

1 Thomas V. Van Flein
 2 John Tiemessen
 3 Clapp, Peterson, Van Flein,
 4 Tiemessen & Thorsness LLC
 5 711 H St., Suite 620
 Anchorage, Alaska 99501-3454
 Phone: (907) 272-9228
 Facsimile: (907) 272-9586
 E-mail: tvf@akcplaw.com

6 Michael T. Morley
 7 616 E St. N.W #254
 Washington, D.C. 20004
 8 Phone: (202) 393-2851
 Facsimile: (907) 272-9586
 9 E-mail: michaelmorleyesq@hotmail.com

10 Not admitted to the U.S. District Court for the
 District of Alaska

11 *Attorneys for Plaintiff Joe Miller*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF ALASKA**

14	JOE MILLER,)	Civil Action No:
15)	
16	<i>Plaintiff,</i>)	3:10-cv-252 (RRB)
17	v.)	
18	LIEUTENANT GOVERNOR MEAD)	
19	TREADWELL, in his official capacity;)	
20	and the STATE OF ALASKA,)	
21	DIVISION OF ELECTIONS,)	
	<i>Defendants.</i>)	

22 **AFFIDAVIT OF JOSEPH MILLER IN SUPPORT OF**
 23 **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

24 Affidavit of Joseph Miller in Support of Plaintiff's
 Motion for Partial Summary Judgment
 25 *Miller v. Treadwell*, Case No. 3:10-CV-252 (RRB)
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EXHIBIT 4
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State of Alaska)
) ss
Fourth Judicial District)

Joseph Miller, 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 am an attorney duly licensed to practice law in the State of Alaska and in good standing with the Alaska State Bar.
3. Based on official business records from the Division of Elections that I and/or the members of my campaign staff have personally reviewed, between five and six thousand votes could be affected by an election contest claim challenging election officials' apparent failure to check voters' identification at precinct polling locations.
4. Based on a spreadsheet that I reviewed containing the results of a comparison between the Alaska sex offender registry and the official list of people who voted in the 2010 general election, as well as statistics regarding felony convictions and the specific types of offenses to which they applied in Alaska, I estimated that between one and two thousand votes could be affected by an election contest claim challenging illegal voting by disenfranchised felons (including, but not limited to, registered sex offenders) in the 2010 general election.
5. Alaska law prohibits a candidate from contesting an election unless the grounds alleged are sufficient to change the result of the election. Consequently, unless I prevail on Count I or

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1 Count II in the federal lawsuit, either at the district court level or on appeal, I would not be able
2 to successfully pursue the merits of the voter identification issue or felon voting issue,
3 discussed in Paragraphs 3 and 4 above, through an election contest.

4 6. If I qualify for a recount at State expense in connection with this election, I fully intend
5 to invoke that statutory right.

6 7. I have run for office at both the state and federal level, in both primary and general
7 elections, and am likely to do so in the future. I have interacted with political party officials,
8 donors, supporters, and members of the general public in connection with my candidacy. I
9 have been asked to endorse, contribute money to, and vote for other candidates. I also am a
10 spokesperson for lower taxes, limited government, and a return to the principles of the U.S.
11 Constitution, and aggressively have advocated on behalf of these principles on numerous
12 occasions on television, the radio, the Internet, and in newspapers.

13
14 8. One measure of a candidate's likelihood of success, ability to attract public support,
15 ability to fundraise, and credibility as a spokesperson for his or her causes is the margin by
16 which he or she lost any previous elections. The smaller the margin of a candidate's loss, the
17 greater the likelihood the candidate will be able to run in future elections, successfully
18 fundraise, attract public support, provide meaningful endorsements to other candidates, and act
19 effectively as a spokesperson for his or her causes.

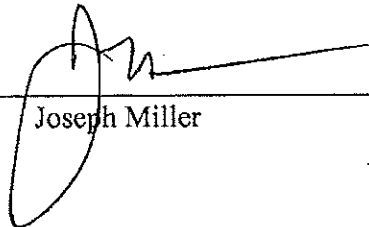
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25 Motion for Partial Summary Judgment
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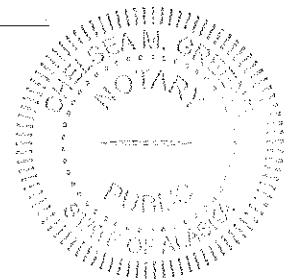
1 Further affiant sayeth naught.

2 DATED this 27th day of December 2010.

3
4 By 
5 Joseph Miller

6
7 SUBSCRIBED AND SWORN to or affirmed before me at Anchorage, Alaska, on
8 this 27th day of December, 2010.

9 Chelsea Greene
10 Notary Public in and for Alaska
11 My Commission Expires: 9/4/2012



12
13 Certificate of Service:

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

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

19 to the following listed individual(s):

20
21 By: _____
Chelsea Greene

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23
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