

Affidavit of Steve Shell

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

I, Steve Shell, being 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. I was a write-in ballot observer in Juneau and have reviewed hundreds of ballots since the start of my observations November 10, 2010.
 - a. I personally observed the following incidents on November 10, 2010 while I was assigned in the morning to Table 10. The Division of Election workers Linda Bender and Dixie Belcher.
 - b. I observed no written procedure for the two table workers, their instructions were verbal. They seemed somewhat confused. I had read the procedure off the DOE website. I was given no written instruction on the procedure for this observation activity from DOE.
 - c. I observed Gail Fenumaia, Director declare six ballots as challenged but not counted for Lisa Murkowski because they did not have the write-in oval filled in.
 - d. I found it difficult to review write-in ballots because they were upside down in reference to the observers.
 - e. I am confident a number of ballots were placed in the unchallenged Murkowski box which should have been challenged, but were passed due to difficulty in observing the ballots and the speed processed.
 - f. On this day, no press was present except behind the barrier.
 - g. The table workers were not consistently calling out spelling errors.
 - h. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
3. I personally observed the following incidents on November 11, 2010 while I was assigned in the morning to Table 10 which had a total of 1266 write-in ballots.
 - a. I observed no written procedure.
 - b. Gail continued to not count ballots for Lisa Murkowski which did not have the write-in ovals filled in.
 - c. The workers changed procedure starting at the beginning of the day. Ballots were placed in the boxes facing the observers. This significantly helped the accuracy of the review process.
 - d. I observed the press moving among the tables and taking photos and asking questions. This clearly distracted the workers and observers, causing stress and distractions.

- e. Observers were not allowed to have cameras or phone cameras in the work area, but several Murkowski observers had camera phones.
 - f. The table workers were not consistently calling out spelling errors.
 - g. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
4. I personally observed the following incidents on November 12, 2010 while I was assigned in the morning to Table 10 which had a total of 1305 write-in ballots.
- a. I observed aggressive behavior before Murkowski observers and other Murkowski people around Table 10. Duff Mitchell questioned each challenge I made for about the first hour. I responded by informing him what I saw in the ballot. Intimidating comments followed consistently. After about an hour I did not respond to his questions any further.
 - b. Throughout the day, there was intense pressure from the press moving around the table, taking photos and asking questions, to the point where the workers were digging through processed ballots to pull them out and call over photographers to take picture. This created a very chaotic atmosphere which made it difficult to go through the ballots accurately.
 - c. Gail continued to not count ballots for Lisa Murkowski which did not have the write-in ovals filled in.
 - d. The press was present and roaming among the tables all day which created a circus like atmosphere.
 - e. The table workers were not consistently calling out spelling errors.
 - f. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
 - 1. District 06-515: This package of ballots came to Table 10 without signatures across the seal of the envelope, which was unusual compared to all previous ballot packages.
5. I personally observed the following incidents on November 13, 2010 while I was assigned in the morning to Table 10 which had a total of 866 write-in ballots. Workers on this day include, Linda Bender and Dixie Belcher.
- a. Gail continued to not count ballots for Lisa Murkowski which did not have the write-in ovals filled in.
 - b. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
 - c. The table workers were challenged by the Murkowski observer (Gary a.m.) to stop putting misspelled ballots into Box 4 without being challenged. Shelly came to the table and clarified the verbal instruction that the workers were to place misspelled ballot directly into Box 4 without a challenge. The workers/observers told Shelly the other tables were not putting misspelled ballots into the Box 4 automatically. Shelly left to inform other tables.
 - d. All packages that came to Table 10 did not have signatures across the seal of the envelope.

- e. District 39-930 Pilot Station: I observed the same handwriting on at least 16 separate ballots. I had the ballots placed side by side across the table. It was clearly apparent one person had spelled Murkowski on each ballot. These ballots were challenged and placed in separate envelope. There was no documentation indicating reason or properly documented procedure.
 - f. District 39-948: Same as 5 above except for 27 ballots. Also I believe there were at least 2 more individuals who had filled out ballots but were not challenged or put in separate ballot, because of intense pressure/intimidation by Murkowski (3-4) teams/DOE (3-4) staff compared one Miller observer (Bill) and myself. The press recorded part of the discussion of the discussion – Alaska Public Radio.
 - g. The table workers were not consistently calling out spelling errors.
 - h. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
 - i. Below is a list of misspelled Murkowski votes which I personally heard Gail deem as challenged but counted:
 - Liza Murkowski
 - Liza Murkoski
 - Lisa Makurski
 - Murkowskie, Lisa
 - Lisa Markowski
 - Liza Merkowzki
 - Lisa Murkoski
 - Lisa Murkoski
 - Lisa Merkowski
 - Lisa Murkowske – Republican
 - Liza Murkowsky
 - Lisa Makawski
 - Lisa Murkowsky
 - Liza Makskuski
 - Lisa Merkawski
 - Liza Murkowski
 - j. Below is a list of misspelled Murkowski votes which I personally heard Gail deem as challenged and not counted:
 - Lisa Murkowski with no oval filled in
 - Lisa M
 - Lisa M. (written below the line)
 - Lissa Mirauoksee with no oval filled in
 - Lisa Markquakia
 - Lisa Murskie
 - Lisa Mur
6. I personally observed the following incidents on November 14, 2010 while I was assigned in the morning to Table 10 which had a total of 8236 write-in ballots.

Workers on this day include, Linda Bender and Dixie Belcher and Murkowski observer Holly Johnson.

- a. The table workers were not consistently calling out spelling errors.
 - b. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
7. I personally observed the following incidents on November 15, 2010 while I was assigned to table 10 which had 866 write in ballots. Workers on this day include, Linda Bender and Dixie Belcher and Murkowski Observers Stephanie Madsen and Mike Stedman.
- a. Gail continued to not count ballots for Lisa Murkowski which did not have the write-in ovals filled in.
 - b. Gail did not have a reference check list when observing ballots. Decisions were made from memory. Occasionally Gail would ask for counsel from the Department of Law when the spelling on the ballot was extremely bad.
 - c. I personally heard Gail announce that the following misspellings would be counted as a vote for Lisa Murkowski:
 - Murkowsky Lisa
 - Lisa Meskowski
 - Lisa Makowski
 - Markowski, Lisa
 - Lisa Murkowsky
 - Lisa Murowsky
 - Lisa Murowsky
 - Markouske, Lisa Republican
 - Lisa Murkuwski
 - Murkowski - Lisa Republican
 - Lisa Murkowski (Below Line)
 - Lisa Murkowskie
 - Lisa Merkowski
 - Lisi Murkowski
 - Lisa Murkowsk
 - Lisa Murkorsky
 - Lasie Murkoerke
 - Lisa Murkowski (No Oval)
 - Lisa Murkowski
 - Lisa Murkousici
 - Murkiowsk Lisa
 - Liza Murkowski
 - Mukowski Lisa
 - Lisa Mirkowski
 - Lisa Murkawski

- d. I personally heard Gail announce that the following misspellings would not be counted as a vote for Lisa Murkowski:
- Lisa Murkawski (No Oval)
 - Murkorski, Lisa (No Oval)
 - Lisa Murkowski (No Oval)
 - Lisa Murski
 - Lisa Murkiski (No Oval)
 - Lisa McCowsky
 - Lisa Murkowski (No Oval)
8. My overall thoughts throughout my time as an observer from November 10 to November 15 is as follows:
- a. At no time did I see Gail with a checklist or reference document to assist her in making a determination of spelling errors on write-in ballots that were challenged. She made all the decisions from memory with occasional counsel. I saw numerous potential spellings to endless extremes.
 - b. I saw no pre-approved list of misspellings or other types challenged ballot issues e.g. write below line, strike outs, added symbols, added words (Republican Etc.) at any time.
 - c. I saw minimal quality control procedures or practices at the tables, inspected on consistent bases.

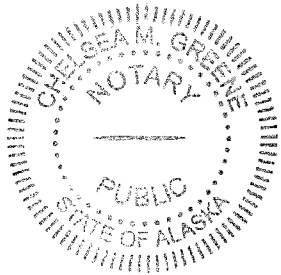
Further affiant sayeth naught.

Dated this 18th day of November, 2010 in Juneau, Alaska.



Steve Shell

Subscribed and sworn to before me, a notary public in and for the State of Alaska this 18th day of November, 2010.



Cheba Greene
My Commission expires: 9/4/2012