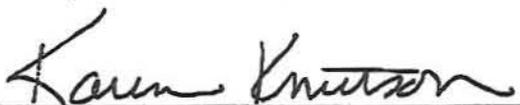
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1. office. They could not assist his constituents, or initiate casework or legislation.
2. Minnesotans had only one senator until that election was resolved over six months later.

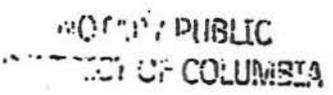
3. 18. In November of this year, the voters in Indiana elected Dan Coats to the
4. U.S. Senate. Senator Coats previously served as a member of the senate from 1989 to
5. 1999. However when he is sworn in for his new term in January of 2011 he will not be
6. given credit for his prior service, such that he would be more senior than other senators
7. whose total time in the Senate is less than his own. The only effect his prior service in
8. the Senate will have on his seniority is to place him ahead of all new members elected for
9. the first time in November of 2010; i.e., he will given more seniority than all the other
10. freshmen members in the class of "10".

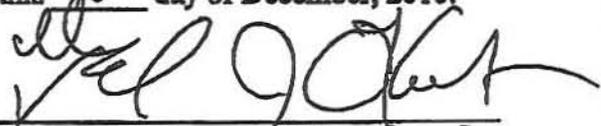
11. 19. For the above reasons, it is vital to the state and its citizens that the Alaska
12. Division of Elections be permitted to certify the results of the 2010 U.S. Senate race in
13. time to allow Senator Murkowski's service in the Senate to be uninterrupted and for her
14. to be sworn in with other members reelected and elected in 2010.

15. Further affiant sayeth naught.

16. 
17. KAREN KNUTSON

18. SUBSCRIBED AND SWORN TO before this 10th day of December, 2010.

19. 

20. 
21. Print Name: Frank J. O'Keefe
22. Notary Public in and for U.S. Senate
23. Residing at: U.S. Senate
24. My Commission Expires: _____

25. My Commission Expires February 28, 2014

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