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STATE OF MINNESOTA

FILED Court Administrator

DISTRICT COURT

COUNTY OF RAMSEY

FEB - 3 2009

SECOND JUDICIAL DISTRICT

In the Matter of the Contest of General Election held on November 4, 2008, for the purpose of electing a United States Senator from the State of Minnesota,

No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

STIPULATION AND ORDER RE: ABSENTEE BALLOTS

V.

Al Franken,

Contestee.

Contestants Cullen Sheehan and Norm Coleman ("Contestants") and Contestee Al Franken ("Contestee"), through their attorneys, hereby stipulate and agree as follows:

- 1. The campaigns of Contestant Norm Coleman and Contestee Al Franken, along with the Secretary of State and local election officials, were parties to a protocol ("the Protocol") dated December 24, 2008, to comply with and implement the Minnesota Supreme Court's Orders of December 18 and 24, 2008. Pursuant to the Protocol, local election officials recommended for opening and counting 1,346 Ballots ("the 1,346 Ballots"). Of the 1,346 Ballots, 933 ballots ("the 933 Ballots") were opened and counted on January 3, 2009, and approximately 413 Ballots ("the 413 Ballots") were not opened and counted.
- 2. The 933 Ballots were properly and lawfully opened and counted, and the results of the 933 Ballots were properly and lawfully included in the results of the 2008 United States Senate election as certified by the Minnesota State Canvassing Board. Accordingly, Contestants dismiss

with prejudice all claims in the Notice of Contest relating to the 933 Ballots, and Contestee consents to the dismissal. Costs, if any, shall be determined later. To further Minnesota's policy of ballot secrecy, the Minnesota Secretary of State shall take all necessary steps to remove and/or redact permanently the numbers affixed to the ballot envelopes and ballots on January 3, 2009. The totals from the opening, sorting and counting of these ballots shall be included in the results of the 2008 United States Senate election.

Dated: February 3, 2009

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APPROVED AND SO ORDERED on this 2 day of February, 2009.

BY THE COURT:

Elizabeth A. Hayden Judge of District Court

Kurt J. Marben
Judge of District Court

Denise D. Reilly
Judge of District Court