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January 12, 2009

Honorable Tim Pawlenty
Governor of Minnesota
State Capitol
St. Paul, MN 55155

Secretary of State Mark Ritchie
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55101

Dear Governor Pawlenty and Secretary Ritchie:

We write with amazement regarding the letter you received today from Al Franken's counsel David Lillehaug, that attempts to force you to end-run your duties as constitutional officers of Minnesota to further Franken's raw political desires. As you have both correctly pointed out, the plain words of Minnesota law bar issuance of a certificate of election once a notice of election contest has been filed until the issues in the contest have been resolved. Al Franken's effort to seek your issuance of a certificate of election that he has not won, nor is he legally entitled to, should be of great concern to all Minnesotans.

As you have both recognized, there is no legal basis for this request, and we applaud your subsequent refusal to issue a certificate of election that Mr. Franken has not legally secured or obtained. The letter from Mr. Franken's counsel seems oblivious to Minn. Stat. § 204C.40, subd. 2, which addresses the *timing* of the issuance of a certificate of election: "In case of a contest, an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest."

We believe that a number of issues that have brought us to this point are yet unresolved, all of which underscore the need to follow not only the letter of the law but also the spirit of the rules of an election contest.

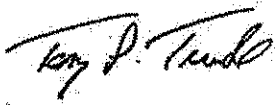
As you are aware, Norm Coleman filed a notice of contest on Tuesday, January 6, 2009, a copy of which was served upon each of you on that same day. The notice delineates several serious and material errors that occurred during the recount, including without limitation, double counting of votes, failure to open and count all of the absentee ballots improperly rejected by local election officials, certification of the counting of ballots in the recount which did not exist and were not actually counted in the recount, and the counting of ballots which appeared during the recount without foundation or establishment of chain of custody.

Mr. Franken's attempt to short-circuit judicial investigation of the double counting of votes and inconsistent treatment of improperly rejected absentee ballots, issues which the Minnesota Supreme Court and Minnesota State Canvassing Board acknowledged were best left to resolution in an election contest, only further raises our concerns about these issues.

Beyond the clear-cut legal case, the Minnesota Supreme Court, Minnesota State Canvassing Board, Minnesota Secretary of State and *Star Tribune* have all noted that issues impacting the final count could not be dealt with under Minnesota law in the Canvassing Board's proceedings. Minnesota law reserves the full and transparent exploration of these serious issues to the election contest recently begun. That is why the issuance of a certificate of election requested by the Franken counsel is such a crass political move that is clearly barred by Minnesota law.

Your public statements rejecting Mr. Franken's audacious efforts to seat himself in contradiction of Minnesota law should serve as a reminder to all Minnesotans that they are entitled to an election contest that, if done properly, should provide for a remedy to a recount that has not been accurate or valid.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony P. Trimble". The signature is written in a cursive style with a horizontal line above the first few letters.

Tony P. Trimble
/mh

cc: David L. Lillehaug, Esq.
Roger Magnuson, Esq.
Frederic W. Knaak, Esq.