

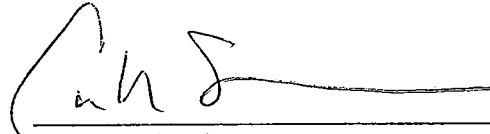
3. The factual allegations in the Amended Petition are based primarily on my personal knowledge or on information I reasonably believe to be true and accurate, except that the references to "Pile 5" in paragraph 14 of the Amended Petition are incorrect. The second and third sentences of paragraph 14 should be replaced by the following: "In Scott County there are no ballots in the fifth pile. At least five ballots were rejected (and have not been put in the fifth pile) where the voter and the witness have the same street address and surname, but the witness did not include the city in his or her address. Similarly, some absentee voters used election judges as witnesses. These absentee voters' ballots were rejected where the election judge/witness did not include his or her complete address information. These have not been moved to the fifth pile. In contrast, in Minneapolis, officials have now placed previously rejected absentee ballots in the fifth pile where a city official acted as the voter's witness and provided only name title without the witness's address."

4. Attached as Exhibit 1 is a true and correct copy of a summary analysis of rejected absentee ballots created by Coleman campaign staff, under my direction. This summary analysis identifies counties or Hennepin County cities where comparable ballot envelopes were handled differently.

5. Attached as Exhibit 2 is a true and correct copy of Patricia Lopez & Kevin Duchscher, *Coleman Leads Franken by 206 Votes*, StarTribune, Nov. 11, 2008.

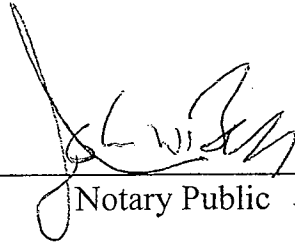
6. Attached as Exhibit 3 is a true and correct copy of a certified summary statement from Cass County.

FURTHER AFFIANT SAYETH NOT.



Cullen Sheehan

Subscribed and sworn to before me
this 16 day of December, 2008.



Notary Public



EXHIBIT 1

CONFLICTING DETERMINATIONS

1. "NO SIGNATURE"

TODD: Rejected "voter didn't sign." NOT PLACED in pile 5. (Karla D.)

HENNEPIN/MINNEAPOLIS: Rejected ballot "no sig." PLACED in pile 5. (Chad W.)

2. "WRONG PRECINCT"

AITKIN: Rejected ballot "currently registered in city of McGregor." NOT PLACED in pile 5. (Roxanne M.)

PINE: Rejected ballot "not living in our precinct." PLACED in pile 5. (Diane L.)

MOWER: Rejected ballot "wrong precinct." PLACED in pile 5. (Katelin W.)

3. "NO REASON GIVEN/NO REASON APPARENT"

AITKIN: Rejected ballot no reason marked, registered envelope, voter registered. All information on the face of the envelope completed. NOT PLACED in pile 5. (Tim S.)

HENNEPIN/BROOKLYN PARK: Unmarked rejected ballot no reason given, registered envelope. All information on face of the envelope completed. PLACED in pile 5 (Aquiles C.)

4. "PROOF OF RESIDENCY"

SCOTT: Rejected ballot "witness did not indicate proof of residency" all other information filled out and witnessed by notary. NOT PLACED in pile 5. (Mark H.)

MARSHALL: Rejected ballot "no proof of residency", all other information completed and witnessed by a Minnesota resident. PLACED in pile 5. (Tanner M.)

5. "SIGNATURE DOESN'T MATCH"

HENNEPIN/BROOKLYN PARK: Rejected "signature doesn't match." PLACED in pile 5. (Warren W.)

DOUGLAS: Rejected "voter signature doesn't match application." Application provided including a similar signature. NOT PLACED in pile 5. (Travis L.)

6. "ACCEPTED BY BOARD/REJECTED AT PRECINCT"

DOUGLAS: Originally accepted by board, rejected at precinct "no registration enclosed" received non-registered envelope. NOT PLACED in pile 5. (Bertina E.)

GOODHUE: Originally accepted by board, rejected at precinct "no voter registration application included" received non-registered envelope. PLACED in pile 5. (Jared W.)

7. "NO SIGNATURE ON APPLICATION" – OFFICIAL WITNESS

HENNEPIN/BROOKLYN CENTER: Rejected "no signature on application" witnessed by election official. PLACED in pile 5. (Carl I.)

OLMSTEAD: Rejected "no signature on app" and witnessed by election official. NOT PLACED in pile 5. (Fadumo A.)

8. "NO WITNESS"

CLAY: Rejected "not witnessed" no information provided in witness section. PLACED in pile 5. (Evelyn D.)

LYON: Rejected "no witness" no information provided in witness section. NOT PLACED in pile 5. (James C.)

9. "NO WITNESS/NO SIGNATURE"

CLEARWATER: Rejected "no signature or witness" no information filled out in witness or signature section. NOT PLACED in pile 5. (Izzak S.)

CLAY: Rejected no reason marked but clearly no information provided in witness section and no signature on envelope. PLACED in pile 5. (Eula D.)

EXHIBIT 2

Coleman leads Franken by 206 votes

By **PATRICIA LOPEZ** and **KEVIN DUCHSCHERE**, Star Tribune staff writers

November 11, 2008

The Coleman and Franken campaigns traded shots Monday as counties completed the process of certifying their vote tallies and officials prepared to start recounting nearly 3 million ballots in the U.S. Senate race.

Six days after the election, unofficial results showed Republican Sen. Norm Coleman leading Democratic challenger Al Franken by 206 votes, a difference of about 1/100th of 1 percent that sets the stage for the automatic hand recount that will begin next week.

Monday was the deadline for counties to certify their results. Depending on the unknown number that may not have yet reported them to the state, that 206 figure could still change before the state Canvassing Board meets next week to certify the official total. Only then will the recount begin.

Officials with Hennepin County forwarded their tally Monday to the secretary of state's office, showing that, since initial results Wednesday, Franken's total had increased by 55 votes and Coleman's by 27 in the state's largest county.

Adjustments in the vote tallies because of misplaced figures and other errors have been limited to 22 of the state's 87 counties, according to an analysis of the fluctuations from Wednesday to Monday.

Since the preliminary Election Day numbers, Franken's biggest gains were in Lake County, where he added 246 votes, and in Pine and St. Louis counties, where he picked up 100 in each.

Coleman's biggest gain was in Ramsey County, 29 votes, but that was more than canceled out by an additional 41 votes there for Franken. Coleman's biggest drop was 124 votes in Anoka County, where Franken also lost 90 votes.

Meanwhile, both campaigns spent much of the day fencing over exactly how to secure the ballots that will be recounted and possibly laying the groundwork for further legal challenges.

Both campaigns have laid out detailed plans that would seek to preserve nearly every scrap of paper related to the election, including unused ballots, spoiled ballots, voter registration cards, voting machine tapes and even preelection tests of the optical scanners used to count votes.

Over the weekend, Coleman campaign attorney Fritz Knaak suggested that both campaigns adopt a precise list of procedures handed down Saturday by a Stearns County district judge. They include requiring that ballots remain at all times under lock and key in a room that can be entered only by two or more members of the auditor's staff and keeping a detailed log of those entering the room.

David Lillehaug, attorney for the Franken campaign, on Monday said the Stearns County rules -- which Gov. Tim Pawlenty said he also favors -- are too specific to be applied statewide. He added that the Franken camp wants broad preservation of election materials.

At the meeting Monday of Hennepin County's canvassing board, Lillehaug said the campaign knew of 461 Minneapolis voters whose absentee ballots had been unfairly rejected. People who were registered were told they weren't, and signatures were rejected that matched registration cards, he said.

Dan Rogan of the Hennepin County attorney's office said it was up to the state board to determine whether errors were made. The board turned down Lillehaug's request to reconsider the disputed ballots.

One dispute resolved

On Saturday, the Coleman campaign had asked for an injunction to stop the counting of 32 absentee ballots in Minneapolis that had not been delivered on Election Day. A judge declined to grant the injunction, and Knaak said Monday that "we've heard enough from the city attorney to let go of this. It does not appear that there was any ballot-tampering, and that was our concern."

Minneapolis city election officials said the 32 ballots were never "missing" and were delivered after Election Day.

Knaak said that with certified totals in, the campaign is now focused on the recount process.

Earlier Monday, Pawlenty had waded into the fracas, commenting on the 32 absentee ballots and saying he was concerned about "strange things happening in the context of this recount." He urged state election officials to "lock down" ballots as quickly as possible.

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EXHIBIT 3

We, the legally constituted county canvassing board, certify that we have herein specified the names of the persons receiving votes and the number of votes received by each within the county at the State General Election held on Tuesday, November 04, 2008.

As appears by the returns of said election in the several precincts in CASS County, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the county auditor. Witness our official signature at Walker in CASS County this 7th day of November, 2008.

[Signature]
Member of the County Board

[Signature]
Member of the County Board
Sharon K Anderson
County Auditor

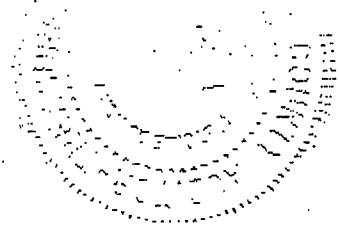
[Signature]
District Court Administrator

Mayor,
City of _____

[Signature]
Qualified voter (appointed to fill vacancy pursuant to law)

I certify that the correct
foregoing is a true & correct
copy of the original election
of Nov 4, 2008.
of file in my office.
on 7/11/08

[Signature]
Sharon K Anderson



State of Minnesota

County of CASS

I, SHARON K. ANDERSON, county auditor within and for this county do hereby certify the within and foregoing 119 pages to be a full and correct copy of the original abstract and return of the votes cast for Federal Partisan Offices, State Partisan Offices, Constitutional Amendment, and State Nonpartisan Offices in the State General Election, held in this county on the 4th day of November, 2008.

Witness my hand and official seal of office at the county seat in said county this 7th day of November, 2008.

Sharon K. Anderson

State of Minnesota

County of CASS

I, SHARON K. ANDERSON, county auditor within and for this county do hereby certify the within and foregoing 17 pages to be a full and correct copy of the original abstract and return of the votes cast for County Offices in the State General Election, held in this county on the 4th day of November, 2008.

Witness my hand and official seal of office at the county seat in said county this 7th day of November, 2008.

Sharon K. Anderson

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Abstract of Votes Cast For
Federal Partisan Offices,
State Partisan Offices,
Constitutional Amendment,
and State Nonpartisan Offices

In the County of CASS, State of Minnesota,
at the State General Election held in townships and cities of this county
on Tuesday, November 04, 2008

As compiled from the official returns.

Summary of CASS County Totals

Tuesday, November 04, 2008 State General Election

Number of persons registered as of 7 a.m.	18582
Number of persons registered on Election Day	2307
Number of accepted regular, armed forces and temporarily overseas absentee ballots	2028
Number of accepted federal law overseas absentee ballots	1
Number of accepted presidential absentee ballots	8
Total number of persons voting	16388

Summary of CASS County Totals

Tuesday, November 04, 2008 State General Election

KEY TO PARTY ABBREVIATIONS

IP - Independence

R - Republican

DFL - Democratic-Farmer-Labor

GP - Green

SWP - Socialist Workers

IND - Independent

LIB - Libertarian

CP - Constitution

NP - Nonpartisan

WI - Write-In

US PRESIDENT & VICE PRESIDENT

R

JOHN MCCAIN AND
SARAH PALIN

8660

DFL

BARACK OBAMA AND
JOE BIDEN

7276

GP

CYNTHIA MCKINNEY AND
ROSA CLEMENTE

33

SWP

RÓGER CALERO AND
ALYSON KENNEDY

1

IND

RALPH NADER AND
MATT GONZALEZ

217

LIB

BOB BARR AND WAYNE
A. ROOT

39

CP

CHUCK BALDWIN AND
DARRELL CASTLE

41

WI

WRITE-IN**

40

WI
JONATHAN ALLEN AND
JEFFREY STATH**

0

WI
JAMES GERMALIO AND
MARTIN WISHNATSKY**

0

WI
KEITH RUSSELL JUDD
AND MONTY JUDD**

0

WI
ALAN KEYES AND BRIAN
RORBAUGH**

0

WI

GLEN JOHN MANSFIELD
AND VANESSA
SUFFRATT**

0

WI
JEFFREY S. LEHMANN
AND ERIC WASNESS**

0

WI
MEL MOENCH AND
MICHAEL REYNOLDS**

0

WI
CURTIS MONTGOMERY
AND JANICE
MONTGOMERY**

0

WI
BRIAN MOORE AND
STEWART A.
ALEXANDER**

0

WI

FRANK MOORE AND
SUSAN BLOCK**

0

WI
DEBRA JOYCE
RENDEROS AND OSCAR
R. RENDEROS**

0

WI
OSCAR R. RENDEROS
AND DEBRA JOYCE
RENDEROS**

0

WI
PLATT ROBERTSON AND
SCOTT FALLS**

0

WI
JOE SCHRINER AND
DALE WAY**

0

WI

DAVID JON SPONHEIM
AND MARSHAL
TANCHUCK**

0

US SENATOR

IP

DEAN BARKLEY

2504

R

NORM COLEMAN

7685

DFL

AL FRANKEN	<u>5884</u>					
LIB						
CHARLES ALDRICH	<u>68</u>					
CP						
JAMES NIEMACKL	<u>60</u>					
WI						
WRITE-IN**	<u>12</u>					
		WI	WI	WI	WI	WI
		MICHAEL CAVLAN**	JOHN H. EVAN**	ANTHONY KEITH PRICE**	JACK SHEPARD**	
		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

US REPRESENTATIVE DISTRICT 08

R	MICHAEL CUMMINS	<u>6397</u>
DFL	JAMES L. OBERSTAR	<u>9372</u>
WI	WRITE-IN**	<u>15</u>

STATE REPRESENTATIVE DISTRICT 04A

IP	SHARATIN BLAKE	<u>230</u>
R	JOHN CARLSON	<u>1980</u>
DFL	JOHN PERSELL	<u>2549</u>
WI	WRITE-IN**	<u>4</u>

STATE REPRESENTATIVE DISTRICT 04B

R
LARRY HOWES

6036

DFL
MEG BYE

4879

WI
WRITE-IN**

14

CONSTITUTIONAL AMENDMENT

NP
YES

8163

NP
NO

7473

ASSOCIATE JUSTICE - SUPREME COURT 3

NP
TIM TINGELSTAD

5422

NP
PAUL H. ANDERSON

6831

WI
WRITE-IN**

37

ASSOCIATE JUSTICE - SUPREME COURT 4

NP
DEBORAH HEDLUND

5672

NP
LORIE SKJERVEN

5991

WI
WRITE-IN**

42

JUDGE - COURT OF APPEALS 1

NP

EDWARD TOUSSAINT,

JR. 9739

WI
WRITE-IN** 100

JUDGE - COURT OF APPEALS 8

NP
THOMAS J. KALITOWSKI
9647

WI
WRITE-IN** 88

JUDGE - COURT OF APPEALS 9

NP
ROGER M. KLAPHAKE
9595

WI
WRITE-IN** 83

JUDGE - COURT OF APPEALS 10

NP
HARRIET LANSING
9586

WI
WRITE-IN** 79

JUDGE - COURT OF APPEALS 15

NP
KEVIN G. ROSS
9549

WI
WRITE-IN**

JUDGE - COURT OF APPEALS 16

NP	NP
TERRI J. STONEBURNER	DAN GRIFFITH
<u>6348</u>	<u>5065</u>

WI	
WRITE-IN**	<u>45</u>

JUDGE -9TH DISTRICT COURT 3

NP	
JOHN R. SOLIEN	<u>9585</u>

WI	
WRITE-IN**	<u>79</u>

JUDGE -9TH DISTRICT COURT 4

NP	
DAVID F. HARRINGTON	<u>9786</u>

WI	
WRITE-IN**	<u>111</u>

JUDGE -9TH DISTRICT COURT 6

NP	
CHARLES H. (CHAD) LEDUC	<u>9500</u>

WI	
WRITE-IN**	<u>78</u>

JUDGE -9TH DISTRICT COURT 8

NP
DONALD J. AANDAL
9504

WI
WRITE-IN**
78

JUDGE -9TH DISTRICT COURT 11

NP
MICHAEL J. KRAKER
9513

WI
WRITE-IN**
76

JUDGE -9TH DISTRICT COURT 12

NP
LOIS J. LANG
9560

WI
WRITE-IN**
81

JUDGE -9TH DISTRICT COURT 14

NP
ROBERT D. TIFFANY
9463

WI
WRITE-IN**
75

JUDGE -9TH DISTRICT COURT 15

NP
TAMARA L. YON
9468

WI

WRITE-IN**
79

JUDGE -9TH DISTRICT COURT 18

NP
JEFFREY S. REMICK
9452

WI
WRITE-IN**
75

JUDGE -9TH DISTRICT COURT 21

NP
DAVID J. TEN EYCK
9759

WI
WRITE-IN**
84

JUDGE -9TH DISTRICT COURT 22

NP
KURT J. MARBEN
9439

WI
WRITE-IN**
77