

STATE OF MINNESOTA

DEC 19 2008

IN SUPREME COURT

FILED

A08-2206

Norm Coleman,

Petitioner,

vs.

The Minnesota State Canvassing Board,  
Michelle DesJardin, Hennepin County  
Elections Manager, Cynthia Reichert,  
Minneapolis Elections Director, Hennepin  
County Canvassing Board, individually and  
on behalf of all County and Local Election  
Officers and County Canvassing Boards,

Respondents.

ORDER

Petitioner Norm Coleman has filed a petition under Minn. Stat. § 204B.44 (2006) concerning the election for United States Senator from Minnesota held on November 4, 2008, in which petitioner asks this court to (1) restrain the Minnesota State Canvassing Board from certifying or finalizing the results of its recount until the “duplicate/original” issue is resolved by the county canvassing officials; (2) order each campaign to list every precinct in which it believes duplicate ballots have not been correctly reconciled with the original ballots; (3) order the local canvassing boards to ensure that vote totals are reconciled to correct any errors relating to the “duplicate/original” issue so that no double-counting of votes occurs, and to do so as part of this court’s previously ordered process for finding wrongly rejected absentee ballots; (4) order the counties to amend their returns by the December 31, 2008 deadline so that accurate results are included in

the Board's final certification results; and, (5) in the counties with precincts where all original ballots cannot be reconciled with duplicate ballots, order those county canvassing boards to amend their returns to the Board and in so doing, count and certify only original ballots for which there are corresponding marked duplicates.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Petitioner and the named respondents shall immediately serve all documents filed in this matter on counsel for the Al Franken for Senate Committee and on all county auditors, or their counsel, who would be subject to an order for any of the relief requested by petitioner. County auditors not named in the petition may be served by e-mail unless they or their counsel notify all named parties in writing that service by facsimile is preferred.

2. Respondents named in the petition, the Al Franken for Senate Committee, and any county auditor, election official, or county canvassing board may file with the Clerk of Appellate Courts and serve on petitioner and all other parties and county auditors any written response to the petition and any supporting materials not later than 9:00 a.m., Monday, December 22, 2008.

3. The Secretary of State or the State Canvassing Board shall provide a record or whatever documentation is available to inform the court of the action taken at the Board's December 19, 2008 meeting with respect to "duplicate/original" ballots.

4. Petitioner may serve and file with the Clerk of Appellate Courts a reply memorandum no later than 1:00 p.m., Monday, December 22, 2008.

5. The court will hear argument on this matter commencing at 2:00 p.m., Tuesday, December 23, 2008, in Courtroom 300, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr., Boulevard, Saint Paul. One hour will be allotted for argument, and the parties will be advised in advance of the order of argument and the allocation of time.

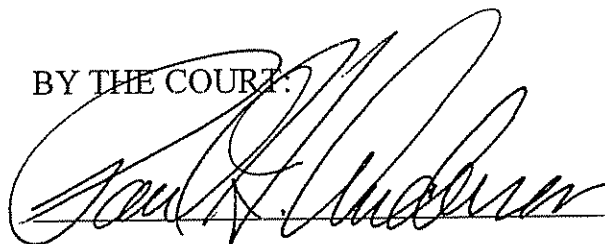
6. Parties and participants shall file an original and eight copies of any written submission to the court, in the form provided in Minn. R. Civ. App. P. 132.02, except that text and footnotes shall appear in at least 13-point type or its equivalent.

7. Service by mail is permissible if a complete copy of the material is also transmitted electronically by the deadlines imposed herein, by e-mail or facsimile, to all parties and participants required to be served. Each party and participant shall notify the Clerk of Appellate Courts and opposing counsel of an e-mail address or facsimile number to which documents may be transmitted.

8. Filing by mail is permissible if a complete copy of the material is also transmitted by facsimile to the Clerk of Appellate Courts by the deadlines imposed herein. The facsimile number for the Clerk of Appellate Courts is 651-297-4149.

Dated: December 19, 2008

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul H. Anderson", written over a horizontal line.

Paul H. Anderson  
Associate Justice

MAGNUSON, C.J., and ANDERSON, G. Barry, J., took no part in the consideration or decision of this matter.