



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 20, 2009

Governor Tim Kaine
Chairman
Democratic National Committee
430 South Capitol Street, SE
Washington, DC 20003

Dear Governor Kaine:

Thank you for your letter regarding Minnesota's United States Senate election.

Minnesotans are proud of our state's tradition of civic and political involvement. In 2008, 77.8 percent of Minnesotans voted, leading the nation in voter turnout for the seventh straight election cycle, dating back to 1996.

We are also proud of the transparency and fairness of our election process. That process, as outlined in Minnesota law, allows for a post-election recount and court contest prior to the issuance of an election certificate.

Some of your Democratic colleagues and members of the media have inaccurately stated that an election certificate is being withheld in this case. That is not the case. Minnesota Statutes 204C.40, Subdivision 2, expressly prohibits the issuance of an election certificate until the election contest process is complete, stating "an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest."

In addition, on March 6, 2009, the Minnesota Supreme Court denied Mr. Franken's petition to have an election certificate issued and upheld that law, writing that "state law does not require, indeed does not permit, issuance of a certificate of election until the election contest in state court is completed."

We are fortunate that Minnesota law is clear regarding this process. As I have said many times, I will follow the law and the determinations of the courts

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regarding this issue and will issue and sign an election certificate at the appropriate time.

Your letter described what you think should occur "if...this case is heard and decided by the Minnesota Supreme Court." I am sure you are aware that the case is indeed being heard by the Court. On May 15, final briefs were filed and the Court is hearing oral arguments on June 1.

In your letter, you asked that I commit to signing an election certificate "as soon as the Court issues a ruling." As a fellow Governor and attorney, I am sure you can appreciate that such a commitment would be premature. For example, the Minnesota Supreme Court might remand the case to the three judge panel and ask them to consider various issues that were raised in the election contest. Under such a circumstance, Minnesota law would prohibit the issuance of an election certificate, as the state court process would still be ongoing.

I understand the frustrations of my fellow Minnesotans who rightfully deserve to be represented by two senators. It is important that our state have our full complement of Senators representing us in Washington, D.C. as soon as possible. It is also important that the thoughtful and thorough election process outlined in Minnesota law be allowed to proceed as intended. Ultimately, I am hopeful that the outcome will be properly and fairly determined.

Again, be assured I will follow the law and the direction of the courts in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Pawlenty', with a long horizontal stroke extending to the right.

Tim Pawlenty
Governor