

STATE OF MINNESOTA

IN SUPREME COURT

A09-65

Dennis Peterson, et al.,

Petitioners,

vs.

Mark Ritchie, Minnesota Secretary  
of State, et al.,

Respondents.

ORDER

Dennis Peterson and 63 other voters who submitted absentee ballots in the November 4, 2008, general election have filed a petition under Minn. Stat. § 204B.44 (2008) seeking an order of this court directing that their absentee ballots be opened and counted and the votes contained therein for United States Senator be declared and certified “for such use as might be deemed appropriate by the United States Senate or the judges responsible for the election contest pending in the District Court for Ramsey County, No. 62-CV-09-56 or any other proper use under law.”

The relief sought in the petition requires a determination whether the absentee ballot submitted by each petitioner complied with the legal requirements for such ballots and was therefore improperly rejected by local election officials. Judicial efficiency and the interests of justice will be better served if the claims presented in this matter are addressed by the three-judge district court panel in the election contest pending in Ramsey County District

Court.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Petitioners shall serve the petition and supporting papers filed in this matter on counsel for the candidates potentially affected by the relief sought, Al Franken and Norm Coleman, not later than Tuesday, January 20, 2009, and shall file proof of such service with the Clerk of Appellate Courts not later than Wednesday, January 21, 2009.

2. The motion of Norm Coleman to intervene as a respondent be, and the same is, granted.

3. The petition herein is referred for consideration and decision by the three-judge district court panel as part of the election contest pending in Ramsey County District Court, No. 62-CV-09-56. The Clerk of Appellate Courts shall provide a copy of this order to the three-judge district court panel and the parties in the above-referenced election contest, and after receiving the proof of service required in paragraph 1, shall transmit a certified copy of the complete file in this matter to the Ramsey County District Court Administrator.

Dated: January 16, 2009

BY THE COURT:

\_\_\_\_\_  
/s/

Alan C. Page  
Associate Justice