



Written by [Kurt Hyde](#) on November 24, 2010

Alaska Senate Election Still Undecided

Incumbent U.S. Senator Lisa Murkowski is claiming victory, but challenger Joe Miller has obtained a court order stopping the Alaska Division of Elections from certifying Murkowski as the winner pending Miller's court challenges to the election. Miller has filed two lawsuits. The first was filed in federal court last week. The federal judge issued the order stopping the certification of the election, but also ruled that the lawsuit should be filed at the state level.



Miller filed the state lawsuit in Superior Court in Fairbanks on Monday, November 22, naming as defendants Lt. Governor Craig Campbell and the Alaska Division of Elections. Miller's complaint cites improper procedures for counting the write-in ballots, a number of polling places that failed to comply with Alaska's voter ID law, and a number of write-in ballots that appear to be written in the same handwriting.

Miller's complaint regarding counting write-in ballots rests on Alaskan law. The law requires, among other things, that the write-in candidate's name be spelled correctly. Incorrect spellings are not allowed to be awarded to a candidate based on interpretation of voters' intent. Many states have laws or vote-counting procedures similar to this, and the Republican-Democrat duopolies that dominate politics in these states don't seem to object when voters are disenfranchised when their write-in ballots for non-establishment candidates are disallowed.

Among the many bizarre twists in this contest is that Murkowski, the incumbent, had to run as a write-in candidate because she lost to Joe Miller in the Republican primary (although this is a good indication that while the political Right rejected her, many on the Left embraced her and her policies).

There may be other issues that will be raised in court. The Miller campaign issued an announcement via e-mail on Monday that listed numerous additional allegations regarding the election. The Miller campaign said it has received a sworn affidavit from an Anchorage voter who witnessed stacks of ballots in an unsecured ballot box even though he was one of the first voters at that precinct. It has a second sworn affidavit from one of Miller's volunteers who witnessed pre-sorted ballots — by U.S. Senate candidate — as they arrived for the write-in count. The Miller campaign also claimed that the company that was hired by the Alaska Division of Elections to transport ballots to counting centers has a potential conflict of interest with one of Murkowski's supporters. Readers of *The New American* were warned long ago that all ballots, including absentee ballots, should be counted at the precinct at which they were cast and should be counted in public on election day.

This election is definitely still undecided.



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Photo of Joe Miller: AP Images



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