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FILED
Court Administrator

STATE OF MINNESOTA
COUNTY OF RAMSEY

APR 24 2009
By [Signature] Deputy

DISTRICT COURT
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,
v.

ORDER NUNC PRO TUNC

Al Franken,

Contestee.

This Court issued Findings of Fact, Conclusions of Law and Order for Judgment on April 13, 2009 including a typographical error. Accordingly, the Court issues the following ORDER NUNC PRO TUNC:

1. Page 48 of the Court's Findings of Fact, Conclusions of Law and Order for Judgment is stricken and replaced with the attached Page 48 appended to this Order.
2. No other substitutions or amendments to the Court's Findings of Fact, Conclusions of Law and Order for Judgment are made by this Order Nunc Pro Tunc.

Dated: April __, 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

only the votes of eligible voters.”). An individual does not have an equal protection right to have an invalid ballot counted.

Critically, an individual must be registered to vote. *See* Minn. Stat. §§ 201.018, subd. 2 (“An eligible voter must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, school district, or special election held in the county.”); 201.054, subd. 1; 201.061, subds. 1, 3 & 4; (Order, Mar. 31, 2009 at 9 (“A vote submitted by a non-registered voter is not legally cast.”)). The registration requirement is mandatory and may not be waived. Minn. Stat. §§ 201.061, subd. 5; (Order, Mar. 31, 2009 at 9; Order, Feb. 13, 2009 at 6.). Contestants agree that a voter must be registered to vote. Minn. Stat. §§ 201.018, subd. 2. Although Contestants argued that approximately 4,800 absentee ballots were wrongfully rejected, the Court only received evidence regarding the registration status of approximately 980 voters. (Order, Mar. 31, 2009 at 11-12.) Of these, approximately 300 voters failed to update their registration, leaving the Court with evidence of proper registration for fewer than 700 voters. (*Id.*)

Furthermore, it is critical that a voter’s vote be counted only once. *See* Minn. Stat. §§ 203B.12, subd. 4; 204C.14(b) (“No individual shall intentionally...vote more than once at the same election.”); *Gray v. Sanders*, 372 U.S. 368, 380 (1963) (“Every voter's vote is entitled to be counted once.”). (*See also* Order, Mar. 31, 2009 at 11 (“An absentee ballot is properly accepted if the election judges are satisfied that “the voter has not already voted at that election, either in person or by absentee ballot.”)); Test’y of Gelbmann, Jan. 29, 2009 at 10 (testifying that voters who vote by absentee ballot may go to the polls in person on Election Day and cast another ballot).)

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Dated: April 20, 2009.

BY THE COURT:

Elizabeth A. Hayden
Judge of District Court

Kurt J. Marben

Kurt J. Marben
Judge of District Court

Denise D. Reilly
Judge of District Court

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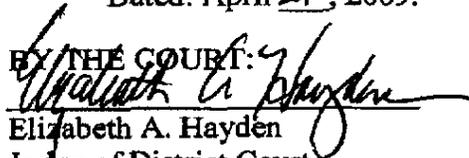
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Dated: April 21st, 2009.

BY THE COURT:


Elizabeth A. Hayden
Judge of District Court

Kurt J. Marben
Judge of District Court

Denise D. Reilly
Judge of District Court

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
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Dated: April 20, 2009.

BY THE COURT:

Elizabeth A. Hayden
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Dated: April 24, 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