

3. Attached as Exhibit 2 is a true and correct copy of the Secretary of State 2008 Recount Guide. This was made publicly available through the Secretary of State's website at <http://www.sos.state.mn.us/home/index.asp?page=1405>.

4. Attached as Exhibit 3 is a true and correct copy of an email string, the most recent email of which is dated December 2, 2008, from Deputy Secretary of State Jim Gelbmann to David Lillehaug, counsel for the Franken campaign and copying my co-counsel, Tony Trimble.

5. Attached as Exhibit 4 is a true and correct copy of a December 4, 2008 email with an attachment entitled "Detailed Instructions for Sorting All Currently-Rejected Absentee Ballots Cast In The U.S. Senate Race." Mr. Gelbmann sent this email and attachment to election officials in each county in Minnesota as well as to Mr. Trimble.

6. Attached as Exhibit 5 is a true and correct copy of a December 7, 2008 email (and attachments) with the Subject "Updated Information on Sorting of Rejected Absentee Ballots." Mr. Gelbmann sent this email to election officials in each county in Minnesota as well as to Mr. Trimble.

7. Attached as Exhibit 6 is a true and correct copy of an email string (with attachment), the most recent email of which is dated December 12, 2008, from Terri Haarstad, Minnetrista City Clerk, to Mr. Gelbmann. Ms. Haarstad copied Mr. Lillehaug and Mr. Trimble on the email.

8. Attached as Exhibit 7 is a true and correct copy of an email string, the most recent email of which is dated December 4, 2008, from Mr. Gelbmann to Mr. Trimble

and copying Mssrs. Lillehaug and Ritchie. Earlier emails in the string contain correspondence between various county election officials and Mr. Gelbmann.

9. Attached as Exhibit 8 is a true and correct copy of an email string, the most recent email of which is dated December 12, 2008 from Mr. Gelbmann to counsel for both campaigns. This exhibit contains an email correspondence from Gary Poser, Director of Elections from the Minnesota Secretary of State's Office to "County Election Officials and City Recount Officials." Attached to this email, and included in this exhibit, are a December 10, 2008 letter from Alan I. Gilbert, Solicitor General, to the Canvassing Board and an "Errors Abstract."

10. Staff for the Coleman campaign are monitoring publicly available information and have communicated with various election officials to determine if and how various counties and cities within Hennepin County are responding to the requests from the Secretary of State's office and/or the Canvassing Board to re-sort rejected absentee ballots. While it is a fluid situation, I have been informed by reliable sources, and currently believe to be true, the following:

a. As reported by Mr. Gelbmann to the State Canvassing Board on December 12, 2008 (at a meeting I attended), approximately 50 counties or Hennepin County cities had not yet indicated publicly whether or, if so, when they will comply with a request to segregate, count and open purportedly wrongly rejected absentee ballots. As of 12:00 p.m. on December 15, 2008, that number stands at approximately 32 and includes:

BIG STONE
CARLTON
CARVER
CHIPPEWA
CROW WING
FARIBAULT
GRANT
KANABAC
KOOCHICHING
MCLEOD
RED LAKE
RICE
ROCK
SHERBURNE
SIBLEY
STEVENS
WRIGHT
HENNEPIN-BLOOMINGTON
HENNEPIN-CHANHASSEN
HENNEPIN-CORCORAN
HENNEPIN-DAYTON
HENNEPIN-EDINA
HENNEPIN-GREENWOOD
HENNEPIN-HANOVER
HENNEPIN-LORETTO
HENNEPIN-MEDICINE LAKE
HENNEPIN-NEW HOPE
HENNEPIN-PLYMOUTH
HENNEPIN-RICHFIELD
HENNEPIN-ROCKFORD
HENNEPIN-ST. ANTHONY
HENNEPIN-TONKA BAY

b. As reported by Mr. Gelbmann to the State Canvassing Board on December 12, 2008, and as further amended by information provided by the Secretary of State's office and research conducted by Coleman campaign staff, 15 counties or Hennepin County cities have either affirmatively refused to segregate rejected absentee ballots into any categories or have refused to publicly sort. These include:

FREEBORN
HUBBARD
RAMSEY
SAINT LOUIS
STEARNS
HENNEPIN-EXCELSIOR
HENNEPIN-HASSAN TOWNSHIP
HENNEPIN-INDEPENDENCE
HENNEPIN-MAPLE PLAIN
HENNEPIN-MINNETONKA BEACH
HENNEPIN-MOUND
HENNEPIN-OSSEO
HENNEPIN-SHOREWOOD
HENNEPIN-SPRING PARK
HENNEPIN-ST. BONIFACIUS

c. Based in part on the Coleman campaign staff's review of rejected absentee ballot envelopes received from local election officials, Brooklyn Center placed at least one wrongly rejected absentee ballot envelope in a fifth pile even though the signature did not match but it was witnessed by an election judge. On the other hand, in Scott County there are numerous examples of rejected ballots due to signatures not matching; they were not placed in the fifth pile even though some were witnessed by an election judge.

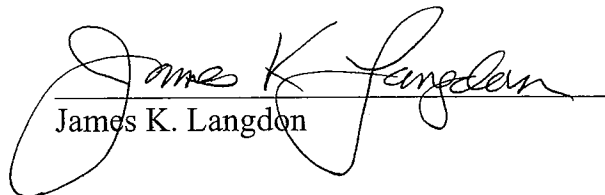
d. As reported by Mr. Gelbmann to the State Canvassing Board on December 12, 2008, the City of Duluth apparently has relied on the absence of a date on the absentee ballot envelope to determine whether to accept or reject absentee ballots. Based on the Coleman campaign staff's review of rejected absentee ballot envelopes received from local election officials and other publicly available information, no other counties have placed any rejected absentee ballot envelopes into the fifth pile for this reason.

e. Hennepin County has stated an intention to convene its Canvassing Board—even though some cities within it have not yet segregated purportedly wrongful rejected absentee ballots.

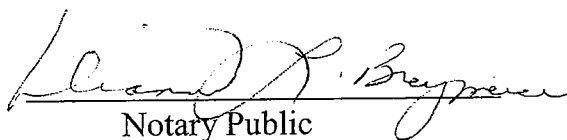
f. Based on publicly available information that certain counties or Hennepin County cities have now reported the results of their re-sorting to the Secretary of State and the fact that none of these counties provided notice to the Coleman campaign, I believe that approximately nine counties or Hennepin County cities have re-sorted rejected absentee ballots without providing 24 hours notice and did so in a non-public manner. These include:

CASS
CHISAGO
LAC QUI PARLE
WASHINGTON
HENNEPIN-LONG LAKE
HENNEPIN-MINNEAPOLIS
HENNEPIN-MINNETONKA
HENNEPIN-ROGERS
HENNEPIN-WAYZATA

FURTHER AFFIANT SAYETH NOT.


James K. Langdon

Subscribed and sworn to before me
this 15th day of December, 2008.


Notary Public

