

AFFIDAVIT OF JODIE PESSOLANO

STATE OF ALASKA)
) ss
CITY AND BOROUGH OF JUNEAU)

JODIE PESSOLANO, being first duly sworn upon oath, deposes and states, under penalty of perjury:

1. I am over the age of eighteen years, of sound mind, and competent to testify of the following facts based on personal knowledge:
2. I am an observer for Joe Miller for the count of ballots now taking place for the election for U.S. Senate. The following are some of the several discrepancies/inconsistencies that I witnessed during my service:
3. I began serving as an observer on Monday November 8. I observed the opening of absentee ballots from their original individual envelopes as they were placed in large envelopes, which were sealed with signatures across the flap.
4. Some of these were faxed ballots, and were transcribed to official ballot forms in order to be run through for a count. One in particular caught my eye. Ballot number 106 had a write-in spelling that appeared at first glance to read, "Lisa Murkooski". With a closer look, it could be construed as "Lisa Murkoaski". With an even closer look, the letter after the "o" can be interpreted as a sloppy cursive "w" with a closed loop, reading, "Lisa Murkowski". As two workers discussed it (and worked through the spelling roughly as I described), I put in my opinion that it could be interpreted in any one of the three ways. The ballot was transcribed as "Lisa Murkowski". I was told lawyers would later review this, and that faxed ballots would be kept with the transcribed ballots for review. Yet on Monday November 15, as I viewed one faxed ballot, I was told by Marcia Wilcox at Table 12 that only originals could be viewed, but not the transcribed ballots.
5. On Wednesday November 10 I began my first day observing the sorting of ballots into the 5 categories. It is my recollection that ballots with Murkowski written-in but no oval filled were counted for Murkowski on that day. I recall one ballot without an oval filled in and Lisa Murkowski written-in counted for Murkowski. I remember the Miller lawyer exclaiming, "no oval!" (After that date all such ballots that I witnessed were not counted for Murkowski). I do remember being surprised the following day to see such ballots no longer counted for Murkowski by the director.
6. Also on November 10 I witnessed one ballot that read 'Mrkwsk'. This was counted for Murkowski. The Miller lawyer reviewing my challenges was incredulous, stating, "no vowels!" Yet on Sunday November 14 I witnessed a ballot reading "Merksk" categorized by the Director of D.O.E. as "not counted" (I believe this was District 3, A Count, Questioned Ballots).

7. I witnessed votes for "Lisa M." on the 10th, and I believe that they were counted that day (cannot recall for sure - a review of the challenged but counted ballots should reveal this). I do know that after that day I have not seen them counted.

8. Around 1PM on Friday the 12th I worked table 12 with Florence Tong and Isaac Kearns as election workers, and Bonnie Jack as Murkowski observer. The election workers placed challenged ballots in box 4 that had no clear misspellings and only marginal problems with legibility. I told them on several occasions that I had no objections to these ballots, and in fact thought that they were legitimate Murkowski ballots. They said that the reviewers could decide that.

9. In the mid-afternoon of the 12th I returned to the D.O.E. annex at Mendenhall Mall to witness more absentee ballots opened and placed in bulk envelopes. One ballot in this batch (#61) appeared to read, "Murkowiaki". A supervisor told me that the "ia" appeared to be a cursive "s" and recorded it for Murkowski. I acknowledged this as a possibility, but objected to assuming it to read Murkowski. I was told, "You can object all you want, this is what we are recording". Again I was told that the original and transcribed ballot would be available for comparison and review in the future (notwithstanding my experience to the contrary on the 14th as previously stated).

10. On Saturday November 13 I worked table 3 with election workers Mary Reeves and Suzanne Clover, with Ben Brown as the other observer. This team separated write-ins prior to sorting in boxes. With the separate pile of write-ins, Mary proceeded to flip the ballots into box 3 at a pace quicker than one per second. Additionally, she continually struck me near the left eye with the corner of each ballot (being near-sighted, I needed to have my head over the sorting box). I explained my near-sightedness problem, and Ben commented that, "Jodie, I'm not worried about your near-sightedness - I'm worried that you may soon be non-sighted!" I had to protect my eye with my left hand as I observed the ballots, and frequently said, "stop!", when I saw a problem and didn't have time to see the ballot before the next one struck me on it's way to the box. After the completion of a precinct, I asked if they could slow down for me. Ms. Clover bragged that, "we've been told that we have the fastest table". I was told that others before me had no problem, and that I should probably find another table if I couldn't keep up. (I later spoke to two other Miller observers who told me they had the same problem with these ladies). I told this to some of the Miller staff. I assume they spoke to these ladies, as the next day they were more considerate of my need to have time to observe the ballots.

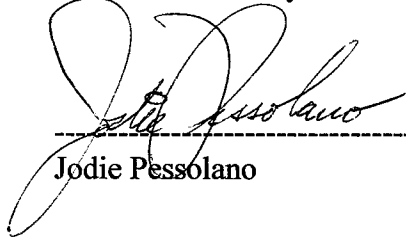
11. On November 14 I witnessed a vote that had an oval filled for McAdams and for write in (Murkowski). The oval for McAdams was crossed out, and the vote was considered by the Director to be a vote for Murkowski.

12. I observed on at least two occasions ballot packages opened that did not have signatures across the flap.

13. Finally, I want to say that at least two times I was told by election workers that "voter intent" was what mattered. On November 10 Julie Franklin told me that, "It's voter intent that matters" after a particular challenge. On November 15 Marcia Wilcox said something to the effect that "this will be referred to the law of voter intent".

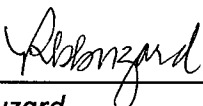
Further affiant sayeth naught.

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



Jodie Pessolano

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



R. Buzard

NOTARY PUBLIC

My commission expires: July 4, 20 13 *RB*

