## Affidavit of Matthew Johnson

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

Matthew Johnson, 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. Initially the press was not allowed on the floor to take pictures of the actual ballots. After the process was underway that changed. One of the most disconcerting aspects of this new situation was that the press mostly took pictures of Miller challenges. When our people attempted to take pictures of ballots, they were denied, as were the Murkowski observers. However, it did not affect them in the same way, as the press was telling their side of the story but not ours. I believe that there was undue pressure on us, that the Murkowski observers and the Division of Elections did not have. I never witnessed the press taking pictures of the opposition's challenges, or ballots that displayed the Division of Elections' inconsistency until very late in the process, after the rule was changed to allow our team to take photos. The change was precipitated by my challenging the rule on Saturday afternoon after I observed lawyers from the Dept. of Law taking pictures of ballots challenged by the Miller campaign. When it became clear to me that the Dept. was clearly building a case against us, I brought the issue up first with the Lt. Governor, and then the Division of Elections Director. After the Director consulted with representatives from the Dept. of Law, I was told that it would be permissible for us to take pictures the next day, Sunday Nov. 14 (day 5 of the count). I was told we could not have additional people at the table during the Director's review and that the pictures must be taken either by our supervisor or the observer, and we could not impede the progress of the count. But the next day after we began taking photos, I witnessed John Tracy from the Murkowski campaign taking pictures as a third party for the opposition and sent out our photographer to do the same. We were never challenged on the policy.
- 3. On November 11, I noticed that the ballots from District 22, Precinct 445 were in envelopes without division employees' signatures over the seal, unlike most other precincts. It raised concerns in my mind relating to chain of custody issues, especially as pertains to Goldbelt security.
- 4. I also overheard a Division of Election employee state that the standard for acceptance of misspellings was three letters.
  - John Tracy of the Murkowski campaign also stated in an interview with the New York Times that he suspected that the Division of Elections was using the three letter test, "It appears to me that there's about a three-letter standard," said John Tracy, a spokesman for the Murkowski campaign, assessing how inaccurate a spelling might be before the ballot is discounted." This article can be located at
  - http://thecaucus.blogs.nytimes.com/2010/11/10/nurkowski-makowski-murckoski-counting-the-write-in-votes-in-alaska/.

Further affiant sayeth naught.

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

Matthew Johnsof

R. Buzard

**NOTARY PUBLIC** 

My commission expires: July 4, 2013