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
FILED  
Court Administrator

STATE OF MINNESOTA

JAN 21 2009

DISTRICT COURT

COUNTY OF RAMSEY

By  Deputy

SECOND JUDICIAL DISTRICT

Case No.: 62-CV-09-56

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,

Cullen Sheehan and Norm Coleman,

Contestants,

vs.

**AFFIDAVIT OF  
MATTHEW W. HAAPOJA**

Al Franken,

Contestee.

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF RAMSEY    )

Matthew W. Haapoja, being first duly sworn, hereby deposes and states as follows:

1. I am counsel for Contestants and make this Affidavit based on my own personal knowledge.

2. Exhibit A attached hereto identifies the precincts in which errors occurred due to double-counting of votes caused by the interpretation by Gary Poser of Rule 9 of the recount procedures adopted by Minnesota State Canvassing Board ("Board") that the ballots found in the originals envelope would be counted in the recount, even when the number of marked duplicates did not match the number of ballots in the originals envelope. Because unmarked duplicates were counted, along with originals, during the recount, certain ballots cast on election day were counted twice during the recount.

3. Exhibit B attached hereto identifies the precincts in which errors occurred due to the interpretation by Gary Poser of Rule 9 of the recount procedures adopted by Board that only

the ballots found in the originals envelope would be counted in the recount, even when the number of marked duplicates did not match the number of ballots in the originals envelope, many ballots legally cast on election day were not counted during the recount. The result of this rule is that valid ballots cast on election day were not counted during the recount.

4. Exhibit C attached hereto identifies the precincts in which errors occurred due to extra ballots that were counted during the recount, and not counted on election night. Chain of custody questions exist such that the integrity of these ballots is questionable.

5. Exhibit D attached hereto identifies precincts in which ballots which were counted on election day were not counted during the recount. The result of this situation is that valid ballots cast on election day were not counted during the recount.

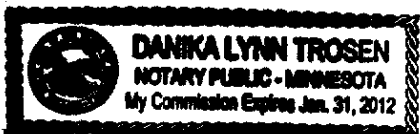
6. Exhibit E attached hereto identifies precincts in which irregularities occurred during the recount requiring further investigation in this contest. These irregularities are reported in incident logs prepared by recount officials and/or as reported to the Coleman for Senate campaign by representatives of Coleman for Senate campaign that attended the recount in various precincts.

7. Contestants also desire to inspect all rejected absentee ballot envelopes and related election materials (including without limitation registration rolls, polling registers, accepted absentee ballot envelopes, applications for absentee ballots and voter registration applications), in all precincts, cities and counties in which absentee ballot envelopes were rejected by local election officials and not opened on election night.

Subscribed and sworn to before me  
this 22nd day of January, 2009

Danka L. Trosen  
Notary Public

Matthew W. Haapoja  
Matthew W. Haapoja



## EXHIBIT A

### PRECINCTS WHERE DOUBLE COUNTING OCCURRED DUE TO DUPLICATE/ORIGINAL PROBLEM

<u>COUNTY</u>	<u>PRECINCT</u>	<u>NUMBER OF BALLOTS POTENTIALLY AT ISSUE</u>
Anoka	Coon Rapids W1-P4	6
Blue Earth	Mankato W5, P11	1
Dakota	Eagan P3	7
Dakota	Farmington P1	5
Dakota	Hastings W1-P3	8
Dakota	Lakeville P9	1
Hennepin	Bloomington W2-P27	7
Hennepin	Hopkins P1	1
Hennepin	Minneapolis W2-P3	2
Hennepin	Minneapolis W2-P5	4
Hennepin	Minneapolis W3-P5	4
Hennepin	Minneapolis W5-P4	3
Hennepin	Minneapolis W5-P6	2
Hennepin	Minneapolis W7-P6	12
Hennepin	Minneapolis W7-P7	9
Hennepin	Minneapolis W8-P10	2
Hennepin	Minneapolis W8-P7	11
Hennepin	Minneapolis W9-P2	6
Hennepin	Minneapolis W10-P10	40
Hennepin	Minneapolis W10-P2	11
Hennepin	Minneapolis W10-P4	5
Hennepin	Minneapolis W10-P7	1
Hennepin	Minneapolis W11-P7	10
Hennepin	Minneapolis W11-P8	23
Hennepin	Minneapolis W12-P8	14
Hennepin	Minneapolis W13-P1	3
Hennepin	Minneapolis W13-P3	1
Hennepin	Robbinsdale W4	1
Hennepin	St. Louis Park W3-P12	1
Lake of the Woods	3B (Williams City)	1
St. Louis	Cedar Valley	1
St. Louis	Duluth P4	2
St. Louis	Gnesen	1
Stearns	Melrose	1
Wadena	Wadena P3	1
Wadena	Aldrich City	1
Wright	Buffalo P2	1
Wright	Maple Lake Twp	4

## EXHIBIT B

### PRECINCTS WHERE BALLOTS WERE NOT COUNTED DURING THE RECOUNT DUE TO SECRETARY OF STATE INTERPRETATION OF RULE 9

<u>COUNTY</u>	<u>PRECINCT</u>	<u>NUMBER OF BALLOTS POTENTIALLY AT ISSUE</u>
Anoka	Spring Lake Park 1A	3
Dakota	Burnsville P11	1
Dakota	Farmington P1	1
Dakota	Lakeville P10	11
Hennepin	Bloomington W4-P6	9
Hennepin	Brooklyn Park WE- P8	1
Hennepin	Edina P11	4
Hennepin	Maple Grove P6	3
Itasca	Comfort	1
Ramsey	Roseville P2	1
St. Louis	Duluth P16	1
St. Louis	Hermantown P3	3

**EXHIBIT C**

**PRECINCTS WITH MORE BALLOTS COUNTED THAN PERSONS VOTING ON  
ELECTION NIGHT; CHAIN OF CUSTODY QUESTIONS**

<u>COUNTY</u>	<u>PRECINCT</u>	<u>NUMBER OF BALLOTS MORE COUNTED IN RECOUNT THAN ELECTION NIGHT</u>
Anoka	Lexington P1	1
Becker	Callaway	5
Becker	Shell Lake Twp	7
Beltrami	Turtle Lake Twp	1
Dakota	West St Paul W-1 P- 2	7
Hennepin	Crystal W4, P2	6
Hennepin	Golden Valley P6	22
Hennepin	Maple Grove P9	3
Hennepin	Rogers P1	5
Olmsted	Rochester W3 P3	9
Olmsted	Rochester W6 P1	9
Ramsey	Roseville P8	4
Ramsey	Maplewood P6	168
Ramsey	St. Paul W3, P9	17
Ramsey	White Bear Twp P2	30
St. Louis	Duluth P32	64
St. Louis	Eveleth P6	3
Swift	Murdock	3
Washington	Woodbury P3	3
Wright	Buffalo P2	5

**EXHIBIT D**

**COUNTIES/PRECINCTS WITH FEWER BALLOTS COUNTED  
THAN PERSONS VOTING ON ELECTION NIGHT**

<b><u>COUNTY</u></b>	<b><u>PRECINCT</u></b>	<b><u>NUMBER OF BALLOTS POTENTIALLY AT ISSUE</u></b>
Clay	Hawley Township	20
Dakota	Burnsville P7	14
Faribault	Blue Earth W2	1
Ramsey	Roseville P4	20
Ramsey	White Bear Lake W3 P1	11
Scott	Prior Lake P5	2 (ballots missing during post-election audit review process but not explained)
Stearns	St. Cloud W1 P2	8

## EXHIBIT E

### PRECINCTS WITH OTHER IRREGULARITIES DURING THE RECOUNT

<u>COUNTY</u>	<u>PRECINCT</u>	<u>DESCRIPTION</u>
Anoka	St. Francis P2	2 ballots not counted in recount – no apparent explanation
Carlton	Perch Lake Township	Ballots found with chain of custody issues
Hennepin	Bloomington W3-P18	2 Coleman ballots not counted today
Hennepin	St. Anthony	Ballot found in “excess ballot” pile and counted during recount – chain of custody issue
Houston	Caledonia, P1 and P2	2 ballots from P2 found with ballots from P1, but not counted in recount for P2
Stearns	Maine Prairie Township/ Le Sauk Township	3 write ins on a ballot in Maine Prairie Township - same names and handwriting as a ballot in Le Sauk Township (may be double vote)
Stearns	St. Cloud W1, P2	3 ballots apparently removed from ballots voted on election night by election judge
Stearns	St. Cloud W4, P8	2 ballots apparently removed from ballots voted on election night by election judge
Stearns	Waite Park P2	1 ballot apparently removed from ballots voted on election night by election judge