

190

FILED
Court Administrator

STATE OF MINNESOTA	MAR 31 2009	DISTRICT COURT
COUNTY OF RAMSEY	By <u>[Signature]</u> Deputy	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,

**ORDER
FOR DELIVERY OF BALLOTS
TO OFFICE OF THE MINNESOTA
SECRETARY OF STATE
FOR REVIEW BY THE COURT**

Cullen Sheehan and Norm Coleman,

Contestants,

Ct. File No. 62-CV-09-56

vs.

Al Franken,

Contestee,

Dennis Peterson, et. al.,

Petitioners,

Supreme Court File No. A09-65

vs.

Mark Ritchie, Minnesota Secretary of State, et. al.,

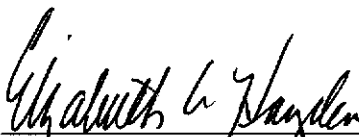
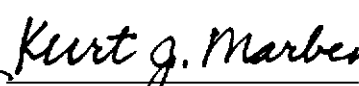
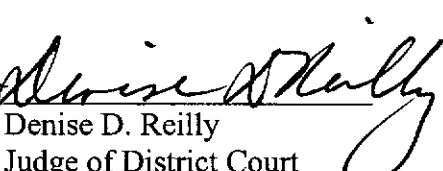
Respondents.

ORDER

1. The following materials shall be provided to the Office of the Minnesota Secretary of State no later than 12:00 noon on April 6, 2009 for review by the Court:
 - a. The absentee ballot return envelopes for the individuals identified in Exhibit A;
 - b. The absentee ballot return envelopes, absentee ballot applications, and federal postcard applications for the individuals identified in Exhibit B; and

- c. The original voter registration application and absentee ballot return envelope for the individual identified in Exhibit C.
2. Absentee ballots determined by the Court to be legally cast shall be opened and counted on April 7, 2009 at 9:30 a.m. in Courtroom 300 of the Minnesota Judicial Center and the total be declared and certified for such use as might be appropriate by the United States Senate, this Court, or any other proper use under law.
3. A copy of this Order shall be furnished to each of the County Auditors, who shall be responsible for locating the ballots identified herein. All such ballots shall be transmitted to the Secretary of State pursuant to the directions in Exhibit D.
4. Legally cast absentee ballots shall be opened, sorted and counted by the Office of the Secretary of State in open court. Opening, sorting and counting shall proceed using the same methods as described in the Minnesota Supreme Court's Order of December 24, 2008. Upon opening, sorting and counting, the ballots shall be completely and finally separated from the envelopes in accordance with Minnesota's policy of ballot secrecy. The totals from the opening, sorting and counting shall be included in the results of the 2008 United States Senate election reported by the Minnesota Secretary of State.
5. The Court's Memorandum, attached herewith, is incorporated herein.
6. Any other relief not specifically ordered herein is DENIED.

BY THE COURT:

		
Elizabeth A. Hayden Judge of District Court	Kurt J. Marben Judge of District Court	Denise D. Reilly Judge of District Court

Dated this 31st day of March, 2009.

MEMORANDUM

I. Factual and Procedural Background

Minnesota held its State General Election on November 4, 2008, during which approximately 2.9 million Minnesota citizens cast a ballot. Of the 2.9 million ballots cast, approximately 280,000 citizens voted by absentee ballot, representing less than ten percent of the total votes cast on Election Day.¹ Election officials rejected approximately twelve-thousand absentee ballots, representing less than one-half of one-percent of the total number of ballots cast in the 2008 general election. The count of votes on election night resulted in Norm Coleman (“Coleman”) receiving 1,211,590 votes and Al Franken (“Franken”) receiving 1,211,375 votes. This small number of votes between the candidates triggered an automatic hand recount.²

On November 18, 2008, the Minnesota State Canvassing Board directed the Office of the Minnesota Secretary of State to oversee an administrative recount.³ Over one thousand local officials and volunteers participated in the recount, which began on November 19, 2008.⁴ Members of the public and representatives from each campaign were permitted to observe the recount process.

During the recount process, Coleman challenged whether the State Canvassing Board had the authority to identify and open wrongfully rejected absentee ballots.⁵ In response, the Minnesota Supreme Court issued an Order in December 2008 ordering the

¹ See Test’y of Mansky, March 4, 2009 at 202.

² Minnesota law mandates an automatic hand recount when the difference in the number of votes cast is less than one-half of one percent. (Ex. F-14.)

³ See Minn. Stat. § 204C.35, subd. 1; Notice at ¶ 7.

⁴ See Test’y of Reichert, Feb. 26, 2009 at 80; Test’y of Poser, Feb. 23, 2009 at 159.

⁵ Ex. F-1679.

candidates, their respective campaign representatives and the Secretary of State, in conjunction with county auditors and canvassing boards, to “establish and implement a process, as expeditiously as practicable, for the purpose of identifying all absentee ballot envelopes that the local election officials and the candidates agree were rejected in error.”⁶

Local election officials then reviewed the unopened absentee ballots and identified approximately 1,350 unopened absentee ballots from 60 counties that were likely rejected in error. In accordance with the Minnesota Supreme Court’s Order, the candidates and their respective campaign representatives ultimately agreed to open and count 933 of the identified rejected absentee ballots. These absentee ballot return envelopes were delivered to the Secretary of State and opened and counted on January 3, 2009. These results were included in the recount canvassing report results.

The recount lasted approximately six weeks. The recount process was transparent and open to the public.⁷ The review by the State Canvassing Board, along with the absentee ballots that were opened and counted on January 3, 2009, resulted in a recount canvassing report.⁸ On January 5, 2009, the State Canvassing Board certified that Coleman received 1,212,206 votes and Franken received 1,212,431 votes.⁹ The State Canvassing Board issued a Certificate of Election unanimously certifying that Franken

⁶ *Coleman v. Ritchie*, 758 N.W.2d 306, 308 (Minn. 2008).

⁷ Test’y of Poser, Feb. 24, 2009 at 252.

⁸ *Id.* at 253; Exs. F-138; F-140.

⁹ Exs. F-138; F-140.

received the highest number of votes cast on November 4, 2008, for the United States Senate seat.¹⁰

Contestants Cullen Sheehan and Coleman (“Contestants”) filed a Notice of Contest with the Ramsey County District Court on January 6, 2009 contesting the general election of November 4, 2008.¹¹ The election contest began on January 26, 2009 and concluded on March 13, 2009, after seven weeks of trial.¹² At the close of trial, Contestants and Contestee gave the Court their respective lists identifying rejected absentee ballots the parties believed should be opened and counted. Contestants identified 1,360 individuals and Contestee identified 430 individuals.¹³ Upon the Court’s initial review, it became apparent that the parties’ spreadsheets identifying the relevant exhibits were inadequate and unreliable. This required the Court to complete an exhaustive review of all the records and documents submitted by either party throughout the course of the entire trial.

During its deliberation, the Court reviewed 19,181 pages of filings, including pleadings, motions and legal memoranda from the parties; 1,717 individual exhibits admitted into evidence; and testimony from 142 witness examinations, including election officials from 38 Minnesota counties and cities and 69 voters who appeared and testified in defense of their ballots. The trial evidence comprised exhibits offered in three-ring binders that, when stacked, equaled over 21 feet of paper copies. The Court carefully reviewed each absentee ballot on a ballot-by-ballot basis to determine whether sufficient

¹⁰ Test’y of Poser, Feb. 24, 2009 at 253-54; Exs. F-138; F-140.

¹¹ Minn. Stat. § 209.021

¹² See Minn. Stat. § 209.065.

¹³ Certain voters appeared on both parties’ spreadsheets, resulting in some duplication.

individualized evidence had been presented that the voter complied with applicable federal and state law.

II. Legal Standard and Background

Contestants' case-in-chief focused primarily on the issue of wrongly rejected absentee ballots.¹⁴ The Minnesota Supreme Court recognizes that "[t]he opportunity of an absentee voter to cast his vote at a public election by mail has the characteristics of a privilege rather than of a right."¹⁵ As such, "the legislature may mandate the conditions and procedures for such voting."¹⁶ A citizen who exercises this privilege can register and vote, by the terms of the law, "only by complying with the provisions thereof."¹⁷

In deciding whether an absentee ballot envelope should be opened and counted, this Court followed the standards set forth by the Minnesota legislature.¹⁸ On February 10, 2009, the Court indicated it would look to "individualized evidence" for each absentee ballot and would not order that an absentee ballot be opened and counted "without sufficient evidence that the voter complied with all statutory requirements."¹⁹ On February 13, 2009, the Court clearly articulated that "the burden is to show the ballots are legally cast... showing the reason for rejection was improper is not tantamount to proving legally cast."²⁰ Each party knew or should have known the scope of the Court's

¹⁴ See Notice ¶¶ 10 & 11.

¹⁵ *Erlandson v. Kiffmeyer*, 659 N.W.2d 724, 733, n. 8 (Minn. 2003) (quoting *Bell v. Gannaway*, 227 N.W.2d 797, 802 (Minn. 1975)).

¹⁶ *Id.*

¹⁷ *Bell*, 227 N.W.2d at 803; see also Minn. Stat. § 203B.02; *Matter of Contest of School Dist. Election Held on May 17, 1988*, 431 N.W.2d 911, 915 (Minn. Ct. App. 1988).

¹⁸ Minn. Stat. § 203B.12, subd. 2.

¹⁹ Order, Feb. 10, 2009 at 10.

²⁰ Order, Feb. 13, 2009 at 4.

review by February 13, 2009, before Contestants rested their case-in-chief. On February 23, 2009, the Court reiterated that it would “refuse to order the opening and counting of any ballot without sufficient evidence that the voter who cast the ballot complied with all relevant statutory requirements.”²¹

At the start of the election contest, Contestants argued that close to 5,000 absentee ballots should be opened and counted.²² On February 3, 2009, the Court limited the scope of Contestants’ claims to approximately 4,800 ballots.²³ In response to the Court’s February 13, 2009 Order excluding certain absentee ballots, Contestants withdrew more than one thousand ballots, leaving 3,687 at issue. Contestants withdrew a significant number of ballots during the course of the trial. At the close of trial, Contestants asserted they had proved that 1,300 absentee ballots should be opened and counted. This number, however, was contingent upon the Court making certain presumptions regarding whether an absentee ballot was legally cast.

For example, Contestants’ counsel argued that the Court should presume a voter is registered without evidence to the contrary, that a witness with a Minnesota address is properly registered, that a voter with an absentee ballot completed an absentee ballot application, and that the voter’s signature is genuine. However, when the counties or a party places an absentee ballot in issue and that ballot has been carefully reviewed but continues to lack legal sufficiency, the Court can make no such presumptions. Further, Contestants’ presumptions are not reasonable in light of the small number of absentee ballots at issue in this election contest and the fact that these absentee ballots have

²¹ Order, Feb. 23, 2009 at 13.

²² See Jan. 26, 2009 at 15-16.

²³ Order, Feb. 3, 2009 at 5.

already been carefully reviewed as many as three times by state and local election officials.

The election contest is a civil action and the burden is on the party seeking relief to introduce evidence to the Court sufficient to meet its burden of proof. As in all civil trials, a party may not rely on presumptions to prove its case. An election contest is an adversarial proceeding. As such, the proponent has the burden to prove each element of the case by a preponderance of the evidence. Thus, Contestants must meet their burden of proof for the claims alleged in the Notice of Contest and Contestee must meet his burden of proof with respect to his counterclaims. The Court gave both parties every opportunity to meet this burden. The Court did not impose time limits on the length of the election contest nor did it limit either party's opportunity to call witnesses or introduce evidence.

III. The Court Undertook a Thorough Review of each Absentee Ballot

Laws to enfranchise voters should be interpreted liberally. Indeed, "the right to vote is considered fundamental under both the U.S. Constitution and the Minnesota Constitution."²⁴ The Minnesota Supreme Court recognizes that "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."²⁵

²⁴ *Kahn v. Griffin*, 701 N.W.2d 815, 830 (Minn. 2005) (citing *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 670 (1966); *Ulland v. Grove*, 262 N.W.2d 412, 415 (Minn. 1978)); see also *Harman v. Forssenius*, 380 U.S. 528, 537 (1965) (holding the right to vote to be fundamental because "preservative of all rights").

²⁵ *Erlandson*, 659 N.W.2d at 730 (quoting *Burson v. Freeman*, 504 U.S. 191, 199 (1992) (quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964))).

With this principle in mind, the Court made reasonable factual inferences based upon the weight of the evidence, the testimony presented and the factual record as a whole, to ensure that all properly registered voters who cast a ballot in the 2008 general election in accordance with applicable federal and state law would have their vote counted.

Before considering the full list of statutory requirements regarding absentee ballots, the Court looked for evidence regarding two threshold requirements. First, the Court looked to whether a voter was registered to vote in his or her precinct. Second, the Court looked to whether the voter otherwise voted, either by voting in person at the polling place on Election Day or by submitting another absentee ballot that was counted.

a. As a Threshold Consideration, the Court Required Evidence that the Individual Who Cast an Absentee Ballot was a Registered Voter

The Court's analysis begins with voter registration. The Court cannot presume that every voter who cast an absentee ballot is registered to vote. A vote submitted by a non-registered voter is not legally cast.²⁶ This requirement is mandatory and may not be waived by election officials.²⁷ Thus, the Court's threshold consideration was whether the voter was legally registered to vote in his or her precinct on Election Day. An individual may register to vote prior to Election Day,²⁸ may register on Election Day by appearing

²⁶ See Minn. Stat. §§ 201.08; 201.061.

²⁷ See Order, Feb. 13, 2009 at 6; Minn. Stat. §§ 201.061, subd. 5 ("No election judge in any precinct in which registration is required may receive the vote at any election of any individual whose name is not registered in a manner specified in section 201.054, subdivision 1 or not recorded under section 203B.19. A violation of this subdivision is a felony.").

²⁸ A registration received within 20 days immediately preceding any regularly scheduled election is considered a late registration. Minn. Stat. § 201.061, subd. 1.

in person at the polling place for the precinct in which he or she resides, or may include a completed voter registration application with the voter's absentee ballot.²⁹

Given the legal necessity of this element, the Court is unwilling to make presumptions with respect to voter registration. Contestants argued the Court should presume that a voter was registered if the sticker affixed to the absentee ballot return envelope contained an 'R.'³⁰ The Court, however, heard testimony that election officials occasionally sent voters the wrong materials, with non-registered voters receiving registered voter materials and registered voters receiving non-registered voter materials. If the Court relied solely on the sticker to determine whether a voter was registered, then registered voters who were erroneously sent non-registered voter materials with stickers indicating a 'non-registered status' would effectively be disenfranchised.

An unregistered voter may not cast a ballot even if the voter's failure to register to vote is the result of election official errors or omissions regarding registration.³¹ Requiring proof that an individual is a registered voter does not subject the parties to a new set of standards. Contestants themselves recognized the importance of ensuring that only registered voters are afforded the right to cast a ballot.³²

²⁹ See Minn. Stat. §§ 201.061, subs. 1 & 3(a); 203B.04, subd. 4; see also Minn. Stat. § 203B.19 recognizing separate registration process for overseas voters); Test'y of Poser, Feb. 23, 2009 at 11-12 (describing the process by which a person becomes registered); Test'y of Cox, March 5, 2009 at 168 (testifying that the first step in the process is to determine if the voter is registered.)

³⁰ See, e.g., Test'y of Bunting, Feb. 23, 2009 at 89-90 (testifying that the designation 'R' under the bar code on the voter's sticker indicates the voter was sent registered voter materials.)

³¹ See, e.g., Test'y of Corbid, Feb. 3, 2009 at 101-102; Feb. 4, 2009 at 121-22; Test'y of Smith, Feb. 6, 2009 at 36-37; Test'y of Schreifels, Feb. 18, 2009 at 84; Test'y of Fuller, Feb. 18, 2009 at 180; Test'y of Reichert March 10, 2009 at 127.

³² See Feb. 4, 2009 at 68 (acknowledging that "[Contestants] are not trying to get unregistered voters' votes counted"); Feb. 12, 2009 at 148 (representing that: "[Contestants'] view is that a voter being registered is an absolute requirement[.]"). Contestants' counsel recognized this fundamental requirement prior to the issuance of the Court's February 13, 2009 Order.

The Court also notes that an unregistered voter is ineligible to cast a vote if that voter appears in person at a polling place on Election Day and fails to first register. The Court cannot permit an individual to accomplish by absentee ballot what he or she could not accomplish in person. The Court's decision is further buttressed by two considerations: first, that the Minnesota Legislature favors in-person voting,³³ and second, that compliance with the voting laws regarding absentee ballots minimizes the risk of election fraud.³⁴ Based upon the clear language of the statute and the anti-fraud concerns underlying that statute, the Court concludes that an absentee ballot submitted by an unregistered voter is not legally cast.

Over the course of seven weeks, the Court received evidence regarding the registration status of approximately 980 voters. Registration status was determined from testimony by voters and election officials, voter registration cards, roster pages, registration requests under UOCAVA, and data provided from the Statewide Voter Registration System. From this universe, the evidence revealed that roughly 300 of these voters needed to update their registration records before they could legally cast their ballots. For example, the statewide voter registration system designated many voters as "inactive" because the voter did not vote in the previous four years or "challenged" because the voter changed residence.³⁵ Ultimately, the Court was left with a pool of

³³ See, e.g., Minn. Stat. § 201.061, subd. 3 (discussing Minnesota's same-day registration procedures).

³⁴ The Court previously cited *Crawford v. Marion County Election Bd.*, 128 S.Ct. 1610 (2008) in its discussion regarding Minnesota's preference for in-person voting and noted that "even where evidence of fraud is lacking, an election court may not disregard the intention of the legislature to incorporate anti-fraud provisions into the elections law." See Order, Feb. 23, 2009 at 7-8.

³⁵ A voter must re-register when moving units within an apartment building in Hennepin County. Minn. R. 8200.3600; see generally Test'y of Reichert, March 10, 2009 at 116-17. The Court received evidence regarding the registration status of 29 voters whose residence address changed because they moved units within a residential complex. After a thorough review, the Court determined that the number of voters who

approximately 650 registered voters. However, the Court cannot simply order the absentee ballots of these 650 absentee voters to be opened and counted until the Court has received evidence that the absentee ballot was otherwise legally sufficient and the voter did not otherwise vote.

b. As a Threshold Consideration, the Court Required Evidence that the Individual Who Cast an Absentee Ballot Did Not Otherwise Vote

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.”³⁶ The Court did not presume that a voter did not otherwise vote in person or by another absentee ballot without testimony or a certification from an election official in the voter’s county of residence.³⁷ According to the testimony received, the purpose of sending absentee ballots to the polling places for processing is to allow for the possibility that a voter who cast an absentee ballot may have gone to the polls on Election Day to vote in

had their absentee ballot envelopes rejected solely for failing to re-register upon moving apartments amounted to fewer than 20 individuals.

³⁶ Minn. Stat. § 203B.12, subd. 4.

³⁷ In its Order of February 26, 2009 in response to Contestee’s motion in limine, the Court concluded that a county official could conduct a review of official records and certify to the non-existence of a record showing that an individual voted in his or her precinct or within the county on Election Day pursuant to Minnesota Rule of Evidence 803(10), and further noted that certified copies of Election Day incident reports and voter rolls could be entered into evidence under Rule 803(8). Order, March 11, 2009 at 2; Order, Feb. 26, 2009 at 6-7. Contestants did not offer timely certifications from Anoka County, Hennepin County-Plymouth, Itasca County, or Ramsey County. Additionally, although Contestants were in possession of registration materials for voters in Wright County and Olmsted County, these materials were not offered to the Court. *See* Ex. C-369; *see also* Exs. C-537 & C-538 (exhibits containing absentee ballot envelopes and SVRS records for the City of Minnetonka were not offered by Contestants and were accordingly not received into evidence.) Thus, although the Court had other evidence including absentee ballot return envelopes and absentee ballot applications for individuals within these counties, the Court was precluded from ordering the absentee ballots of these individuals be opened and counted without evidence of their registration status in the record.

With respect to the certification for Hennepin County-Edina, the Court viewed the certification in conjunction with subpoena and concluded that the intended meaning of the certification is that the individuals named therein did not otherwise vote. The court is taking an expansive reading of this certification in order to enfranchise voters whenever possible.

person.³⁸ It is for this reason that election judges are instructed to check the Election Day roster before opening and counting an absentee ballot to ensure that the voter did not otherwise vote in person or by another absentee ballot. *Id.*

c. The Voter Must Submit an Absentee Ballot Application

A voter requesting to vote by absentee ballot must submit an application for an absentee ballot. An absentee ballot application must be timely received, signed and dated by the applicant, contain the applicant's name and residence and mailing address, and state that the applicant is eligible to vote by absentee ballot for one of the statutorily-provided reasons.³⁹ The application must be signed by the voter so that the signature on the application may be compared to the voter's signature on the absentee ballot return envelope. This is to ensure that the person receiving the absentee ballot is the same person who will be casting the absentee ballot. An absentee ballot submitted by a voter whose absentee ballot application does not contain the voter's signature is not legally cast.⁴⁰ It is the voter's responsibility to properly complete the absentee ballot application.⁴¹

In certain instances, the Court was willing to find that the voter made an application for an absentee ballot where the absentee ballot return envelope bore a sticker

³⁸ See Test'y of Gelbmann, Jan. 29, 2009 at 10.

³⁹ Minn. Stat. § 203B.04, subd. 1; *see also id.* § 203B.12, subd. 2.

⁴⁰ Order Feb. 13, 2009 at 11-12.

⁴¹ *Id.*; *see also* Test'y of Boyle, Feb. 11, 2009 at 27-30 (affirming Minnesota statute does not contain an exception to the signature requirement for the absentee ballot application when it is accepted by an election official and confirming that it is the ultimate responsibility of the voter to sign the absentee ballot application); Test'y of Engdahl, Feb. 13, 2009 at 53-55 (confirming election officials are not responsible for ensuring a voter signs an absentee ballot application and do not have the power to waive the statutorily-mandated signature requirement); Test'y of Doboszanski, Feb. 23, 2009 at 103-04 (confirming it is the voter's obligation to request an absentee ballot application and to sign it).

containing the voter's name and address affixed to the envelope. Contestants argued that a voter could not obtain an absentee ballot without first completing an absentee ballot application and that the Court could presume the existence of the application. The Court was unwilling to make this presumption. The Court received considerable direct evidence that individuals obtained absentee ballots without submitting properly-completed absentee ballot applications.⁴² By way of further example, the Court received evidence that absentee ballots were completed and signed by individuals other than the voters to whom they were issued. In some instances, an absentee ballot bore a sticker containing the voter's name and address although it was clear to the Court that the absentee ballot was actually voted by, and contained the signature of, a different person.⁴³ In other cases, a family member or friend completed an application for an absentee ballot in another voter's name.⁴⁴

Indeed, the absentee ballot application instructions advise the voter that it is a felony to request an absentee ballot in another's name and require the voter to certify that they are requesting an absentee ballot on their own behalf. Minnesota statute requires election judges to determine whether the voter's signature on the return envelope is the genuine signature of the individual who made the application for the absentee ballot.⁴⁵ Election judges compare the voter's signature on the absentee ballot envelope with the

⁴² See Test'y of Engdahl, Feb. 13, 2009 at 56 & 155-57 (testifying that there are several ways by which a voter could obtain an absentee ballot without first submitting an absentee ballot application); Test'y of Anderson, Feb. 19, 2009 at 126-27 (testifying that a clerk in East Gull Lake, Cass County, failed to require voters to fill out absentee ballot applications before sending out absentee ballots).

⁴³ See Ex. C-365.

⁴⁴ See, e.g., Test'y of Thompson, Jan. 27, 2009 at 57; Ex. C-241.

⁴⁵ See Minn. Stat. § 203B.12, subd. 2(2).

absentee ballot application to determine whether the voter's signature is genuine.⁴⁶ This statutory standard underlies the legislature's anti-fraud concerns and cannot be waived by election officials.⁴⁷

d. The Voter Must Complete and Sign the Absentee Ballot Envelope

The voter is responsible for properly completing the absentee ballot return envelope. An absentee ballot return envelope is only accepted upon a showing that "the voter's name and address on the absentee ballot return envelope are the same as the information provided on the absentee ballot application."⁴⁸ The Court previously recognized that an absentee ballot return envelope submitted by a voter without the voter's genuine signature is not legally cast.⁴⁹ An exception may exist when there is evidence that the envelope was completed in front of an election official.⁵⁰ The signature requirement is mandatory and exists in part to guard against fraud in our electoral process.⁵¹

The Secretary of State provides county auditors with a sample graphic depiction and instructions for voters casting an absentee ballot. These instructions are issued to every voter who completes an absentee ballot application and instructs the voter how to complete the absentee ballot return envelope.⁵² Step 6 of the instructions clearly instructs

⁴⁶ See Test'y of Mansky, Feb. 2, 2009 at 118-20.

⁴⁷ *Id.* at 116.

⁴⁸ Order of Feb. 13, 2009 at 10; Minn. Stat. § 203B.12, subd. 2(1).

⁴⁹ See Minn. Stat. § 203B.12; Order, Feb. 13, 2009 at 13; *see also* Minn. Stat. § 645.44, subd. 14 (accepting marks and signatures written by another in limited circumstances).

⁵⁰ See Minn. Stat. § 203B.12; Order, Feb. 13, 2009 at 13.

⁵¹ See Order, Feb. 13, 2009 at 11 & 13.

⁵² Ex. F-1743; Minn. R. 8210.0500, subp. 1.

the voter to “Print your name and address on the back of the ballot return envelope unless a label with your name and address has already been affixed. Sign your name.”⁵³

Based upon the testimony received, the Court concludes that a voter’s signature placed on the face of the absentee ballot return envelope shall be considered a valid certification. Minnesota Statute directs an election judge to determine whether “the certificate has been completed as prescribed in the directions for casting an absentee ballot.”⁵⁴ The Court is satisfied that a voter who signs the face of the absentee ballot return envelope has met the terms of the statute. A voter who signs on the ‘voucher’ line or above or below the certification language or the address sticker should not have his or her absentee ballot excluded on that basis alone. Cognizant of the explicit language of the statute that “[t]here is no other reason for rejecting an absentee ballot” beyond the four enumerated reasons, the Court determines that a signature that appears on the face of the absentee ballot return envelope, wherever placed, complies with Minnesota law.

e. The Voter’s Absentee Ballot Must be Witnessed by a Registered Minnesota Voter or Notary Public

An absentee ballot must be witnessed by an individual who is registered to vote in Minnesota or by a notary public or person with the authority to administer oaths.⁵⁵ An absentee ballot witnessed by a notary public must contain the notary’s stamp or seal.⁵⁶ The instructions tell the voter to get a registered Minnesota voter to witness the absentee ballot. The majority of voters who testified knew they needed a registered Minnesota

⁵³ Minn. R. 8210.0500, subp. 2; Order of Feb. 13, 2009 at 13-14.

⁵⁴ Minn. Stat. § 203B.12, subd. 2(2).

⁵⁵ See Minn. R. 8210.0500, subps. 2 & 3; Minn. Stat. § 203B.07, subd. 3; Order, Feb. 13, 2009 at 14-15.

⁵⁶ See Minn. Stat. § 203B.08, subd. 2(3); Order, Feb. 13, 2009 at 14-15.

voter to witness their absentee ballot return envelope. Voters overwhelmingly testified that they asked their witnesses whether they were registered voters. Given this testimony and the instructions to the voter, the Court accepted the witness as a registered Minnesota voter if the witness gave a Minnesota address and there was no evidence to the contrary concerning the witness's registration status.⁵⁷ In limited instances, the Court accepted an absentee ballot witnessed by an individual who provided a street address or a post-office box without a city or zip code where the parties also offered into evidence the witness's voter information look-up from the statewide voter registration system or the witness's complete address was evident from the face of the ballot.

IV. The Court Orders 400 Absentee Ballots to be Delivered to the Office of the Minnesota Secretary of State for Review by this Court.

The purpose of this election contest is to determine the number of votes legally cast. The Court did a complete and thorough review of the 1,717 exhibits and transcripts of the testimony presented during the course of the seven-week election contest to determine whether the absentee ballots at issue satisfied the provisions of federal and state election law. The absentee ballots of the individuals identified in Exhibits A, B and C merit further consideration.

The 400 absentee ballots identified in this Order include: (1) absentee ballots the Court believes should be opened and counted based upon a thorough review of the evidence and a finding that the voter complied with Minnesota law, (2) absentee ballots where relevant information was redacted or illegible, and (3) absentee ballots where the

⁵⁷ See Test'y of Corbid, Feb. 5, 2009 at 45 (testifying that if a witness signed the absentee ballot and gave a Minnesota address, election officials presumed the witness was a registered voter.)

Court otherwise requires the original in order to make a finding. To be clear, not every absentee ballot identified in this Order will ultimately be opened and counted.

Upon receipt, the Court will review the absentee ballots and absentee ballot return envelopes. The Court will then determine which of those absentee ballots shall be opened, sorted and counted in open court. The opening, sorting and counting of absentee ballots will occur on April 7, 2009.

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
AITKIN	SHAMROCK TWP	TIM	STOCKE
ANOKA		TREY ALLEN	CASE
ANOKA	W3P3	CHRISTIAN M	DOMARUS
ANOKA	P6	EDWARD	KNARR
ANOKA		AMIE	LASSERRE
ANOKA	W2P1	ELIZABETH HERMINA	SCHRADER
ANOKA		JAMES	SCOTT
ANOKA		MARIE	THEIS
BECKER		KAILA	ASKELSON
BECKER		ANTHONY	GILSDORF
BECKER		WALTER	JUST
BECKER		JONI	RONNING
BENTON	ST. CLOUD W-2 P-05	JESSICA	FARK
BENTON	MINDEN TWP P-01	EDDIE	MORGAN
CARLTON		BRENDA	RENGO
CARLTON		DAVID	TUSHAR
CARVER	HOLLYWOOD TWP	KELTON DEAN	ADAMS
CARVER	CHANHASSEN P-3	KEVIN CURTIS	ANDERSON
CARVER	WATERTOWN	MARY JO	BECK
CARVER	CHASKA W2-P2	NICOLE RENEA	BOWMAN
CARVER	WATERTOWN	VERONA AMELIA	EDELSTEIN
CARVER	CHANHASSEN P4	BETTY MAE	FREDRICKSEN
CARVER	CHANHASSEN P6	JACQUELINE LEE	GAUER
CARVER	CHASKA W2 P1	RACHEL RUTH	INGRAHAM
CARVER		ANN	NIELSEN
CARVER	WACONIA W1	JASON LEE	OKRZYNSKI
CARVER	DAHLGREN TWP	BARBARA ANN	REETZ
CARVER	WACONIA W1	AUSTIN TIMOTHY	SCHMITT
CARVER	CHANHASSEN P4	DAVID WARREN	SIME
CARVER	CHANHASSEN P4	GRETCHEN K	SIME
CARVER		GARY LEE	SLATER
CARVER	CHANHASSEN P6	CARI ANN	STURGIS
CARVER	CHANHASSEN P3	BRYAN MATHEW	WACHTER
CARVER	WACONIA W2	GLORIA J	WARE
CARVER	CHANHASSEN P4	LAURA S	WOODS
CARVER	CHANHASSEN P4	DUANE EDWIN	YOUNG
CASS	SYLVAN TWP	KATHY	GOFF
CASS	NOT LISTED	CHARLAINE	PERKL
CASS	NOT LISTED	DONALD	PERKL
CASS		SHIRLEY	VANDYCK

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
CLAY		LINDA	HILLER
CLAY		RONALD	HILLER
CLAY	MOORHEAD W4 P1	LUCAS	HULNE
CLAY		ARLOS	MATTSON
CLAY	MOORHEAD W1 P3	EVANGELINE	MORSE
CLAY	MOORHEAD W3 P3	PAIGE	OLMSTEAD
CLAY	MOORHEAD W2 P1	JONI	SMITH
CROW WING		DOUGLAS	STANGE
DAKOTA		FREDRICK	AMARA
DAKOTA	BURNSVILLE P9	DANE P	ANDERSON
DAKOTA	BURNSVILLE P11	LOIS R	ANDERSON
DAKOTA	EAGAN P-15	SARA	BANKS
DAKOTA		JENNIFER	BARTHOLOMAY
DAKOTA		DEVARAE	BENDER
DAKOTA		ARVID	BLACKBIRD
DAKOTA	BURNSVILLE P11	AMANDA RUTH	BLACKWELL
DAKOTA		JOSEPH	DABAT
DAKOTA		SHUGUSIA	DAHIR
DAKOTA		CAROLINE	DAHMS
DAKOTA	BURNSVILLE P1	JIM	DIEBOLD
DAKOTA		LAURENCE	ENGBRETSON
DAKOTA		KIM	FALDE
DAKOTA	P-12	DAVID S.	FORBES
DAKOTA	BURNSVILLE P3	RACHEL SHAKUWA	FRANCOIS
DAKOTA	BURNSVILLE P12	MARICRIS STEPHANIE	GAVINO
DAKOTA	INVER GROVE HTS P-09	SHIRLEY	GLENN
DAKOTA	FARMINGTON P-2	SUSAN	GRAHAM
DAKOTA		CAITLIN	HEINZ
DAKOTA	BURNSVILLE P5	MARIA T	HIGHT
DAKOTA	P14	ANNA	HOLLEY
DAKOTA		JEFFREY	HYDE
DAKOTA	BURNSVILLE P3	BERNITA E	KALLAS
DAKOTA	BURNSVILLE P13	KATIE LEE	KASZYNSKI
DAKOTA		FRANCINE	KATZ
DAKOTA	ROSEMOUNT P-2	ANNA	KOEHLER
DAKOTA	WEST ST PAUL W-2 P-1	MARY	KOENIGSBERGER
DAKOTA	BURNSVILLE P8	MARTIN ROBERT	KUEHNE
DAKOTA	INVER GROVE HTS P-02	PAULITA	LAPLANTE-O'NEILL
DAKOTA		KIVAKA	LARK
DAKOTA		MONEM	MEZIOU

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
DAKOTA	EAGAN P-14	NICHOLE	MILLER
DAKOTA		KRISTI	MOLER
DAKOTA	BURNSVILLE P1	BETTE G	NARVESON
DAKOTA	BURNSVILLE P17	EMILY ELIZABETH	PATTON
DAKOTA		LEONA	QUINLAN
DAKOTA		THOMAS	QUINLAN
DAKOTA		CHARLES	QUINN
DAKOTA		GERALD	RATZLAFF
DAKOTA		JOAN	RATZLAFF
DAKOTA	HASTINGS W2 P2	ANTHONY	RAUSCH
DAKOTA	HASTINGS W3 P2	BENJAMIN	RISLOV
DAKOTA	P-05	LAURA J	ROBISON
DAKOTA	BURNSVILLE P5	BERNADETTE	ROLLINS
DAKOTA	ROSEMOUNT P-5B	MIJANOU	SAMPERS
DAKOTA		ANNE	SMITH
DAKOTA	BURNSVILLE P15	YANA	SOROKIN
DAKOTA	BURNSVILLE P11	CHRISTOPHER ADAM	SOTOLONGO
DAKOTA		REBECCA	SPARTZ
DAKOTA		MATTHEW	STOCKMAN
DAKOTA	LAKEVILLE P5	SHERI	TILLEY
DAKOTA		JORDAN	TRAUB
DAKOTA		MARY	WASHINGTON
DOUGLAS	ALEXANDRIA W-4	OLAF	NYLAND
FARIBAUT	WELLS	CARRIE	WALDER
FILMORE		ELIZABETH	FERRIER
FREEBORN	ALBERT LEA W2 P1	DONNA	BALL
FREEBORN	ALBERT LEA W3 P1	EDITH	CYSCZON
FREEBORN	ALBERT LEA W4 P1	LEONA	RYSTROM
FREEBORN		CHARLES	WILSON
FREEBORN		VALERIE	WILSON
GOODHUE		JOHN	ALBERT
GOODHUE		BRUCE	BEHRENS
HENNEPIN		ROBERT	ZELESNIKAR
HENNEPIN-BLOOMINGTON		PHYLLIS	EBERT
HENNEPIN-BLOOMINGTON		SHARON	JOHNSON
HENNEPIN-BLOOMINGTON		REBEKAH	NELSON
HENNEPIN-BLOOMINGTON		GORDON	NYGREN
HENNEPIN-BLOOMINGTON		LANCE	SEEMAN
HENNEPIN-BLOOMINGTON		BEULAH	YANEY

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
HENNEPIN-BROOKLYN CENTER		JOHN	LARSON
HENNEPIN-BROOKLYN CENTER		ANNA MAE	OLIVER
HENNEPIN-BROOKLYN PARK		BELINDA	DAVIS
HENNEPIN-BROOKLYN PARK		JOANNA	HARMON
HENNEPIN-BROOKLYN PARK		PAUL	HARMON
HENNEPIN-CHAMPLIN	W4	SCOTT	GEORGESON
HENNEPIN-CHAMPLIN	W1	JACK E	LARSEN
HENNEPIN-CHAMPLIN	W4	AMANDA	MARTIN
HENNEPIN-CHAMPLIN	W4	CONNIE	MITCHELL
HENNEPIN-CRYSTAL	CRYSTAL CITY 1-1	HILARIA	JOST
HENNEPIN-CRYSTAL	CRYSTAL CITY 2-2	SEAN	QUINLAN
HENNEPIN-CRYSTAL	CRYSTAL CITY 3-2	DORIS	WHITE
HENNEPIN-DEEPHAVEN		CHARLES E.	MORGAN
HENNEPIN-DEEPHAVEN		JOSE E.	MUNIZ
HENNEPIN-DEEPHAVEN		JANE	REIMER-MORGAN
HENNEPIN-EDEN PRAIRIE		CHARLES W.	GARDNER
HENNEPIN-EDEN PRAIRIE		PATRICK G.	MOONEY
HENNEPIN-EDEN PRAIRIE		ALEX K.	ORCUTT
HENNEPIN-EDINA		TIMOTHY J	BAER
HENNEPIN-EDINA		CLAUDIA	BERNSTEN
HENNEPIN-EDINA		BRIAN	CEPEK
HENNEPIN-EDINA		AUDREY K	COHEN
HENNEPIN-EDINA		LAUREN	DENSINGER
HENNEPIN-EDINA		DAVID	DUCKLER
HENNEPIN-EDINA		DONALD	GLEASON
HENNEPIN-EDINA		EMMA M	HIDEM
HENNEPIN-EDINA		ROSEMARY	JAMES
HENNEPIN-EDINA		NATHAN T	KROSSCHELL
HENNEPIN-EDINA		CYNTHIA	SHAPIRO
HENNEPIN-EDINA		NICHOLE	SPELL
HENNEPIN-EDINA		MADELINE M	STARK
HENNEPIN-EDINA		JENNIFER	TAFT
HENNEPIN-EDINA		AMANDA C	WEBER
HENNEPIN-GOLDEN VALLEY		MARGARET	COHEN
HENNEPIN-GOLDEN VALLEY		LAUREN	SCHNECK
HENNEPIN-HANOVER		CHARLES	ANDERSON

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
HENNEPIN-HANOVER		RONALD	GAMER
HENNEPIN-MAPLE GROVE		SHARI	ABRAMOVICH
HENNEPIN-MAPLE GROVE		KOURTNEY	DROPPS
HENNEPIN-MAPLE GROVE		SHERYL	ELLIOT
HENNEPIN-MAPLE GROVE		BENJAMIN	HARTLEY
HENNEPIN-MAPLE GROVE		DAVID	KELLY
HENNEPIN-MAPLE GROVE		GREG	MCCOOL A.K.A. MCCURL
HENNEPIN-MAPLE GROVE		NEAL	ROOTES
HENNEPIN-MAPLE GROVE		HEATHER	SCHULTZ
HENNEPIN-MAPLE GROVE		JEANETTE	STENSON
HENNEPIN-MAPLE GROVE		KENT	VANROEKEL
HENNEPIN-MEDINA	MEDINA P-1	JEFFREY	SETTLES
HENNEPIN-MINNEAPOLIS		MARGARET	ALLEXSAHT
HENNEPIN-MINNEAPOLIS		LYSY	ANATOL
HENNEPIN-MINNEAPOLIS	W13 P2	BETTY R	BAKER
HENNEPIN-MINNEAPOLIS		LORNA	BEARD
HENNEPIN-MINNEAPOLIS		JORDAN	BRANDT
HENNEPIN-MINNEAPOLIS		NOEL	COLLIER-NIX
HENNEPIN-MINNEAPOLIS		TIPHANIE	COPELAND
HENNEPIN-MINNEAPOLIS		ALLEN	DESMOND
HENNEPIN-MINNEAPOLIS	W7 P11	MICHAEL L	FINNEY
HENNEPIN-MINNEAPOLIS		KATHERINE	FROELICH
HENNEPIN-MINNEAPOLIS	W8 P6	TYRON D	FULLER
HENNEPIN-MINNEAPOLIS	W10 P8	SHARON JEAN	KRUCKEBERG
HENNEPIN-MINNEAPOLIS		JOHN	KRYST
HENNEPIN-MINNEAPOLIS		ANDREW	LAROSE
HENNEPIN-MINNEAPOLIS	W10 P11	PAMELA NELSON	LITMAN
HENNEPIN-MINNEAPOLIS		GREG	MUCHA
HENNEPIN-MINNEAPOLIS	W6 P2	CHAD	OLSON
HENNEPIN-MINNEAPOLIS	W7 P6	PATRICIA	PANAGOS
HENNEPIN-MINNEAPOLIS		CHARLES	PLAIN
HENNEPIN-MINNEAPOLIS		TODD	TONER
HENNEPIN-MINNETONKA		JOHN	SULLIVAN-FEDOCK

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
HENNEPIN-NEW HOPE		KARI	TORGERSON
HENNEPIN-PLYMOUTH		CHARLES	ACHTERKIRCH
HENNEPIN-PLYMOUTH		KEVIN	ALEXON JR.
HENNEPIN-PLYMOUTH		BARBARA	BENESH
HENNEPIN-PLYMOUTH		ELLA	BJORKMAN
HENNEPIN-PLYMOUTH		STEPHEN	BOSS
HENNEPIN-PLYMOUTH		VIVIAN	BRODY
HENNEPIN-PLYMOUTH		TANIA	CLAVER
HENNEPIN-PLYMOUTH		PETER	DEMUTH
HENNEPIN-PLYMOUTH		RUTH ANN	DRESSEL
HENNEPIN-PLYMOUTH		JOSEPH	DUBOIS
HENNEPIN-PLYMOUTH		DENNIS	ERICKSON
HENNEPIN-PLYMOUTH		ANITA	FUNDINGSLAND
HENNEPIN-PLYMOUTH		BENJAMIN	HARRIMAN
HENNEPIN-PLYMOUTH		JANICE	HAUGEN
HENNEPIN-PLYMOUTH		HELLEN	KLEINFEHN
HENNEPIN-PLYMOUTH		JOHN	MELCHISEDECH
HENNEPIN-PLYMOUTH		AGNES L.	MORGAN
HENNEPIN-PLYMOUTH		KATHRYN	MURPHY
HENNEPIN-PLYMOUTH		MARY	NELSON
HENNEPIN-PLYMOUTH		NICHOLE	PARRISH
HENNEPIN-PLYMOUTH		CARLY	QUARBERG
HENNEPIN-PLYMOUTH		MICHAEL	RITCHIE
HENNEPIN-PLYMOUTH		CRAIG	STRONG
HENNEPIN-PLYMOUTH		JEFFREY	SWARTZ
HENNEPIN-PLYMOUTH		JOHN W.	VOGELGESANG
HENNEPIN-PLYMOUTH		ERVIN	ZINTER
HENNEPIN-RICHFIELD		KATHLEEN	AWES
HENNEPIN-ROBBINSDALE		PATRICIA I	BURNS
HENNEPIN-ROBBINSDALE		VICTORIA LEE	DENBLEYKER
HENNEPIN-ROBBINSDALE		GARY	KISSELL
HENNEPIN-ROBBINSDALE		JUDITH	OSTERMAN
HENNEPIN-ROBBINSDALE		MARIE	PUTNAM

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
HENNEPIN-ROBBINSDALE		ANTHONY	SEELEY
HENNEPIN-ROBBINSDALE		RACHEL	SEELEY
HENNEPIN-SAINT ANTHONY		BRITTA	NORDAHL
HENNEPIN-ST LOUIS PARK		MICHELE	LARSON
HENNEPIN-ST LOUIS PARK		KAREN	ROBITZ
HENNEPIN-WAYZATA		SUSAN	ENGBRETSON
HENNEPIN-WAYZATA		VINCENT	HANSON JR
HENNEPIN-WAYZATA		WILLIAM	HODENA
HENNEPIN-WAYZATA		JULIA	LEATH BROOK
HENNEPIN-WAYZATA		EDNA	OELKERS
ITASCA		MOLLY	RITTER
KANDIYOHI		JESSUP	SCHIKS
KITTSOON		DEBRA KAY	ERICKSON
KOOCHICHING		DUANE	CARLSON
LAC QUI PARLE		CHRISTOPHER	LUDVIGSON
LAC QUI PARLE		HUBERT	REDEPENNING
LAC QUI PARLE		CHRISTOPHER	SCHACHERER
LAC QUI PARLE		TRAVIS	SCHACHERER
LAKE		EILA	NELSON
LE SUEUR	MONTGOMERY	ROBERT LAWRENCE	DVORAK
MCLEOD		MAXWELL	BLOM
MORRISON	PARKER TWP	REBECCA	HARAKEL
MOWER		JOHN	ANKER
MOWER		FRANCES	HEINS
MOWER		GAYLE	SPURGEON
NICOLLET	N NANKATO P-4B	MICHAEL	GEORGE
NICOLLET	BELGRADE TOWNSHIP	KANDACE	SCHUFT
NOBLES	WORTHINGTON W-2 P-3	KHAMPIANE	KEOPHIMPHONE
OLMSTED		BENJAMIN	BARNA
OLMSTED		ANNABELLE WOODS	BENIKE
OLMSTED		KEVIN PATRICK	CROAL
OLMSTED		STEPHEN	DIESER
OLMSTED		RICHARD	HAEFNER
OLMSTED		SAMUEL STEVEN	HAGEDOM
OLMSTED		DANA	HENDERSON
OLMSTED		EDWARD LAWRENCE	KURTZ
OLMSTED		MARGARET	LLOYD
OLMSTED		PAUL	MACKEY
OLMSTED		THOMAS	MAHER

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
OLMSTED		ABDALLA	MURSAL
OLMSTED		KEVIN WILLIAM	PATTON
OLMSTED		DARLENE	RICHARDSON
OLMSTED		JENNIFER	SCHAFFNER
OLMSTED		THOMAS GARRETSON	SMITH
OLMSTED		MELANEE	UPTON
OTTER TAIL	PELICAN RAPIDS	JAMES	GILBERT
OTTER TAIL	FERGUS FALLS W3 P2	CATHERINE	KEETON
PINE		JUDITH	CONLOW
PINE		SHANNON CORY	OSLIN
RAMSEY	ST. PAUL W-7 P-11	GERALD	ANDERSON
RAMSEY	ST PAUL W-5 P-01	ALEXANDER	BEDNAR
RAMSEY	WBL W-5	CATHERINE	BRIGHAM
RAMSEY		EMMA	BRUGGEMAN
RAMSEY	ST PAUL W-5 P-02	DOUGLAS JEFFREY	BURGER
RAMSEY	ST PAUL W-1 P-12	PATRICIA ANN	CARLSON
RAMSEY	ST PAUL W-2 P-04	DRU	DONOVAN
RAMSEY		MILDRED	FEYEREISN
RAMSEY		JOSEPHINE	GARCIA
RAMSEY	ROSEVILLE P-08	THOMAS	GELBMANN
RAMSEY		SOPHIA	HALL
RAMSEY	ROSEVILLE P-02	RAY	HERMANSON
RAMSEY	ST PAUL W-3 P-11	ZELDA LOTMAN	JANUS
RAMSEY	ST PAUL W-2 P-02	JYOTI MAHESH	JEERAGE
RAMSEY	VADNAIS HEIGHTS P-01	GEORGE	JENKS
RAMSEY	NEW BRIGHTON P2	JAVORKA	JOVICIC
RAMSEY	NEW BRIGHTON P2	MILORAD	JOVICIC
RAMSEY	NEW BRIGHTON P3	KRISTEN	KEGAN
RAMSEY	ST PAUL W-5 P-05	MICHAEL WILLIAM	KIENLEY
RAMSEY	P6	TAMRA LYNN	KNIGHT
RAMSEY	ST. PAUL W-2 P-04	NELL	KROMHOUT
RAMSEY	ROSEVILLE P-07	HEATHER	LEMAY
RAMSEY		PERNILLA	LEMBKE
RAMSEY	ST PAUL W-1 P-08	MICHAEL D.	LIEBIG
RAMSEY	ST. PAUL W-5 P-06	AVERY	LUND
RAMSEY	ROSVILLE P-8	DOUGLAS SCOTT	MELBY
RAMSEY	NEW BRIGHTON P4	PAMELA	MEYER
RAMSEY		TEMPEST	MOORE
RAMSEY	NORTH OAKS P-1	NICOLE A.	NICHOLS
RAMSEY		MATTHEW	NOBLE-OLSON

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
RAMSEY		LORRAIN	PADDEN
RAMSEY	ARDEN HILLS P-3	CHRISTINE	PAULU
RAMSEY		ROBERT	PISH
RAMSEY	ST. PAUL W-3 P-02	JOHN	REDMOND
RAMSEY	ROSEVILLE P-07	ANNIE	RIEMER
RAMSEY	NEW BRIGHTON P-4	JOHN A.	ROBERTUS
RAMSEY	SHOREVIEW P2	SALLY	SCHAFFER
RAMSEY		DEBRA	SCHEFFENHAUER-MARSH
RAMSEY	ST. PAUL W-1 P-04	DONALD	SIMMONS
RAMSEY	ST. PAUL W-3 P-03	TASHA	TERRY
RAMSEY		WALTER	THOMPSON
RAMSEY	MAPLEWOOD P-10	MOLLY	VINEYARD-WILLIAMSON
RAMSEY	ROSEVILLE P-10	THOMAS	WEAVER
RICE	FARIBAULT P-1	LISA A	BUSCH
RICE	WELLS TWP	JASON A	KADERLIK
RICE	FARIBAULT P-1	NORMAN JEREMY	WALLENE
SAINT LOUIS		MARIAN	ARRAS
SAINT LOUIS		JAY	BAKER
SAINT LOUIS		MARY	BELL
SAINT LOUIS		BARBARA	BISCHOFF
SAINT LOUIS		DONNA	CAMPANELLA
SAINT LOUIS		DOROTHY	DOUGLAS
SAINT LOUIS		KENNETH	ENSELE
SAINT LOUIS		AMANDA	FEIRO
SAINT LOUIS		SUSAN	FRYBERGER
SAINT LOUIS		JANET	GEORGE
SAINT LOUIS		CHARLES	GRAUG
SAINT LOUIS		SARAH	GROSS
SAINT LOUIS		DOROTHY	HALVORSON
SAINT LOUIS		LAUREN	HENDRICKS
SAINT LOUIS		JOAN	HUGHES
SAINT LOUIS		LEAN	IVERSON
SAINT LOUIS	UNORG P14	DENIELLE LYNN	JOHNSON
SAINT LOUIS	UNORG P14	JONATHAN MICHAEL	JOHNSON
SAINT LOUIS		LOREN	JOHNSON
SAINT LOUIS		SARAH	KNUTIE
SAINT LOUIS		CLAUDE	KOSBAB
SAINT LOUIS		DENNIS	KOTTKE
SAINT LOUIS	HIBBING P10	HELEN	KRAMPOTICH
SAINT LOUIS		STEPHANIE	KRIEG

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
SAINT LOUIS	HIBBING P4	ELLEN M	LAFAVE
SAINT LOUIS		GUILFORD	LEWIS
SAINT LOUIS		LORAINE	LOTT
SAINT LOUIS		GERALD	MARKEY
SAINT LOUIS		PATRICK	MCENANEY
SAINT LOUIS		LANCE	MEYER
SAINT LOUIS		GLADYS	NELSON
SAINT LOUIS		MARY	NORDIN
SAINT LOUIS		ROBERT	REESE
SAINT LOUIS		CASSANDRA	SAARI
SAINT LOUIS		PHYLLIS	SANDERSON
SAINT LOUIS		ANDREW	SCHEIDEL
SAINT LOUIS		JUNE	SROK
SAINT LOUIS	DULUTH P8	BRETT	UDESEN
SAINT LOUIS		KRISTEN	WICKLUND
SAINT LOUIS		JOANNE	WOODS
SCOTT	BELLE PLAINE	MARY JO	MORRIS
SCOTT	SHAKOPEE P-12	LAURA	NORRIS
SCOTT	SHAKOPEE P-7	DEAN	SENGSTOCK
SCOTT	SAVAGE P-4	OLIVIA	WEE
SHERBURNE	ZIMMERMAN P2	KEVIN MATHEW	HENDRICKSON
SHERBURNE	BIG LAKE CITY P-01	MARK JOSEPH	KLEIN
SHERBURNE	ST CLOUD W2 P6	PATRICK FRANCIS	OLBERDING
SHERBURNE	BIG LAKE CITY P-01	PHILLIP HENRY	SEMMER
SHERBURNE	ELK RIVER W2 P2B	BRIAN JOSEPH	ZIEGLER
SIBLEY	GAYLORD	CHAD M.	ELLINGSON
SIBLEY		LEE	EUSTIS
STEARNS		DARLENE	HOMMERDING
STEARNS		UTLEY	KRONENBERG
STEARNS		EUGENE	MARKMAN
STEARNS		JANELLE	SCHMIT
STEARNS		LORA	WEST
STEELE		LINDSAY	THIES
WABASHA		ANNA	WEICK
WABASHA		KATHLEEN	WETTERSTROM
WASHINGTON		ROSS	GRANDLIENARD
WASHINGTON	STILLWATER W-4 P-9	GORDON RUSSELL	HOFFMANN
WASHINGTON		CARMEN	MANCINO
WASHINGTON		BRENDA LOU	PEAVIE
WASHINGTON	COTTAGE GROVE P12	GREGORY ALLEN	SAND

EXHIBIT A

COUNTY	CITY	FIRST NAME	LAST NAME
WASHINGTON	HUGO W3 P1	BRYNN	WOLLAK
WASHINGTON	HUGO W3 P1	DANIEL PAUL	ZEMKE
WASHINGTON	HUGO W3 P1	JODI LEE MCKENZIE	ZEMKE
WINONA		MATTHEW	ESSIG
WINONA		RYAN	STOA
WRIGHT		PAUL	BRUMMER
WRIGHT	HANOVER	HEIDI	BRUNER
WRIGHT	BUFFALO	NORMA	MARKS
WRIGHT	BUFFALO	RICHARD	MARKS
WRIGHT	ALBERTVILLE	ERIN	RICHARDSON
WRIGHT		CAITLIN	SCOTT
WRIGHT	HOWARD LAKE	JOEL	ULDRYCH
WRIGHT		DENNIS	WOODWARD

EXHIBIT B

COUNTY	CITY	FIRST NAME	LAST NAME
CARVER		MOLLIE	HOLTE
CARVER		AMANDA	HORNELL
CARVER		LEON	LONSTEIN
SCOTT		RIA	FLOM
SCOTT		MATTHEW	SELINSKE
STEARNS		ASHLEY	ZARTNER

EXHIBIT C

COUNTY	CITY	FIRST NAME	LAST NAME
DAKOTA		ROXANNA	SAAD

EXHIBIT D

Shipping Rejected Absentee Ballots to the Office of the Minnesota Secretary of State County Procedures

These procedures outline the steps counties will need to take to ship the absentee ballots identified in Exhibits A and B.

1. Place the original rejected absentee ballot in an envelope or container, seal the envelope and place a label over the flap of the sealed envelope. Write the following information on the label:
 - a. County Name
 - b. Number of ballots in the envelope
 - c. Initials of the two election officials who prepared the envelope for shipping
2. Place the envelope or container with ballots in a separate shipping envelope or container, address it to the following and send by overnight courier of your choice. The ballots must be received by the Office of the Secretary of State by April 6, 2009 at 12:00 noon.

Gary Poser
180 State Office Building
Office of the Minnesota Secretary of State
100 Rev. Dr. Martin Luther King Jr. Blvd, Suite 180
St. Paul, MN 55155

OR

Deliver them to the Office of the Minnesota Secretary of State at the State Office Building, Room #180 between the hours of 8:00 a.m. and 4:30 p.m. (Please call 651-201-1344 to make arrangements if you will be delivering after 4:30 p.m. on April 3, 2009.)

3. Email the Office of the Minnesota Secretary of State at gary.poser@state.mn.us the number of shipping envelopes, names of couriers, tracking numbers, date shipped and the number of absentee ballots being sent.

OR if delivering them in person, email the Office of the Minnesota Secretary of gary.poser@state.mn.us the number of shipping envelopes, names of persons delivering the ballots, expected date of delivery and the number of absentee ballots being delivered.

4. Keep your own log of what you sent to the Office of the Minnesota Secretary of State and when.