

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Paul Wikstrom,

CASE NO.: _____

Contestant,

v.

Curtis Johnson,

NOTICE OF
ELECTION CONTEST

Minn. Stat. § 209.02

Contestee.

NOTICE OF ELECTION CONTEST UNDER MINNESOTA STATUTE § 209.02

TO: The Honorable Judges of the above-named Court, Curtis Johnson, Contestee, Tracy West, County Auditor and Director of Property Tax, Records and Election Services, and Steve Simon, Secretary of State of Minnesota,

PLEASE TAKE NOTICE, that, pursuant to Minn. Stat. § 209.02, Paul Wikstrom, the above named contestant, does hereby contest the election for the office of State Representative for State House District 40B held on November 5, 2024 (“Election Day”) and does hereby appeal from the decision of the Ramsey County Canvassing Board in declaring Curtis Johnson, Contestee herein, to have been elected to that office and entitled to a Certificate of Election and does object to and request invalidation of any Certificate of Election prepared or issued by the County Auditor.

Paul Wikstrom, Contestant herein, by and through his undersigned attorney of record, states and allege upon knowledge, information and belief as follows:

INTRODUCTION

Paul Wikstrom (“Contestant”), pursuant to Minn. Stat. § 209.02, submits this Notice of Election Contest to the Ramsey County District Court of the State of Minnesota to contest the election of Contestee Curtis Johnson (“Contestee”) as the next Representative for State House District 40B. Contestee failed to establish residency and remain in the district six months prior to the general election or maintain residency 30 days prior to the general election. Contestee falsely claimed residency within the district for which he sought elective office, intending to affect the voting at the election. Johnson’s actions violate both Minnesota Election Law and the Minnesota Constitution’s residency mandate for candidates to state legislative office. Finally, Johnson falsely represented his residency in his affidavit of candidacy, attesting to the Secretary of State and the voters within State House District 40B that he resided in the district and was an eligible candidate to be elected to state legislative office.

JURISDICTION

1. This Court has jurisdiction under Minn. Stat. § 209.02, which establishes the procedures for and governing notices of election contests: “[a]ny eligible voter, including a candidate” may file an election contest regarding the “nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to...a ... legislative... office[.]” The contest may be brought “on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.”

2. Under Minn. Stat. § 209.021, for contests relating a state legislative office, “the contestant shall file the notice of contest with the court administrator of district court in the county where the Contestee maintains residence.”

3. Curtis Johnson is a resident of Ramsey County.

4. House District 40B comprises portions of the cities of Shoreview and Roseville. The entirety of House District 40B is located within Ramsey County. See Ex. 257.

5. This Notice of Election Contest has been served¹ within the seven-day period commencing from November 13, 2024 (to November 20, 2024), to contest Johnson's election under procedures established under Minn. Stat. § 209.021: "The contestant shall serve notice of the contest on the parties...within seven days after the canvass is completed in the case of a ...general election."

PARTIES

6. Contestant Paul Wikstrom resides at 200 Bridge Street, Shoreview, Minnesota, 55126. His residency is within the designated Minnesota House of Representatives District 40B. Wikstrom is also a registered voter and eligible to vote for the Representative to the Minnesota State Legislature from House District 40B. Wikstrom did cast a ballot in the general election of November 5, 2024.

7. Contestee Curtis Johnson resides at 3084 Payne Avenue, Little Canada, Minnesota, 55117. His residency is within Ramsey County. Johnson's residency in Little Canada is not within the boundaries of District 40B as designated for an elected seat within the Minnesota House of Representatives. See Ex. 270 and 257.

FACTUAL BACKGROUND

I. Curtis Johnson failed to comply with the Minnesota Constitution or statutes to seek election to state legislative office for House District 40B.

¹ Service to Contestee's claimed address at Rosedale Estates, 2735 Rice Street, Roseville, Minnesota 55113 by certified mail is not an admission of any kind that it is Johnson's "last known address" under Minn. Stat. § 209.021, subd. 3.

8. Curtis Johnson registered a political committee, Curtis Johnson for MN House, in support of his candidacy for election to the Minnesota State House of Representatives for District 40B on January 17, 2024.² See Ex. 269.

9. Johnson, married with a spouse and at least one adult child, owns a house at 3084 Payne Avenue, Little Canada, Minnesota, 55117. Although this residency is within Ramsey County, it is outside the boundaries of State House of Representatives District 40B. The Little Canada property is homesteaded. This was confirmed on November 13, 2024. See Ex. 270. For Legislative Map of 40B see Ex. 257.

10. Upon information and belief, Curtis Johnson claimed he signed a lease in March 2024 for an apartment at Rosedale Estates, 2735 Rice Street, Roseville, Minnesota, 55113. The apartment complex is inside the House District 40B boundary. See Exs.5-7; 271.

11. An examination of the apartment complex directory indicates he leased Apartment #103. The specific apartment number is not indicated on Johnson's Affidavit of Candidacy filed with the Minnesota Secretary of State. See Exs. 252 and 268.

12. Apartment No. 103 at Rosedale Estates is 450 square feet with a studio apartment layout. See Exs. 253-256.

13. On May 21, 2024, Curtis Johnson registered to be on the Minnesota State primary ballot and filed his affidavit of candidacy under Minn. Stat. § 204B.06, subd. 1. Section 3 of subdivision 1, requires candidates to attest that they "will have maintained residence in the district from which the candidate seeks election for 30 days before the general election." See. Ex. 252 (Handwritten).

² <https://cfb.mn.gov/reports-and-data/viewers/campaign-finance/candidates/19046/2024/>. (Last visited on November 13, 2024).

14. Contestant, while door knocking in support of his candidacy to win election to represent House District 40B, encountered former Roseville City Council Member Robert Willmus. Contestant recalls Mr. Willmus stating to him the claim that Contestee doesn't live in the district and leased the Rice Street apartment in order to make it appear he lived in the district. Following this interaction, Wikstrom gathered his campaign team to investigate the whereabouts of Contestee to confirm Contestee was residing in Rosedale Estates at 2735 Rice Street in Roseville, Minnesota in compliance with state law and the Constitution. See Wikstrom Aff. ¶¶ 5-6.

15. Beginning on August 31, 2024, members of the Paul Wikstrom campaign team volunteered their time to determine Johnson's physical whereabouts as to his residency, keeping records of Johnson's movements. Their investigation focused both on his Little Canada home and his claimed Roseville apartment. The team observed comings and goings from each address from August 31, 2024, through November 11, 2024. The investigative team took photos and observed the locations at both Johnson's apartment and his Little Canada home over 60 times during this period. See Exs. 1-271; Guthrie Aff., Spears Aff., Bakeman Aff. Kristin Bakeman Aff., Kruse Aff., and Nordstrom Aff.

16. From September 16 to October 15, 2024, the team made a daily survey of Johnson's whereabouts from public vantage points and took photographs of each residence each day to determine Johnson's true residency. These findings are reported in detail in the affidavits supporting this petition and as further described below between August 31, 2024, and November 11, 2024. See Exs. 24-145; Guthrie Aff., Spears Aff., Bakeman Aff. Kristin Bakeman Aff., Kruse Aff., and Nordstrom Aff.

17. Chris Bakeman is a resident of House District 40B and a part of the investigative team into Contestee's physical residency. Mr. Bakeman personally sought to determine Johnson's physical whereabouts as to his residency on the following days:

8.31.2024 Ex. 8-19	9.9.2024 Ex. 20-23	9.16.2024 Ex. 24-27
9.17.2024 Ex. 28-30;32-33	9.18.2024 Ex. 34-45	9.19.2024 Ex. 39-40
9.20.2024 Ex. 41-42	9.21.2024 Ex. 45-46	9.23.2024 Ex. 49-50
9.24.2024 Ex. 53-54	9.25.2024 Ex. 58-59	9.26.2024 Ex. 63
9.27.2024 Ex. 66	9.28.2024 Ex. 69	9.29.2024 Ex. 74-77
9.30.2024 Ex. 79	10.1.2024 Ex. 83	10.2.2024 Ex. 92
10.3.2024 Ex. 94	10.4.2024 Ex. 97	10.7.2024 Ex. 102
10.8.2024 Ex. 103-113	10.9.2024 Ex. 114, 116-118	10.10.2024 Ex. 120-124
10.11.2024 Ex. 125-128	10.12.2024 Ex. 129-132	10.13.2024 Ex. 133-136
10.14.2024 Ex. 137-139	10.15.2024 Ex. 140-145	10.16.2024 Ex. 146-148
10.17.2024 Ex. 149-153	10.18.2024 Ex. 154, 157-160	10.19.2024 Ex. 161-165
10.20.2024 Ex. 166-171	10.21.2024 Ex. 172-174,	10.22.2024 Ex. 175-85
10.23.2024 Ex. 186-187	10.24.2024 Ex. 189-196	10.25.2024 Ex 197-198
10.26.2024 Ex. 200	10.27.2024 Ex. 203-204	10.28.2024 Ex. 207
10.29.2024 Ex. 209-214	10.30.2024 Ex. 215-218	10.31.2024 Ex. 222
11.1.2024 Ex. 228; 230-231	11.3.2024 Ex. 236	11.4.2024 Ex. 240
11.7.2024 Ex. 241	11.8.2024 Ex. 242	11.9.2024 Ex. 245
11.10.2024 Ex. 246		

18. Chris Bakeman observed and took photos to establish the Johnson family owns and operates three vehicles: a red Toyota Venza, a gray Mitsubishi Outlander, and a blue Mitsubishi Mirage. Johnson primarily drives the Mitsubishi Mirage. See Daily Exhibits listed above and Bakeman Aff.

19. Starting September 16, 2024, members of the investigatory team conducted a daily survey of Johnson's physical whereabouts as to his residency, primarily by volunteer Chris Bakeman. The survey focused on the Johnson primary residence in Little Canada. See Exs. 24-27 and Bakeman Aff.

20. Starting September 16 through October 15, photos were taken every day by the investigative team that revealed that all three Johnson vehicles, including Johnson's Mitsubishi

Mirage, were parked at the Johnson Little Canada house driveway every morning and every evening. See Bakeman Aff. ¶¶ 6-32

21. Mr. Bakeman also took extended observation of the POD delivered to the Johnson's Little Canada residence. A POD is a transportable storage unit that can also be used when moving. See Bakeman Aff. ¶¶ 34-39; 41-57.

22. Kristin Bakeman is a resident of House District 40B and a part of the Johnson investigative team. She sought to determine Johnson's physical whereabouts as to his residency on the following days:

10.18.2024 Ex. 155-156

23. Ms. Bakeman observed and recorded the appearance of a POD on the Contestee's Little Canada Property. See Ex. 204-205 and Kristin Bakeman Aff. ¶ 4.

24. Denise Kruse is a resident of House District 40B and a part of the Johnson investigative team. She sought to determine Johnson's physical whereabouts as to his residency on the following days:

9.17.2024 Ex. 31	9.18.2024 Ex. 36-38	9.19.2024 Ex. 39-40
9.20.2024 Ex. 43-44	9.21.2024 Ex. 47	9.22.2024 Ex. 48
9.23.2024 Ex. 51-52	9.24.2024 Ex. 55-57	9.25.2024 Ex. 60-62
9.26.2024 Ex. 64-65	9.27.2024 Ex. 67-68	9.28.2024 Ex. 70
9.29.2024 Ex. 78	9.30.2024 Ex. 80-81	10.1.2024 Ex. 82-87
10.2.2024 Ex. 90-91	10.3.2024 Ex. 93	10.4.2024 Ex. 96
10.30.2024 Ex. 219-221	10.31.2024 Ex. 223-226, 4	11.1.2024 Ex. 229
11.2.2024 Ex. 232-235	11.3.2024 Ex. 237-239	11.11.2024 Ex. 247-248

25. Ms. Kruse observed and confirmed the Mitsubishi Mirage's location out in front of the Little Canada residence during the September 16-October 15, 2024, period. She also observed Apartment 103 at Rosedale Estates and the fact that no lights were ever observed on in

the apartment complex. See Exs. 31, 36-40, 43-44, 47-48, 51-52, 55-57, 60-62, 64-65, 67-68, 70, 78, 80-87, 90-91, 93, 96 and Kruse Aff. ¶¶ 4-21.

26. Elizabeth Guthrie is a resident of House District 40B and a part of the investigative team. She sought to determine Johnson's physical whereabouts as to his residency on the following days:

10.4.2024 Ex. 95, 98	10.5.2024 Ex. 99
10.6.2024 Ex. 100-101	10.25.2024 Ex. 199
10.26.2024 Ex. 201-202	10.27.2024 Ex. 205-206
10.28.2024 Ex. 208	11.8.2024 Ex. 243
11.9.2024 Ex. 244	11.10.2024 Ex. 271-272
11.11.2024 Ex. 247-248	

27. Ms. Guthrie confirmed the POD remained on the Contestee's Little Canada Property as well as additional documented evidence that lights were never turned on in Apartment 103 at Rosedale Estates. See listed Exhibits and Guthrie Aff. ¶¶ 11-19.

28. Christofer Sears is a resident of House District 40A and a part of the investigative team. He sought to determine Johnson's physical whereabouts as to his residency on the following days:

10.1.2024 Ex. 84-86; 88-89	10.9.2024 Ex. 115
10.23.2024 Ex. 188	

29. On October 1, 2024, Chris Sears took photos of the door for Apartment 103. At the time the photos were taken, Johnson's car was parked at his Little Canada residence. The Apartment door was dusty and lacked evidence of any recent activity or markings indicating dust being wiped away from use. Sears put tape on the lower portion of the door on the left-hand side under the door handle about 9-10 inches from the floor. Mr. Sears did this to see if the tape would still be there, undisturbed, at a future visit. See 84-86; 88-89 and Sears Aff. ¶ 4.

30. Sears was able to identify the exterior window for Apartment #103 due to uniquely bent blinds in the apartment window. It is the second window in based on the blinds and the building layout. *Id.*

31. On October 9, 2024, Sears went to the Rosedale Estates to drop off campaign literature for Congressional District 4 candidate May Lor Xiong and House District 40B candidate Paul Wikstrom. When dropping off the literature in front of Apartment #103 he observed the tape he left on October 1, 2024, was still present and undisturbed on the door frame. Sear states that the nature of how he placed the tape ensured that any activity to enter Apartment #103 would have disturbed the tape. See Ex. 115 and Sears Aff. ¶ 5.

32. Prior to the investigation team beginning their search, Curtis Johnson's neighbor, Julie Nordstrom, who resides at 3071 Payne Avenue, Little Canada, Minnesota 55117, observed Contestee Johnson nearly every day from May 5, 2024, to October 15, 2024. See Nordstrom Aff. ¶ 5.

33. Ms. Nordstrom observed on most weekdays that Mr. Johnson would leave his home in Little Canada before 9 a.m. and return to his home in Little Canada around 6 p.m. in a blue Mitsubishi Mirage. *Id.*

34. Ms. Nordstrom also observed him engaged in many life activities in and around his Little Canada home on the weekends. See Nordstrom Aff. ¶ 6.

35. On October 15, 2024, Contestant released a video summarizing his investigative team's findings regarding Contestee's failure to move or have the intention to move within the boundaries of House District 40B. Soon thereafter, investigation team member Chris Bakeman went by Johnson's Little Canada house and captured video footage of Contestee quickly packing

his Mitsubishi Mirage with household items and leaving his Little Canada home. See Exs. 140 – 145, 251, Wikstrom Affidavit ¶ 8 and Bakeman Aff. ¶ 33

36. After October 15, 2024, Ms. Nordstom, Contestee Johnson's neighbor observed a change in his behavior and a few days later a POD used for moving or storage showed up on his property. She observed Mr. Johnson frequently leave in his blue Mitsubishi Mirage after 11 p.m. and then return to the Little Canada home early in the morning. See Nordstrom Aff. ¶ 8.

37. After October 15, Johnson no longer parked his Mitsubishi Mirage in front of his Little Canada home. See Exs. 140 – 145 and Bakeman Aff. ¶ 33.

38. On October 18, 2024, Jill Johnson, wife of Curtis Johnson, accepted delivery of a POD portable container, utilized for either moving or storage, to be placed outside the Johnson home in Little Canada. See Exs. 154, 157 – 160 and Bakeman Aff. ¶ 36.

39. On October 19, 2024, Ms. Johnson is captured on video by investigator Chris Bakeman being unresponsive to questions about moving away from her Little Canada home. See Exs. 161 – 165 and Bakeman Aff. ¶ 37.

40. On October 20, 2024, Chris Bakeman captured exterior photos of Apartment 103 from the outdoors. The apartment is easily seen from Rice Street. Although it was at night and dark (at around 10:00 p.m.), no lights were on in the apartment. Additionally, the photos confirmed the directory at Rosedale Estates continued to list Contestee at Apartment #103. See Exs. 166-171 and Bakeman Aff. ¶ 38.

41. On October 21, 2024, certain investigative team members attempted to bring a welcome basket to the Rosedale Estates apartment, Apartment No. 103. The team rang the directory, which Curtis Johnson picked from the Apartment #103 directory. An e-mail from

Rosedale Estates staff confirmed the directory connects to the resident's cell phone. See Exs. 172-174 and Bakeman Aff. ¶¶ 39-42.

42. Based upon Chris Bakeman's experiences at ISD 623 School Board Meetings, Parades and Campaign Ads, Mr. Bakeman could confirm that Curtis Johnson's voice answered when the buzzer was pushed. After announcing delivery of the welcome basket, Mr. Johnson disconnected from the conversation and hung up. Mr. Bakeman made a transcript of this conversation. *Id.*

43. On October 22, 2024, Chris Bakeman went back to Apartment #103. He took photos of the door and noticed that the tape placed by Chris Sears was still on the door. It appeared that the door may have been utilized but the tape had never been removed or strongly disturbed. Mr. Sears stated in his affidavit that the tape was not inconspicuous and would have been removed has someone resided at the apartment. Again, there were no lights visible from Apartment #103 from the exterior of the apartment. See Exs. 175-185, Bakeman Aff. ¶ 43. Sears Aff. ¶¶ 4-5.

44. On October 24, 2024, Chris Bakeman went to Apartment #103 around 4:30 p.m. The door to the apartment ends about an inch above the floor, so he was able to obtain a view of the interior of the apartment with his camera phone. While only able to distinctly view half of the apartment, that half of the apartment was completely bare. There was no furniture visible, nothing hanging on the walls, and no personal papers or books on the floor. See Exs. 189-196, Bakeman Aff. ¶ 45.

45. On October 29, 2024, Chris Bakeman again returned to Apartment #103 to drop off literature in the building for Paul Wikstrom. He again took photos and video underneath the door. Again, the door to the apartment ends about an inch above the floor, so he was able to

obtain a view of the interior of the apartment with his camera phone. While only able to distinctly view half of the apartment, that half of the apartment was completely bare. There was no furniture visible, nothing hanging on the walls, and no personal papers or books on the floor. See Exs. 209 – 214, Bakeman Aff. ¶ 50.

46. On October 31, 2024, Denise Kruse called Xcel Energy to determine whether electricity was hooked up to Apartment #103. While she did not get the name of the employee from customer service, she got the impression that Apartment #103 in Rosedale Estates did not have an individual meter hook up and that no current account existed for the apartment. Further, an e-mail from the apartment complex confirmed that each resident sets up their own Xcel account. See Ex. 4 and Kruse Aff. ¶ 40.

47. On November 1, 2024, Denise Kruse called Xcel Energy again and talked to an employee named Cassandra. Cassandra provided Ms. Kruse the impression that no individual meter was hooked up to Apartment #103, the apartment linked to Curtis Johnson on the Rosedale Estates resident directory, and that Xcel considered the apartment a demonstration apartment used for showings. See Ex. 4 and Kruse Aff. ¶ 41.

48. The evening of November 1, 2024, Chris Bakeman went by the apartment complex and there was no light emanating from the Apartment #103 window.

49. On November 11, 2024, Denise Kruse called Comcast Xfinity and spoke with Leonardo on the Customer Service Line. Ms. Kruse was given the impression that there had been no activity Xfinity internet or cable account at Apartment #103 since June of 2023. See Ex. 261 and Kruse Aff. ¶ 42.

50. On November 11, 2024, Denise Kruse called Century Link and spoke with Derrick on their Customer Service line. Ms. Kruse was given the impression that Century Link did not have an account or provide service for Apartment #103. See Ex. 262 and Kruse Aff. ¶ 43.

51. On the morning of Thursday, November 14, 2024, Denise Kruse called Xcel Energy. After speaking with a customer service representative, Ms. Kruse was given the impression that there was no power hooked up at apartment #103 at 2735 Rice Street Roseville, MN 55113 and that the unit was listed as a demonstration apartment and the meter was removed in January 2024. See Ex. 263 and Kruse Aff. ¶ 44.

52. On the morning of Monday, November 18, 2024, Denise Kruse called Xcel Energy. After speaking with a customer service representative, Ms. Kruse was given the impression that there was no power hooked up at apartment #103 at 2735 Rice Street Roseville, MN 55113 and that the unit was listed as a demonstration apartment and the meter was removed in January 2024. See Ex. 264 and Kruse Aff. ¶ 45.

53. On the afternoon of Monday, November 18, 2024, Denise Kruse called Comcast Xfinity. After speaking with customer service representative Cynthia, Ms. Kruse was given the impression that there was no internet hooked up at apartment #103 at 2735 Rice Street Roseville, MN 55113. See Ex. 265 and Kruse Aff. ¶ 46.

54. On the afternoon of Monday, November 18, 2024, Denise Kruse called Century Link. After speaking with customer service representative Lariza, Ms. Kruse was given the impression that there was no internet hooked up at apartment #103 at 2735 Rice Street Roseville, MN 55113. See Ex. 266 and Kruse Aff. ¶ 47.

CLAIM 1

Because Johnson is not a resident of Minnesota House District 40B and was not a resident six months prior to the general election, in violation of Minn.

Stat. 204B.06 Subd. 4a(4) and the Minnesota Constitution, he cannot claim entitlement to the election certificate for State House District 40B.

55. All previous paragraphs are incorporated for this claim as if fully repeated.

56. Contestee Curtis Johnson was not a resident within the boundaries of House District 40B six months prior to the November 5, 2024, general election.

57. Contestee Johnson resides at 3084 Payne Avenue, Little Canada, Minnesota, 55117. His residency is within Ramsey County. Johnson's residency in Little Canada is not within the boundaries of District 40B as designated for an elected seat within the Minnesota House of Representatives.

58. Contestee Johnson does not reside in House District 40B. Evidence detailed above, demonstrates that he resided every day from his filing of the affidavit of candidacy to October 15, 2024 (less than 30 days prior to Election Day) at his Little Canada home. Evidence detailed above further reveals that he has not hooked up utilities to a studio apartment he purportedly leased, and he continues not to have utility service. Evidence detailed above further reveals that he has not spent time at the Roseville apartment in any way that would indicate residency there.

59. Minnesota Constitution, art. IV, § 6 establishes residency requirements for state representatives, including the mandate that the candidate as a "qualified voter" reside within the district elective office is sought for six months immediately preceding the election. Article IV, § 6 states: "Senators and representatives shall be qualified voters of the state and shall have resided one year in the state and six months immediately preceding the election in the district from which elected."³

³ The legislature has not adopted a definition of "residency" for evaluating candidate qualifications. See *Piepho v. Bruns*, 652 N.W.2d 40, 43 (Minn. 2002). The Minnesota Supreme

60. Minnesota Statutes § 204B.06, subd. 4a(4) states in part as follows:

“for...representative in the legislature, that on the day of the general or special election to fill the office the candidate will have maintained residence not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.”⁴

61. Contestee Johnson’s behavior reveals that he deliberately failed to establish residency and remain in the district six months prior to the general election. Contestee falsely claimed residency within the district for which he sought elective office and intended to affect the voting at the election. Johnson’s actions reveal and establish a violation of the Minnesota Constitution mandates under art. IV, § 6, and Minn. Stat. § 204B.06, subd. 4a(4).⁵

62. Likewise, Contestee Johnson’s behavior is a serious violation of Minnesota election law, and the state constitutional mandate for residency in the legislative district for which a candidate seeks elected office is a mandatory requirement under the Minnesota

Court determined, “[n]onetheless, in deciding what factors best implement the constitutional directive in Minn. Const., art. IV, § 6, that elected representatives reside in the district from which elected, we naturally focus on physical presence and intent, as we have done in the voter residency context.

⁴ The Court in *Piepho* opined that, “the concept of residency is captured and perhaps best summarized by Minn. Stat. § 200.031(i) (2000): ‘The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there.’ [...] As the provision quoted above demonstrates, neither factor is determinative—each informs the other. That is, intent can be demonstrated in many ways, including but not limited to physical presence, and we consider physical presence to the extent that it manifests intent to reside in the district.” 652 N.W.2d at 43.

⁵ “[I]t is necessary to determine whether the violation was a serious, deliberate, and material violation of the provisions of Minnesota election law as required by Minn. St. 209.02, subd. 1. For a violation to be “deliberate,” it must be intended to affect the voting at the election. See, *Effertz v. Schimelpfenig*, 207 Minn. 324, 291 N.W. 286 (1940).” *Schmitt v. McLaughlin*, 275 N.W.2d 587, 591 (Minn. 1979).

Constitution. Johnson's actions reveal and establish a violation of the Minnesota Constitution mandates under art. IV, § 6, and Minn. Stat. § 204B.06, subd. 4a(4).

63. Finally, Contestee Johnson's behavior establishes a material violation of election laws because he falsely represented to the Secretary of State in his affidavit of candidacy regarding his residency, and to the voters within State House District 40B that he resided in the District, representing to the electorate he was an eligible candidate to be elected to that 40B office.⁶ Johnson's actions reveal and establish a violation of the Minnesota Constitution mandates under art. IV, § 6, and Minn. Stat. § 204B.06, subd. 4a(4).

CLAIM 2

Because Johnson is not a resident of Minnesota House District 40B and did not reside in the district for 30 days prior to the General Election, showing he never intended to do so when he falsely attested to residency in violation of Minn. Stat. 204B.06 Subd. 1(3), he cannot claim entitlement to the election certificate for State House District 40B.

64. All previous paragraphs are incorporated for this claim as if fully repeated.

65. Contestee Curtis Johnson did not maintain residency within the boundaries of House District 40B thirty days prior to the November 5, 2024, general election.

66. Contestee Johnson resides at 3084 Payne Avenue, Little Canada, Minnesota, 55117. His residency is within Ramsey County. Johnson's residency in Little Canada is not within the boundaries of District 40B as designated for an elected seat within the Minnesota House of Representatives.

⁶ "As to materiality, there is no question that for a candidate to imply that he has the support of a political party, which support he does not in fact have, is a material violation of the provisions of Minnesota election law." *Schmitt v. McLaughlin*, 275 N.W.2d 587, 591 (Minn. 1979)

67. Minnesota Statutes § 204B.06, subd. 1(3) is accurately quoted in part as follows: an affidavit of candidacy will require a candidate for office to attest they “...will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.”

68. Contestee Johnson’s behavior reveals that he deliberately failed to establish residency and maintain residency for 30 days prior to Election Day and never intended to establish residency within House District 40B for 30 days before Election Day. Contestee falsely claimed residency within the district for which he sought elective office, whose false statement was intended to affect the voting at the election. Johnson’s actions reveal and establish a violation of Minn. Stat. § 204B.06, subd. 1(3).

69. Likewise, Contestee Johnson’s behavior is a serious violation of Minnesota election law. The state constitution and statutes mandate residency for a certain time-period in the legislative district for which a candidate seeks elected office. The Minnesota Election Law requires a candidate to swear under oath that he will maintain residency in the legislative district to which he seeks elected office. The requirement of a sworn oath to uphold the residency requirements of this law demonstrates that it is an integral and serious part of Minnesota Election Law. To swear falsely is a serious violation of election law. Johnson’s actions reveal and establish a violation of Minn. Stat. § 204B.06, subd. 1(3).

70. Finally, Contestee Johnson’s behavior establishes a material violation of election laws because he falsely represented to the Secretary of State in his affidavit of candidacy regarding his residency, and to the voters within State House District 40B that he resided in the district, representing to the electorate he was an eligible candidate to be elected to that 40B office. Johnson’s actions reveal and establish a violation of Minn. Stat. § 204B.06, subd. 1(3).

PRAYER FOR RELIEF

71. Contestant respectfully requests that the Court invalidate and revoke any certificate of election issued to Johnson because of his deliberate, serious, and material violation of Minnesota election law.

72. The procedures for these proceedings and this Notice of Election Contest are found under Minnesota Statutes § 209.

73. The Contestee has seven days after service of this Notice of Election Contest to answer under Minn. Stat. § 209.03.

74. The Contestant Wikstrom respectfully requests a hearing on the Notice of Election Contest within 15 days after the filing of this Notice. Minn. Stat. § 209.10, subd. 3.

75. The Contestant Wikstrom respectfully requests the Court to provide a decision as required under Minn. Stat. § 209.10, subd. 3, and *Scheibel v. Pavlak*, 282 N.W.2d 843 (Minn. 1979), unless appealed to the State Supreme Court, to the Minnesota State House of Representatives by the first day of the next legislative session recommending that Curtis Johnson not be recognized as the duly elected representative for District 40B, and that any election certificate issued to Johnson by the Secretary of State be nullified or found invalid because of his deliberate, serious and material failure to follow Minnesota Election Law.

76. Therefore, the Contestant Wikstrom is entitled to a decree that the election result for the Minnesota House of Representatives for District 40B is invalid nullifying the county auditor's election certificate declaring the Contestee Johnson as "elected" or other such appropriate relief. This includes, within the decree, for the Court to declare that the Secretary of State may not prepare and sign the certificate of election of Johnson and deliver the original to

the elected candidate on demand or to the Chief of Clerk for the Minnesota House of Representatives.

77. As a result, this Court should find and declare that the Contestee, based upon the findings of fact and conclusions of law, did violate Minnesota election law and that an election certificate from the Secretary of State cannot be issued to Curtis Johnson as the elected candidate to serve as a member of the Minnesota House of Representatives for State House District 40B.

78. Granting Contestant such other and further relief as the Court deems just and appropriate.

Dated: 11/20/2024

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s/ Nicholas R. Morgan

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