

3. The Elections Official, Rachel Smith, directed the election judge at the table to count the Original Ballots, not the Duplicates. This resulted in a 1 vote gain for Norm Coleman.
4. Franken Recount team members, including myself, argued that we should be able to challenge the Original Ballot for which no corresponding Duplicate had been found. It was a Coleman vote. This challenge was denied by the elections official as there was no question regarding voter intent, and no distinguishing mark on the ballot.
5. The original ballot in question was placed on the Coleman pile, not the Franken Challenge pile.
6. The ballot in question was subsequently counted for Coleman.

Further your Affiant sayeth naught.

John R. King
12/20/2008

Subscribed and sworn to before me
this 20th day of December, 2008.

Kathleen Donnelly Kostohryz
Notary Public

