



# ANOKA COUNTY ATTORNEY

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January 2, 2009

Mr. Frederick K. Grittner  
Clerk of Appellate Courts  
Room 305, Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

**RE: Norm Coleman, et al. vs. Mark Ritchie,  
Minnesota Secretary of State, et al.**  
Appellate Court File No. A08-2169

Dear Mr. Grittner:

In accord with the Order of the Minnesota Supreme Court of January 2, 2009, enclosed for filing by e-mail and facsimile transmission please find Respondent Anoka County's Response in the above matter. The original and 8 copies are being sent by mail.

By copy of this letter I am serving all counsel with a copy of Respondent's Anoka County's Response by email, with a copy to be sent by mail. The original affidavit of service will follow under a separate cover.

Sincerely,

Thomas G. Haluska  
Assistant Anoka County Attorney

cc: James K. Langdon, Frederic W. Knaak, And Tony Trimble, Attorneys For Norm Coleman; David L. Lillehaug and William Z. Pentelovitch, Attorneys For Al Franken; Lori Swanson, Minnesota Attorney General, and Christie Eller And Kenneth Raschke Jr. Attorneys For Mark Ritchie, and Minnesota Secretary Of State; State Of Minnesota Canvassing Board; Isanti County Canvassing Board; Scott County Elections Board; Michael Freeman, Hennepin County Attorney and Patrick Diamond, Attorneys For Hennepin County; Janelle Kendall, Stearns County Attorney, Attorney For Stearns County; James O'Neill, Pipestone County Attorney, Attorney For Pipestone County, Kathleen Heaney, Sherburne County Attorney, Attorney For Sherburne County; And Melanie Ford, St. Louis County Attorney, Attorney For St. Louis County.

STATE OF MINNESOTA  
IN SUPREME COURT

A08-2169

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Norm Coleman, et al.,  
Petitioners,

**RESPONSE TO PETITIONERS'  
MOTION FOR  
EMERGENCY ORDER**

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

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TO: CLERK OF THE APPELLATE COURTS; JAMES K. LANGDON, FREDERIC W. KNAAK, and TONY TRIMBLE, ATTORNEYS FOR NORM COLEMAN; DAVID L. LILLEHAUG and WILLIAM Z. PENTELOVITCH, ATTORNEYS FOR AL FRANKEN; LORI SWANSON, MINNESOTA ATTORNEY GENERAL, and CHRISTIE ELLER and KENNETH RASCHKE JR. ATTORNEYS FOR MARK RITCHIE, AND MINNESOTA SECRETARY OF STATE; STATE OF MINNESOTA CANVASSING BOARD; ISANTI COUNTY CANVASSING BOARD; SCOTT COUNTY ELECTIONS BOARD; MICHAEL FREEMAN, HENNEPIN COUNTY ATTORNEY and PATRICK DIAMOND, ATTORNEYS FOR HENNEPIN COUNTY; JANELLE KENDALL, STEARNS COUNTY ATTORNEY, ATTORNEY FOR STEARNS COUNTY; JAMES O'NEILL, PIPESTONE COUNTY ATTORNEY, ATTORNEY FOR PIPESTONE COUNTY, KATHLEEN HEANEY, SHERBURNE COUNTY ATTORNEY, ATTORNEY FOR SHERBURNE COUNTY; AND MELANIE FORD, ST. LOUIS COUNTY ATTORNEY, ATTORNEY FOR ST. LOUIS COUNTY.

## INTRODUCTION

Respondent Anoka County files this response to paragraph 2 of the Order of the Minnesota Supreme Court dated January 2, 2009. In that order, this Court asked Anoka County 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.

Anoka County did reconsider the "additional rejected absentee ballots" identified by both the Franken and Coleman campaign committees.

## DISCUSSION

In response to this court's order of December 18, 2008, as subsequently amended on December 24, 2008, Anoka County immediately began the process of identifying improperly rejected absentee ballots. On December 19, 2008, the Franken campaign identified one absentee ballot that they wished to be included as an improperly rejected ballot. On December 22, 2008, Anoka County provided the Franken and Coleman campaign committees with the list of ballots that it had identified as improperly rejected. Included in that list was the one ballot that had been identified by the Franken campaign committee. On December 29, 2008 at 4 pm, Anoka County received, from the Coleman campaign committee, a list of sixteen additional absentee ballots that they

identified as improperly rejected ballots that had not previously been identified by Anoka County or by the Franken campaign committee.

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On December 30, 2008, Anoka County convened a 9 a.m. meeting that included the Franken campaign committee and the Coleman campaign committee. The purpose of the meeting was to review and reconsider the issue of improperly rejected ballots. That meeting resulted in an impasse over which ballots were to be reconsidered.

On December 30, 2008, at 3 p.m., by email, the Anoka County Elections Manager contacted the attorneys for the Franken and Coleman campaign committees, suggesting that the parties reconvene on December 31, 2008 at 9 a.m. to once again attempt to review and reconsider the issue of improperly rejected absentee ballots.

On December 31, 2008, Anoka County convened a 9 a.m. meeting that included the Franken campaign committee and the Coleman campaign committee. During that meeting, with the full agreement of both the Coleman and Franken campaign committee representatives, Anoka County, the Franken campaign committee and the Coleman campaign committee reviewed and reconsidered all absentee ballots that had been identified by Anoka County, the Franken campaign committee and the Coleman campaign committee as having been improperly rejected.

## CONCLUSION

In accordance with the foregoing, Respondent, Anoka County respectfully submits that it has fully complied with this court's order of December 18, 2008, as amended by paragraph 2 of this court's order of December 24, 2008, and did reconsider the additional rejected ballots identified by both the Coleman and Franken campaign committees.

Dated: January 2, 2009

ROBERT M.A. JOHNSON  
ANOKA COUNTY ATTORNEY

By   
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