

JAN -2 2009

FILED

STATE OF MINNESOTA

IN SUPREME COURT

A08-2169

Norm Coleman, et al.,

Petitioners,

vs.

Mark Ritchie, Minnesota Secretary of State,  
The Minnesota State Canvassing Board,  
Isanti County Canvassing Board, et al.,

Respondents,

Al Franken for Senate and Al Franken,

Intervenor-Respondents.

ORDER

Petitioners Norm Coleman, et al., have filed a motion for an emergency order of this court: (a) directing local election officials to segregate and convey to the Secretary of State's office all rejected absentee ballot envelopes, together with the related application and any other relevant documentation, that has been identified by petitioners, by intervenor-respondents, or by local election officials as having been improperly rejected; and (b) directing the Secretary of State, together with representatives of the Coleman and Franken campaigns, to review the ballot envelopes and other relevant documentation to determine whether they agree that such ballots were in fact wrongly rejected.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Al Franken for Senate Committee, Secretary of State Ritchie, and the counties of Hennepin, Ramsey, Stearns, Pipestone, Anoka, Sherburne, and St. Louis shall file with the Clerk of Appellate Courts and serve on petitioners and all other parties and county auditors any written response to the petition and any supporting materials not later than 9:00 a.m., Saturday, January 3, 2009.

2. The counties of Hennepin, Ramsey, Stearns, Pipestone, Anoka, Sherburne, and St. Louis are each directed to inform the court as to: (1) whether the county, pursuant to the court's order of December 18, 2008, as amended by paragraph 2 of the court's order of December 24, 2008, considered the additional rejected absentee ballots identified by either the Coleman or Franken campaign committees; and (2) if the county did not consider such ballots, the reason or reasons why it did not do so.

3. Any other county auditor or election official may file with the Clerk of Appellate Courts and serve on petitioners and all other parties and county auditors any written response to the petition and any supporting materials not later than 9:00 a.m., Saturday, January 3, 2009.

4. Should the court wish to hear oral argument on petitioners' motion, the parties will be notified by the Clerk of Appellate Courts of the date and time of hearing.

5. Parties and participants shall file an original and eight copies of any written submission to the court, in the form provided in Minn. R. Civ. App. P. 132.02, except that text and footnotes shall appear in at least 13-point type or its equivalent.

6. Service by mail is permissible if a complete copy of the material is also transmitted electronically by the deadlines imposed herein, by e-mail or facsimile, to all parties and participants required to be served. For purposes of this motion only, parties e-mailing responses to the court should use the following address: [joanne.turner@courts.state.mn.us](mailto:joanne.turner@courts.state.mn.us).

7. Filing by mail is permissible if a complete copy of the material is also transmitted by facsimile to the Clerk of Appellate Courts by the deadlines imposed herein. The facsimile number for the Clerk of Appellate Courts is 651-297-4149.

Dated: January 2, 2009

BY THE COURT:

  
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Alan C. Page  
Associate Justice

MAGNUSON, C.J., and ANDERSON, G. Barry, J., took no part in the consideration or decision of this matter.