

DEC 22 2008

FILED

No. A08-2206

State of Minnesota
In Supreme Court

Norm Coleman,

Petitioner,

vs.

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

Respondents,

AFFIDAVIT OF ANDREW LA VIGNE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Andrew LaVigne, being duly sworn upon oath, deposes and says:

1. On Thursday, November 20th, 2008, I was a representative of the Recount team for Al Franken for Senate at the counting location in Anoka County.
2. In the city of Blaine, ward 3, precinct 2, there was a discrepancy between Original and Duplicate ballots. Five ballots labeled "Duplicate" were found in the sorting process. As per the Office of the Secretary of State's instructions, the Duplicate Ballot Envelope (containing originals) was opened. Six ballots were found in this envelope.

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

