

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Paul Wikstrom,

Case No.: 62-CV-24-7378

Contestant,

Judge Leonardo Castro

v.

Curtis Johnson,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Contestee.

The above-entitled matter came before the Honorable Leonardo Castro, Judge of District Court, Ramsey County, for an evidentiary hearing on Contestant's Election Contest on December 5, 6, and 7, 2024. Nicholas Morgan, Esq., and Erick Kaardal, Esq., appeared on behalf of Contestant, Paul Wikstrom. Rachel Kitze Collins, Esq., and David Zoll, Esq., appeared on behalf of Contestee, Curtis Johnson.

Based upon the evidence received during the evidentiary hearing, the submissions and arguments of counsel, and all the files, records, and proceedings herein, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Contestant, Paul Wikstrom, and Contestee, Curtis Johnson, both ran to represent Minnesota House District 40B in the 2024 general election. Mr. Johnson won the general election by more than 7,500 votes.

2. On November 20, 2024, Mr. Wikstrom filed this election contest under Minn. Stat. § 209.02, alleging that Mr. Johnson had not lived in House District 40B for the six months leading

up to the general election, in violation of article IV, section 6 the state constitution, Minn. Stat. § 204B.06, subd. 4a(4), and Minn. Stat. § 204B.06, subd. 1(3).

3. On November 27, 2024, the parties selected the undersigned to preside over the matter in accordance with Minn. Stat. § 209.10, subd. 2. On November 27, 2024, Mr. Johnson moved to dismiss the contest based on the equitable remedy of laches. On December 2, 2024, Mr. Wikstrom moved for a default judgment based on Mr. Johnson's failure to file an answer. Mr. Wikstrom also made a motion in limine to exclude evidence produced by Mr. Johnson of the last 30 days leading up to the election because Mr. Johnson's motion did not address the claim under Minn. Stat. § 204B.06 subd. 1(3). The Court heard all three motions at a hearing on December 3, 2024. On December 4, 2024, this Court issued an order denying the motion to dismiss, the motion for default, and the motion in limine.¹

4. Mr. Wikstrom called the following witnesses in the stated order:

- a. Shari Thompson, Executive Director of Business Services for Roseville Area Schools
- b. Curtis Johnson, Contestee
- c. Paul Wikstrom, Contestant
- d. Julie Nordstrom, neighbor to the Johnsons' Little Canada Residence
- e. Elizabeth Guthrie, spouse to Paul Wikstrom and member of investigative team
- f. Kristin Bakeman, member of the investigative team
- g. Christofer Sears, member of the investigative team
- h. Denise Kruse, member of the investigative team
- i. Christopher Bakeman, member of the investigative team

5. At the close of Mr. Wikstrom's case, Mr. Johnson made a motion for judgment as a matter of law² under Minn. R. Civ. P. 50.01, which this Court denied.

¹ On December 8, 2024, the Court issued an Amended Order which merely fixed a scrivener's error and did not make any substantive changes to the December 3, 2024, Order.

² The Court noted that such motions are only appropriate in the context of jury trials. As an evidentiary hearing, this hearing is more akin to a court trial; therefore, the motion is more properly made under Rule 41.02(b). The Court declined to render judgment until the close of all evidence.

6. Mr. Johnson called the following witnesses in the stated order:
- a. Becky Penttila, realtor for the Johnsons
 - b. Dr. Jill Johnson, spouse to Curtis Johnson
 - c. Curtis Johnson, Contestee

The following exhibits were admitted or stipulated to during the hearing:

Ex. No.	Exhibit Description
5	News article – Roseville area candidate for Minnesota House challenged by opponent on residency.
8	Photo of Apartment Building, taken on 08/31/2024.
9	Photo of Apartment Building Construction Notice, taken on 08/31/2024.
10	Photo of Apartment Call Directory, taken on 08/31/2024.
12	Photo of Apartment Building – Northern View, taken on 08/31/2024.
13	Photo of Apartment Building – Southern View, taken on 08/31/2024.
15	Photo of Little Canada Residence, taken on 08/31/2024.
16	Photo of Little Canada Residence, taken on 08/31/2024.
18	Photo of Little Canada Residence from one side, taken on 08/31/2024.
19	Audio of message prompted by selecting Apartment 103 at Apartment building, from 08/31/2024.
20	Photo of Little Canada Residence driveway, taken on 09/09/2024.
21	Photo of Little Canada Residence driveway, taken on 09/09/2024.
22	Photo of Little Canada Residence driveway, taken on 09/09/2024.
24	Photo of Blue Mitsubishi at Little Canada Residence on 09/09/2024.
25	Photo of Blue Mitsubishi at Little Canada Residence on 09/16/2024 at 2:13 P.M.
26	Photo of Blue Mitsubishi at Little Canada Residence on 09/16/2024 at 2:13 P.M.
27	Photo of Blue Mitsubishi at Little Canada Residence on 09/16/2024 at 2:13 P.M.
28	Photo of Blue Mitsubishi at Little Canada Residence on 09/17/2024 at 7:14 A.M.
29	Video of Dr. and Mr. Johnson walking dogs at Little Canada Residence on 09/17/2024 at 7:14 A.M.
30	Photo of Blue Mitsubishi at Little Canada Residence on 09/17/2024 at 7:14 A.M.
31	Video of Mr. Johnson getting into blue Mitsubishi at Little Canada Residence and driving away on 09/17/2024 at 6:16 P.M.
32	Photo of blue Mitsubishi parked at forum on 09/17/2024 at 6:46 P.M.

33	Video of blue Mitsubishi parked at forum on 09/17/2024 at 6:46 P.M.
34	Photo of vehicles parked in Little Canada Residence driveway on 09/18/2024 at 7:00 A.M., including blue Mitsubishi and black suburban with trunk open.
35	Video of vehicles parked in Little Canada Residence driveway on 09/18/2024 at 7:00 A.M., including blue Mitsubishi and black suburban with trunk open.
36	Video of vehicles parked in Little Canada Residence driveway on 09/18/2024 at 10:00 P.M., including blue Mitsubishi.
37	Video of vehicles parked in Little Canada Residence driveway on 09/18/2024 at 10:00 P.M., including blue Mitsubishi.
29	Video of three vehicles parked in Little Canada Residence driveway on 09/19/2024 at 1:00 P.M., including blue Mitsubishi.
40	Video of three vehicles parked in Little Canada Residence driveway on 09/19/2024 at 8:20 P.M., including blue Mitsubishi.
41	Photo of three vehicles parked in Little Canada Residence driveway on 09/20/2024 at 7:15 A.M., including blue Mitsubishi.
42	Video of three vehicles parked in Little Canada Residence driveway on 09/20/2024 at 7:15 A.M., including blue Mitsubishi.
43	Video of three vehicles parked in Little Canada Residence driveway on 09/20/2024 at 9:30 P.M., including blue Mitsubishi.
44	Video of three vehicles parked in Little Canada Residence driveway on 09/20/2024 in the afternoon, including blue Mitsubishi.
45	Video of three vehicles parked in Little Canada Residence driveway on 09/21/2024 at 10:30 A.M., including blue Mitsubishi.
46	Photo of three vehicles parked in Little Canada Residence driveway on 09/21/2024 at 10:30 A.M., including blue Mitsubishi.
47	Video of four vehicles parked in Little Canada Residence driveway on 09/21/2024 at 11:00 P.M., including blue Mitsubishi.
48	Video of three vehicles parked in Little Canada Residence driveway on 09/22/2024 at 9:30 P.M., including blue Mitsubishi.
49	Photo of three vehicles parked in Little Canada Residence driveway on 09/23/2024 at 7:15 A.M., including blue Mitsubishi.
50	Video of three vehicles parked in Little Canada Residence driveway on 09/23/2024 at 7:15 A.M., including blue Mitsubishi.
51	Video of three vehicles parked in Little Canada Residence driveway on 09/23/2024 at 2:00 P.M., including blue Mitsubishi.
52	Video of three vehicles parked in Little Canada Residence driveway on 09/23/2024 at 10:30 P.M., including blue Mitsubishi.
53	Photo of three vehicles parked in Little Canada Residence driveway on 09/24/2024 at 7:15 A.M., including blue Mitsubishi.
54	Video of three vehicles parked in Little Canada Residence driveway on 09/24/2024 at 7:15 A.M., including blue Mitsubishi.
55	Video of three vehicles parked in Little Canada Residence

	driveway on 09/24/2024 at 5:21 P.M., including blue Mitsubishi.
56	Video of three vehicles parked in Little Canada Residence driveway on 09/24/2024 at 10:00 P.M., including blue Mitsubishi.
58	Photo of three vehicles parked in Little Canada Residence driveway on 09/24/2024 at 7:15 A.M., including blue Mitsubishi.
59	Video of three vehicles parked in Little Canada Residence driveway on 09/24/2024 at 7:11 A.M., including blue Mitsubishi.
60	Photo of three vehicles parked in Little Canada Residence driveway on 09/25/2024 at 12:03 P.M., including blue Mitsubishi.
62	Video of three vehicles parked in Little Canada Residence driveway on 09/25/2024 at 9:31 P.M., including blue Mitsubishi.
63	Video of three vehicles parked in Little Canada Residence driveway on 09/26/2024 at 7:15 A.M., including blue Mitsubishi.
64	Video of three vehicles parked in Little Canada Residence driveway on 09/26/2024 at 2:48 P.M., including blue Mitsubishi.
65	Video of three vehicles parked in Little Canada Residence driveway on 09/26/2024 at 9:47 P.M., including blue Mitsubishi.
66	Video of three vehicles parked in Little Canada Residence driveway on 09/27/2024 at 7:15 A.M., including blue Mitsubishi.
67	Video of three vehicles parked in Little Canada Residence driveway on 09/27/2024 at 2:11 P.M., including blue Mitsubishi.
68	Video of three vehicles parked in Little Canada Residence driveway on 09/27/2024 at 10:16 P.M., including blue Mitsubishi.
69	Video of two vehicles parked in Little Canada Residence driveway on 09/28/2024 at 9:25 A.M., (no blue Mitsubishi).
70	Video of three vehicles parked in Little Canada Residence driveway on 09/28/2024 at 9:33 P.M., including blue Mitsubishi.
74	Video of three vehicles parked in Little Canada Residence driveway on 09/29/2024 at 7:37 A.M., including blue Mitsubishi.
75	Video of three vehicles parked in Little Canada Residence driveway on 09/29/2024 at 8:52 A.M., including blue Mitsubishi.
76	Video of two vehicles parked in Little Canada Residence driveway on 09/29/2024 at 12:35 P.M., (no blue Mitsubishi).
77	Video of three vehicles parked in Little Canada Residence driveway on 09/29/2024 at 2:58 P.M., including blue Mitsubishi.
78	Video of three vehicles parked in Little Canada Residence driveway on 09/29/2024 at 11:39 P.M., including blue Mitsubishi.
79	Video of three vehicles parked in Little Canada Residence driveway on 09/30/2024 at 7:07 A.M., including blue Mitsubishi.
80	Video of three vehicles parked in Little Canada Residence driveway on 09/30/2024 at 10:42 A.M., including blue Mitsubishi.
81	Photo of Little Canada Residence driveway on 09/30/2024 of vehicles in Little Canada Residence driveway, including blue Mitsubishi.
82	Video of three vehicles parked in Little Canada Residence

	driveway on 10/01/2024 at 12:05 A.M., including blue Mitsubishi.
83	Video of three vehicles parked in Little Canada Residence driveway on 10/01/2024 at 7:14 A.M., including blue Mitsubishi.
84	Photo of Apartment lock and doorknob from 10/01/2024.
85	Photo of Apartment door – lower half, showing dust (and tape) on 10/01/2024.
86	Photo of Apartment door with dust, Wikstrom pamphlet on 10/01/2024.
87	Video of three vehicles parked in Little Canada Residence driveway on 10/01/2024 at 12:42 P.M., including blue Mitsubishi.
88	Photo of Apartment sliding door from outside.
89	Photo of Apartment building exterior, showing Apartment window and sliding door.
90	Video of three vehicles parked in Little Canada Residence driveway on 10/02/2024 at 12:12 A.M., including blue Mitsubishi.
91	Video of three vehicles parked in Little Canada Residence driveway on 10/02/2024 at 12:09 P.M.
92	Video of two vehicles parked in Little Canada Residence driveway on 10/02/2024 at 7:08 A.M., including blue Mitsubishi.
93	Video of three vehicles parked in Little Canada Residence driveway on 10/03/2024 at 12:02 A.M., including blue Mitsubishi.
94	Video of three vehicles parked in Little Canada Residence driveway on 10/03/2024 at 7:03 A.M., including blue Mitsubishi.
95	Video of three vehicles parked in Little Canada Residence driveway on 10/04/2024 at 12:17 A.M., including blue Mitsubishi.
96	Video of three vehicles parked in Little Canada Residence driveway on 10/04/2024 at 12:27 A.M., including blue Mitsubishi.
97	Video of three vehicles parked in Little Canada Residence driveway on 10/04/2024 at 7:08 A.M., including blue Mitsubishi.
98	Video of three vehicles parked in Little Canada Residence driveway on 10/04/2024 at 11:31 P.M., including blue Mitsubishi.
99	Video of three vehicles parked in Little Canada Residence driveway on 10/05/2024 at 11:19 P.M., including blue Mitsubishi.
100	Video of three vehicles parked in Little Canada Residence driveway on 10/06/2024 at 7:23 A.M., including blue Mitsubishi.
101	Video of three vehicles parked in Little Canada Residence driveway on 10/06/2024 at 11:22 P.M., including blue Mitsubishi.
102	Video of three vehicles parked in Little Canada Residence driveway on 10/07/2024 at 7:14 A.M., including blue Mitsubishi.
103	Video of three vehicles parked in Little Canada Residence driveway on 10/08/2024 at 7:12 A.M., including blue Mitsubishi.
104	Video of three vehicles parked in Little Canada Residence driveway on 10/08/2024 at 4:18 P.M., including blue Mitsubishi.
105	Video of one vehicle parked in Little Canada Residence driveway on 10/08/2024 at 5:52 P.M., (no blue Mitsubishi).
106	Video of blue Mitsubishi in Roseville Area School parking lot on

	10/08/2024 at 6:07 P.M.
107	Video of blue Mitsubishi license plate and interior with Curtis Johnson campaign signs inside, taken on 10/08/2024 at 6:25 P.M.
108	Video of Curtis Johnson at Roseville Area School Meeting on 10/08/2024 at 6:28 P.M.
109	Video of roll call at Roseville Area School Meeting on 10/08/2024 at 6:30 P.M.
110	Video of two vehicles parked in Little Canada Residence driveway on 10/08/2024 at 8:14 P.M., (no blue Mitsubishi).
111	Video of two vehicles parked in Little Canada Residence driveway on 10/08/2024 at 8:15 P.M., (no blue Mitsubishi).
112	Video of red vehicle pulling into Little Canada Residence driveway on 10/08/2024 at 8:56 P.M.
113	Video of blue Mitsubishi returning to Little Canada Residence driveway on 10/08/2024 at 9:02 P.M.; Curtis Johnson exiting blue Mitsubishi.
114	Video of three vehicles parked in Little Canada Residence driveway on 10/09/2024 at 7:14 A.M.
115	Photo of Apartment door on 10/9/2024 showing intact tape on door, dust on door.
116	Video of Little Canada Residence, 10/9/2024 at 6:17 P.M. showing two vehicles in driveway, (no blue Mitsubishi).
117	Video of Little Canada Residence, 10/9/2024 at 9:17 P.M. showing three vehicles in driveway, including blue Mitsubishi.
118	Video of Little Canada Residence, 10/9/2024 at 9:18 P.M. showing three vehicles in driveway, including blue Mitsubishi.
120	Video of Little Canada Residence, 10/10/2024 at 7:05 A.M. showing two vehicles in driveway, including blue Mitsubishi.
121	Photo of Little Canada Residence, 10/10/2024 at 2:27 P.M. showing two vehicles in driveway, including blue Mitsubishi.
122	Video of Little Canada Residence, 10/10/2024 at 8:13 P.M. showing two vehicles in driveway, (no blue Mitsubishi).
123	Video of the Little Canada Residence, 10/10/2024 at 9:34 P.M. showing two vehicles in driveway, (no blue Mitsubishi).
124	Video of Little Canada Residence, 10/10/2024 at 10:05 P.M. showing three vehicles in driveway, including blue Mitsubishi.
125	Video of Little Canada Residence, 10/11/2024 at 7:09 A.M. showing three vehicles in driveway, including blue Mitsubishi.
126	Video of Little Canada Residence, 10/11/2024 at 12:21 P.M. showing three vehicles in driveway, including blue Mitsubishi.
127	Video of Little Canada Residence, 10/11/2024 at 10:36 P.M. showing three vehicles in driveway, including blue Mitsubishi.
128	Video of Little Canada Residence, 10/11/2024 at 10:37 P.M. showing three vehicles in driveway, including blue Mitsubishi.
129	Video of Curtis Johnson cleaning out blue Mitsubishi in Little Canada Residence driveway on 10/12/2024 at 9:07 A.M.

130	Video of Little Canada Residence, 10/12/2024 at 9:13 A.M. showing two vehicles in driveway, including blue Mitsubishi.
131	Video of Little Canada Residence, 10/12/2024 at 10:20 A.M. showing only gray vehicle in driveway, (no blue Mitsubishi).
132	Video of Little Canada Residence, 10/12/2024 at 6:59 P.M. showing three vehicles in driveway, including blue Mitsubishi.
133	Video of Little Canada Residence, 10/13/2024 at 7:32 A.M. showing three vehicles in driveway, including blue Mitsubishi.
134	Video of Little Canada Residence, 10/13/2024 at 8:56 A.M. showing three vehicles in driveway, including blue Mitsubishi.
135	Video of Little Canada Residence, 10/13/2024 at 2:39 P.M. showing three vehicles in driveway, including blue Mitsubishi.
136	Video of Little Canada Residence, 10/13/2024 at 7:22 P.M. showing three vehicles in driveway, including blue Mitsubishi.
137	Video of Little Canada Residence, 10/14/2024 at 7:12 A.M. showing three vehicles in driveway, including blue Mitsubishi.
138	Video of Little Canada Residence, 10/14/2024 at 3:03 P.M. showing three vehicles in driveway, including blue Mitsubishi.
139	Video of Little Canada Residence, 10/14/2024 at 7:51 P.M. showing three vehicles in driveway, including blue Mitsubishi.
140	Video of Little Canada Residence, 10/15/2024 at 6:58 A.M. showing three vehicles in driveway, including blue Mitsubishi.
141	Video of Curtis Johnson getting into blue Mitsubishi in Little Canada Residence driveway on 10/15/2024 at 11:22 A.M.
142	Video of blue Mitsubishi leaving Little Canada Residence driveway on 10/15/2024 at 11:23 A.M.
143	Video of Apartment parking lot, 10/15/2024 at 11:41 A.M.
144	Video of Little Canada Residence, 10/15/2024 at 4:06 P.M. showing gray vehicle in driveway, (no blue Mitsubishi).
145	Video of Little Canada Residence, 10/15/2024 at 10:11 P.M. showing two cars in driveway, (no blue Mitsubishi).
146	Video of Little Canada Residence, 10/16/2024 at 7:05 A.M. showing two cars in driveway, (no blue Mitsubishi).
147	Video of Little Canada Residence, 10/16/2024 at 12:52 P.M. showing gray vehicle in driveway, (no blue Mitsubishi).
148	Video of Little Canada Residence, 10/16/2024 at 8:44 P.M. showing two cars in driveway, (no blue Mitsubishi).
149	Video of Little Canada Residence, 10/17/2024 at 7:10 A.M. showing two cars in driveway, (no blue Mitsubishi).
150	Video of Little Canada Residence, 10/17/2024 at 12:00 P.M. showing two cars in driveway, (no blue Mitsubishi).
151	Video of Little Canada Residence, 10/17/2024 at 5:25 P.M. showing two cars in driveway, (no blue Mitsubishi).
152	Video of Little Canada Residence, 10/17/2024 at 9:26 P.M. showing two cars in driveway, (no blue Mitsubishi).
153	Video of Little Canada Residence, 10/17/2024 at 9:30 P.M.

	showing two cars in driveway, (no blue Mitsubishi).
154	Video of Little Canada Residence, 10/18/2024 at 7:04 A.M. showing empty driveway besides gray vehicle, (no blue Mitsubishi).
155	Video of Little Canada Residence, 10/18/2024 at 11:33 A.M. showing POD in driveway, (no blue Mitsubishi).
156	Video of Little Canada Residence, 10/18/2024 at 11:34 A.M. showing POD in driveway, (no blue Mitsubishi).
157	Video of Little Canada Residence, 10/18/2024 at 4:12 P.M. showing POD in driveway, (no blue Mitsubishi).
158	Photo of Little Canada Residence, 10/18/2024 at 4:13 P.M. showing POD in driveway, (no blue Mitsubishi).
159	Photo of Little Canada Residence, 10/18/2024 at 4:13 P.M. showing POD in driveway, (no blue Mitsubishi).
160	Video of Little Canada Residence, 10/18/2024 at 8:35 P.M. showing POD in driveway, (no blue Mitsubishi).
161	Video of Little Canada Residence, 10/19/2024 at 9:15 A.M. showing POD in driveway, (no blue Mitsubishi).
162	Video of Little Canada Residence, 10/19/2024 at 1:43 P.M., showing Dr. Johnson packing POD, (no blue Mitsubishi).
163	Video of Little Canada Residence, 10/19/2024 at 1:43 P.M., showing Dr. Johnson packing POD, (no blue Mitsubishi).
164	Video of Little Canada Residence, 10/19/2024 at 1:44 P.M., showing Dr. Johnson packing POD, (no blue Mitsubishi).
165	Video of Little Canada Residence, 10/19/2024 at 1:45 P.M., showing Dr. Johnson packing POD, (no blue Mitsubishi).
172	Video of Little Canada Residence, 10/21/2024 at 7:12A.M., showing POD in driveway (no blue Mitsubishi).
173	Video – Driving into Apartment complex parking lot on 10/21/2024.
174	Video – Delivery of gift basket to Apartment on 10/21/2024.
202	Video of Little Canada Residence showing POD in driveway (no blue Mitsubishi).
224	Photo of Apartment building from October 31, 2024.
226	Photo of blue Mitsubishi parked at Rosedale Estates.
243	Video of Little Canada Residence at night showing POD in driveway.
246	Video of Little Canada Residence, 11/10/2024 at 7:35 A.M., showing POD in driveway (but no blue Mitsubishi).
249	Property Tax Statements for House.
250	Rosedale Estates Leasing Manager Answers to Inquiry.
251	Wikstrom Campaign Ad, released on October 15, 2024.
252	Curtis Johnson's Affidavit of Candidacy.
253	Sample apartment photo – Dining area.
254	Sample apartment photo – Entry.

255	Sample apartment photo – Kitchen, Entry.
256	Sample apartment photo – Main Room (without window).
257	Map of House District 40B.
270	Little Canada Residence Property Tax Information.
284	Roseville School Board Payment History.
301	Apartment Lease.
302	Apartment Payment Records.
303	Apartment Maintenance History Records.
304	Maintenance Request Image – Sewage overflow.
305	Maintenance Request Image – Kitchen Sink.
306	Maintenance Request Image – Toilet.
307	Maintenance Request Image – Bathtub.
308	Maintenance Request Image – Kitchen Sink.
309	Curtis Johnson’s Driver’s License – CONFIDENTIAL.
313	Curtis Johnson’s Certificate of Voter Registration.
314	Curtis Johnson’s Voting History.

General Background

7. Mr. Johnson and his wife, Dr. Jill Johnson, own a house at 3084 Payne Avenue in Little Canada, Minnesota (“the Little Canada Residence”). They have resided there for several years with their now-adult daughter, and, prior to their older child’s time in college, with their older child.

8. Mr. Johnson registered a political committee for the purpose of running for the Minnesota House of Representatives in January 2024. Mr. Johnson ran for the seat in House District 40B.

9. Prior to redistricting in 2022, the Little Canada residence was in House District 40B, but following the redistricting, the Little Canada residence is in House District 44A. Mr. Johnson knew that the Little Canada residence was in District 44A, and not District 40B, when the redistricting occurred. Mr. Johnson understood, therefore, that running for House District 40B meant that he would need to move.

10. In January 2024, the Johnsons contacted a realtor to begin the process of looking at houses. This process turned out to be a complicated one, presenting several obstacles in the form

of financing, emotional reactions from their younger child, and a difficult buyer's market.

11. Beginning on March 5, 2024, Mr. Johnson began renting apartment 103A in the Roseville Estates located at 2735 Rice Street, Roseville, Minnesota ("the Apartment"). The Apartment is within the boundaries of House District 40B. Mr. Johnson filed his affidavit of candidacy to appear on the Minnesota primary ballot on May 21, 2024, listing his "Residence Address" as that of 2735 Rice Street, Roseville, MN, 55113. He did not provide an apartment number.

12. The Apartment is a studio, with a front door opening into the main room.

13. The Little Canada Residence and the Apartment are about 1.8 miles from one another.

14. On or around October 15, 2024, Mr. Johnson moved from the Apartment (#103) to another apartment (#303) in the same building due to maintenance issues.

15. The Johnsons took a trip to Oregon from September 18 to September 28, 2024, to bring their older child to graduate school.

What Prompted the Investigation?

16. Paul Wikstrom also ran for House District 40B. Mr. Wikstrom testified that in either May or June, he wondered about Mr. Johnson's residency because he had known in the past that Mr. Johnson was a resident of Little Canada.

17. Mr. Wikstrom didn't pursue any type of investigation at that point, however, as he didn't think his suspicion was "actionable." Day 1 Tr. 63:12-16.

18. While door knocking in Roseville on September 7, 2024, Mr. Wikstrom encountered a former city council member named Robert Willmus. Mr. Willmus "pointed out that . . . Curtis Johnson did not live in the district" and instead had an "apartment on Rice Street to

maintain the appearance of living in the district.” Day 1 Tr. 51:16–15. Because of Mr. Willmus’s former position as a city council member, Mr. Wikstrom “took his information to be very credible.” *Id.*

19. Christofer Sears, a volunteer for Mr. Wikstrom’s campaign, had developed similar suspicions earlier in the summer (July) due to voters during a parade calling out to Mr. Sears that the campaign should look into Mr. Johnson’s residency. Mr. Sears didn’t bring it up to Mr. Wikstrom at that point, however, wanting to investigate and substantiate more himself before bringing it up to the campaign. Mr. Sears began investigating the Apartment on August 31, 2024, and Mr. Wikstrom’s campaign volunteers began methodically collecting evidence and data points in early September.

The Investigation

20. The members of Mr. Wikstrom’s campaign who volunteered to surveil the Little Canada Residence and Apartment did so from early September until mid-October 2024. They would frequently drive by the Little Canada Residence, taking photos and videos which often showed Mr. Johnson’s vehicle, a blue Mitsubishi Mirage, in the driveway. They also took various pictures and videos of the Apartment and apartment complex.

21. The team recorded Mr. Johnson getting in and out of the blue Mitsubishi Mirage on multiple occasions. At no point during the evidentiary hearing did Mr. Johnson dispute that the Mitsubishi was his main vehicle, nor that it is fair to assume that generally, he was physically present at the location where the vehicle was parked. The Court finds these to be facts.

22. Julie Nordstrom has been a neighbor to the Johnson’s Little Canada Residence for the last several years. She can view the Little Canada Residence from her house’s front window.

23. Ms. Nordstrom credibly testified that she spends most of her time, particularly in

the mornings and evenings, in the front room which looks out onto the Johnsons' driveway. She testified that because the rest of her main floor is undergoing a renovation, and because her television is in the front room, she and her family spend most of their time at home in that room.

24. From mid-May 2024, Ms. Nordstrom would view Mr. Johnson's blue Mitsubishi in the mornings when she left at 9:00 A.M. about three days a week and would see him come back to the Little Canada Residence a little after 3:00 to 4:00 in the afternoon. She testified that she often saw him grab the mail and would observe his car in the Little Canada Residence driveway in the evenings.

25. Ms. Nordstrom also regularly viewed Mr. Johnson performing household tasks at the Little Canada Residence from mid-May onward until September 2024.

26. Ms. Nordstrom observed that Mr. Johnson's behavior at the Little Canada residence only changed when he rented a moving POD³ in mid-October. She did not see him around the Little Canada Residence as often after that.

27. Christofer Sears testified credibly regarding the authenticity and metadata for the exhibits introduced by Contestant Paul Wikstrom. The investigative team kept everything in a spreadsheet updated in real time to prevent confusion and keep track of what was taken on each day. These video and picture exhibits were admitted as evidence.

28. Mr. Sears satisfactorily explained the reason for inconsistencies in the metadata or date and time when photos or videos were uploaded into a Google drive for storage.

29. Mr. Bakeman testified that on August 31, 2024, at around 11:00 A.M. he took photos confirming 2735 Rice Street was the building where Mr. Johnson leased an apartment, and that Mr. Johnson's name was on the electronic directory listing his apartment as #103. Mr.

³ Portable On-Demand storage container.

Bakeman also identified Mr. Johnson's voice in the message played when the button for the Apartment was pushed. Mr. Bakeman also took a photo of the Little Canada Residence that day.

30. Mr. Bakeman testified that on September 16, 2024, at around 2:13 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence. The blue Mitsubishi was confirmed to be Mr. Johnson's car due to Mr. Bakeman observing Mr. Johnson driving it to a public forum.

31. Mr. Bakeman testified that in the early morning on September 17, 2024, he recorded Mr. and Dr. Johnson walking their two dogs near the Little Canada residence. The blue Mitsubishi was in the driveway of the Little Canada Residence. Mr. Johnson testified that he spent the night at the Little Canada Residence this evening.

32. Ms. Kruse testified that on September 17, 2024, at 5:30 P.M. she recorded Mr. Johnson leaving the Little Canada Residence in his blue Mitsubishi.

33. Mr. Bakeman testified that on September 17, 2024, at 6:46 P.M. he recorded the blue Mitsubishi at the Roseville City Hall for a forum debate.

34. Ms. Kruse testified that on September 18, 2024, around 9:00 to 10:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

35. Mr. Bakeman testified that on September 18, 2024, at 7:00 A.M. he recorded the blue Mitsubishi in the driveway of the Little Canada Residence.

36. Ms. Kruse testified that on September 19, 2024, around 1:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

37. Ms. Kruse testified that on September 19, 2024, around 8:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

38. Mr. Bakeman testified that on September 20, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

39. Ms. Kruse testified that on September 20, 2024, around 3:45 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

40. Ms. Kruse testified that on September 20, 2024, around 9:30 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

41. Mr. Bakeman testified that on September 21, 2024, at 10:30 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

42. Ms. Kruse testified that on September 21, 2024, around 11:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

43. Ms. Kruse testified that on September 22, 2024, around 9:30 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

44. Mr. Bakeman testified that on September 23, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

45. Ms. Kruse testified that on September 23, 2024, around 2:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

46. Ms. Kruse testified that on September 23, 2024, around 10:30 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

47. Mr. Bakeman testified that on September 24, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

48. Ms. Kruse testified that on September 24, 2024, around 5:20 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

49. Ms. Kruse testified that on September 24, 2024, around 10:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

50. Mr. Bakeman testified that on September 25, 2024, at 7:11 A.M. he recorded the

blue Mitsubishi at the Little Canada Residence.

51. Ms. Kruse testified that on September 25, 2024, around 12:00 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

52. Ms. Kruse testified that on September 25, 2024, around 9:30 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

53. Mr. Bakeman testified that on September 26, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

54. Ms. Kruse testified that on September 26, 2024, around 2:45 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

55. Ms. Kruse testified that on September 26, 2024, around 9:45 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

56. Mr. Bakeman testified that on September 27, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

57. Ms. Kruse testified that on September 27, 2024, around 2:11 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

58. Ms. Kruse testified that on September 27, 2024, around 10:15 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

59. Mr. Bakeman testified that on September 28, 2024, at 9:25 A.M. he recorded the blue Mitsubishi not present at the Little Canada Residence.

60. Ms. Kruse testified that on September 28, 2024, around 9:30 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

61. Mr. Bakeman testified that on September 29, 2024, at 8:52 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

62. Mr. Bakeman testified that on September 29, 2024, at 12:35 P.M. he recorded the blue Mitsubishi not present at the Little Canada Residence.

63. Mr. Bakeman testified that on September 29, 2024, at 2:58 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

64. Ms. Kruse testified that on September 29, 2024, around 11:39 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

65. Mr. Bakeman testified that on September 30, 2024, at 7:07 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

66. Ms. Kruse testified that on September 30, 2024, around 10:42 A.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

67. Ms. Kruse testified that on October 1, 2024, around 12:05 A.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

68. Mr. Bakeman testified that on October 1, 2024, at 7:14 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

69. Ms. Kruse testified that on October 1, 2024, around 12:42 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

70. On October 1, 2024, Mr. Sears put invisible tape on the door of Apartment 103 at Rosedale Estates below the door handle.

71. On October 1, 2024, Mr. Sears looked through a “significant gap” underneath the Apartment door, which allowed him to “clearly” see the main room of Apartment. He saw “nothing but clear floor” all the way back to the Apartment’s sliding patio door, and no evidence of furniture.
Day 2 Tr. 30:11–15.

72. On October 1, 2024, Mr. Sears took a photo of the Apartment building’s exterior

which demonstrated that the lights were not on in Apartment 103.

73. Mr. Bakeman testified that on October 2, 2024, at 7:08 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

74. Ms. Kruse testified that on October 2, 2024, around 12:12 A.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

75. Ms. Kruse testified that on October 2, 2024, around 12:09 P.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

76. Ms. Kruse testified that on October 3, 2024, around 12:05 A.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

77. Mr. Bakeman testified that on October 3, 2024, at 7:03 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

78. Ms. Kruse testified that on October 4, 2024, around 12:30 A.M. the blue Mitsubishi was in the driveway of the Little Canada Residence.

79. Mr. Bakeman testified that on October 4, 2024, at 7:08 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

80. Ms. Guthrie testified that on October 4, 2024, Mr. Johnson's blue Mitsubishi car was in the Little Canada Residence driveway at 12:19 A.M. and 11:00 P.M. Guthrie testified that on October 5, 2024, Mr. Johnson's blue Mitsubishi car was in the Little Canada Residence driveway at 11:19 P.M.

81. Ms. Guthrie testified that on October 6, 2024, Mr. Johnson's blue Mitsubishi car was in the Little Canada Residence driveway at 7:23 A.M. and 11:22 P.M.

82. Mr. Bakeman testified that on October 7, 2024, at 7:14 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

83. Mr. Bakeman testified that on October 8, 2024, at 7:12 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

84. Mr. Bakeman testified that on October 8, 2024, at 9:02 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

85. On October 9, 2024, Mr. Sears returned and checked on the tape on the door of Apartment 103. It had not been disturbed or moved since the last time Mr. Sears placed the tape on the door of the Apartment on October 1, 2024.

86. Mr. Bakeman testified that on October 9, 2024, at 7:14 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

87. Mr. Bakeman testified that on October 9, 2024, at 6:17 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

88. Mr. Bakeman testified that on October 9, 2024, at 9:17 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

89. Mr. Bakeman testified that on October 10, 2024, at 7:05 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

90. Mr. Bakeman testified that on October 10, 2024, at 8:13 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

91. Mr. Bakeman testified that on October 10, 2024, at 10:05 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

92. Mr. Bakeman testified that on October 11, 2024, at 7:09 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

93. Mr. Bakeman testified that on October 11, 2024, at 12:21 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

94. Mr. Bakeman testified that on October 11, 2024, at 10:36 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

95. Mr. Bakeman testified that on October 12, 2024, at 7:15 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

96. Mr. Bakeman testified that on October 12, 2024, at 9:07 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

97. Mr. Bakeman testified that on October 12, 2024, at 10:20 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

98. Mr. Bakeman testified that on October 12, 2024, at 6:59 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

99. Mr. Bakeman testified that on October 13, 2024, at 7:32 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

100. Mr. Bakeman testified that on October 13, 2024, at 8:56 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

101. Mr. Bakeman testified that on October 13, 2024, at 2:39 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

102. Mr. Bakeman testified that on October 13, 2024, at 7:22 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

103. Mr. Bakeman testified that on October 14, 2024, at 7:12 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

104. Mr. Bakeman testified that on October 14, 2024, at 3:03 P.M. he recorded the blue Mitsubishi at the Little Canada Residence.

105. Mr. Bakeman testified that on October 14, 2024, at 7:51 P.M. he recorded the blue

Mitsubishi at the Little Canada Residence.

106. Mr. Bakeman testified that on October 15, 2024, at 6:58 A.M. he recorded the blue Mitsubishi at the Little Canada Residence.

107. Mr. Bakeman testified that on October 15, 2024, at 11:22 A.M. he recorded the blue Mitsubishi at the Little Canada Residence. Mr. Johnson was visible loading the Mitsubishi with objects.

108. Mr. Bakeman testified that on October 15, 2024, at 4:06 P.M. he recorded the blue Mitsubishi not present at the Little Canada Residence.

109. Mr. Bakeman testified that on October 15, 2024, at 10:11 P.M. he recorded the blue Mitsubishi not present at the Little Canada Residence.

110. Ms. Bakeman saw the POD on October 18, 2024, at 11:33 A.M. at the Johnsons' Little Canada Residence.

111. Mr. Bakeman testified that on October 18, 2024, at 4:13 P.M. he recorded the blue Mitsubishi not present at the Little Canada Residence. That was the first day Mr. Bakeman observed the POD at the Little Canada Residence.

112. On October 21, 2024, Mr. Bakeman delivered a basket with various items to the entryway area of the Apartment building. He pressed the button to call for Apartment 103, and Mr. Johnson answered and then hung up after Mr. Bakeman explained that he was delivering a gift basket to welcome Mr. Johnson to the neighborhood.

113. Ms. Guthrie testified that on October 26, 2024, she observed the POD in Mr. Johnson's driveway for the first time.

114. Ms. Guthrie testified that on November 8, 2024, the same POD was still in the Little Canada Residence driveway.

115. Mr. Bakeman testified that on November 10, 2024, at 7:35 A.M., he recorded the POD in the Little Canada Residence driveway.

116. The Court finds Ms. Guthrie, Mr. Sears, Mr. Bakeman, Ms. Bakeman, and Ms. Kruse to be credible, and accepts their statements referenced in paragraphs 28–115 as facts.

Dr. Jill Johnson's Testimony

117. Dr. Johnson testified that she has visited the “apartment itself somewhere around five to ten times.” Day 3 Tr. 19:11–23. She also stated that she has stayed over at the apartment twice. *Id.* She did not, however, state when any of these visits occurred or whether they were to apartment 103 or 303, other than helping Mr. Johnson move into apartment 103 on March 5, 2024. Although the Court finds her statements about the amount of times she visited the Apartment to be credible, that testimony cannot be given much weight because it is unclear whether those visits occurred before or after October 15, 2024.

118. The Johnsons started working with a realtor, Becky Penttila, in January or February of 2024. They looked at several houses but had troubles with financing.

119. The Johnsons' daughter suffers from mental health issues, and she had some very strong reactions to leaving the Little Canada Residence. It took her a longer than usual period of time to get on board with the idea of moving.

120. The Little Canada Residence needs significant repairs before the Johnsons can sell it, including fixing the electrical, fixing damage in the basement due to water damage from a flood, roof repairs and replacing the carpet.

121. Dr. Johnson testified credibly that she has been in touch with the insurance company about fixing the roof, but that no significant repairs have been made on the Little Canada Residence as of December 2024.

122. Dr. Johnson testified credibly that she hopes to have the financing to perform those larger repairs—which will in turn allow the Johnsons to sell the Little Canada Residence and buy a new one in House District 40B—in February or March 2025.

Curtis Johnson's Testimony

123. Mr. Johnson stated that he was “working very hard to make sure” that he stayed over at the Apartment “at least a couple times a week” from May until mid-October, when he began spending more time there. Day 3 Tr. 170:22–171:5.

124. When pressed by opposing counsel, Mr. Johnson clarified that by a “couple” nights a week, he meant “not less than twice a week” when he was “not on vacation.” Day 3 Tr. 174:12–175:1.

125. Mr. Johnson testified that he moved into the Apartment on March 5, 2024, with Dr. Johnson’s help, and that they moved the following furniture into the Apartment on that day: a bed, a table, two bookcases, and a lamp. Day 3 Tr. 91:5–13; 20–23.

126. Mr. Johnson testified that he did not set up electric utilities at the apartment because there was extensive construction going on at the property, there were no individual meters in the apartment units, and because management was handling the tenants’ electric bills.

127. Apartment 103’s entryway, bathroom, and kitchen had hard flooring, while the main room was carpeted.

128. After renting the Apartment in early March 2024, Mr. Johnson changed the address on his driver’s license to the Apartment.

129. Mr. Johnson also changed his voting registration to reflect the Apartment’s address.

130. Between March 2024 and October 2024, Mr. Johnson submitted seven requests to the Apartment’s building maintenance.

131. In one building request submitted on June 9, 2024, Mr. Johnson wrote that he “was out of the apartment for about a week” before coming back to an issue in the Apartment bathroom. Day 3 Tr. 159:2–24. On cross-examination, Mr. Johnson appeared to become flustered and stated: “I believe I was just – I – I was tired when I wrote that. I believe I was referring to – back to the – the trip I – I – that we had taken a week or so earlier. And so I – that was a mistype on my part.” *Id.* When prompted by his own counsel, Mr. Johnson admitted that it is possible he was not in the apartment at all in the week leading up to June 9.

132. When asked about specific time spent in the apartment, Mr. Johnson often appeared hesitant and sometimes nervous. He appeared hesitant to commit to having spent any specific nights in the Apartment up until October 15, 2024.

133. Mr. Johnson appeared to be more confident when testifying about his residence in the Apartment after October 15, 2024.

134. The Johnsons took a brief vacation to Nebraska in May to watch their older child graduate from college. They were gone for around three days. Mr. Johnson was uncertain exactly when in May that trip occurred.

135. The Johnsons testified that they took their older child to Oregon for graduate school from September 18 to September 28, 2024. During that time, Mr. Johnson’s blue Mitsubishi was parked in the driveway of the Little Canada Residence.

136. Other than Dr. Johnson, no one else has ever visited the Apartment.

137. Mr. Johnson never hooked up internet at the Apartment, even though he mostly works remotely.

138. This Court finds Mr. Johnson’s testimony about the following matters not credible: his testimony about his physical presence in the Apartment leading up to October 15, 2024; and

his testimony about when and how many belongings he moved into the apartment before October 15, 2024.

139. The credibility of Mr. Johnson’s testimony about his physical presence in the Apartment was significantly undermined by his demeanor, the photos and videos presented by the Contestant, and his own reluctance to commit to any more than minimal, vague amounts of time spent at the Apartment.

140. Mr. Johnson’s testimony about the number of personal belongings in the Apartment prior to October 15 is also undermined by the photos he took and submitted in maintenance requests, and by Christofer Sears’s testimony that the main room of the Apartment appeared empty on October 1, 2024.

141. The maintenance requests submitted by Mr. Johnson—which, significantly, are the only photos he has of the Apartment—reveal a space that could pass for an uninhabited unit. There is nothing surrounding the kitchen sink—no soap, no sponge, no dishes. Likewise, the photo of the bathroom from the sewage fiasco⁴ appears empty but-for the sewage, a plastic shower curtain, what could possibly be a bathmat, and a roll of toilet paper.

142. Mr. Sears’s testimony about what he saw when he looked under the door of Apartment 103 and Mr. Johnson’s testimony about his furniture are in direct contradiction to one another. Mr. Sears testified that the large gap under the Apartment door allowed him to see the floor of the studio unit all the way back to the sliding patio door, which comprises most of the Apartment. Mr. Johnson testified that his bed was “right in front” of him when he walked in the door of the apartment. Day 3 Tr. 127:7–13. Mr. Johnson testified that he moved into the unit on March 5, 2024. Mr. Sears testified that he saw an empty room on October 1, 2024. As it relates to

⁴ As described in ¶ 144.

this specific issue, this Court finds Mr. Sears’s testimony to be more credible than Mr. Johnson’s testimony.

143. Mr. Johnson testified that the reason his lights were not often turned on and visible from the outside was that he would come home, turn on the entryway light, undress, and immediately “drop into bed.” Day 3 Tr. 127:6–128:5.

144. On October 10, 2024, Mr. Johnson came into the apartment and discovered sewage overflowing from the toilet and tub and covering the majority of the bathroom floor. He called maintenance and stayed at the Little Canada Residence that night.

145. Because of the smell in the Apartment from the sewage fiasco, the administrative personnel for the apartment complex arranged for Mr. Johnson to move from apartment 103 to apartment 303 “at some point between [October 10th] and the 15th.” Day 1 Tr. 31:7–32:17. He has remained in apartment 303 ever since.

CONCLUSIONS OF LAW

1. “The party challenging the residency of a legislative candidate bears a heavy burden to prove the candidate is ineligible.” *Monaghan v. Simon*, 888 N.W.2d 324, 331 (Minn. 2016) (citing *Moe v. Alsop*, 180 N.W.2d 255, 260 (Minn. 1970)).
2. The factors considered in establishing residency are “largely questions of fact.” *Piepho v. Bruns*, 652 N.W.2d 40, 44 (Minn. 2002).
3. The burden on the challenging party is one of showing by clear and convincing evidence that the candidate did not live in the relevant district. *See In re Karasov*, 805 N.W.2d 255 (Minn. 2011); *In re Pendleton*, 870 N.W.2d 367 (Minn. 2015).
4. “In deciding whether a legislative candidate has resided in the district from which elected,” the Minnesota Supreme Court has focused on “physical presence and intent,” as it has

done in the context of voter residency. *Monaghan*, 888 N.W.2d at 331–332 (quoting *Piepho*, 652 N.W.2d at 44). “Neither physical presence nor intent ‘is determinative,’ and ‘each informs the other.’” *Monaghan*, 888 N.W.2d at 332 (quoting *Piepho*, 652 N.W.2d at 44). Physical presence is considered “to the extent that it manifests intent to reside in the district.” *Piepho*, 652 N.W.2d at 40.

5. The Minnesota Constitution requires senators and representatives to be “qualified voters of the state” who have “resided one year in the state and six months immediately preceding the election in the district from which elected.” Minn. Const. art. IV, § 6.

6. Minn. Stat. § 204B.06, subd. 1(3), requires candidates for office to sign an affidavit of candidacy affirming that they “will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.”

7. Black’s Law Dictionary defines “reside” as to “Live, dwell, abide, sojourn, stay, remain, lodge.” *Black’s Law Dictionary* 1176 (5th ed. 1979).

8. Curtis Johnson, by his own admission, spent very little time at the Apartment prior to October 15. He testified that he “worked very hard” to stay over at the apartment “no less than twice a week” when he was not on vacation. Day 3 Tr. 170:22–171:7; 174:18–175:1. He only ever had his wife over to the Apartment as a visitor, and there was no testimony as to whether those relatively few visits occurred before or after October 15. He has no photos of the Apartment, save the few submitted with maintenance requests.

9. The photos and videos taken by the Contestant’s investigative team show that from mid-September until mid-October, the blue Mitsubishi could reliably be found parked at the Little Canada Residence. For ten of those days, from September 18 to September 28, the Johnsons were on a trip to Oregon. It is understandable, therefore, that Mr. Johnson’s car would be left in the

driveway of the Little Canada Residence during that time. However, the evidence from the investigative team combined with Mr. Johnson's own testimony regarding his time spent at the Apartment lead this Court to conclude that Mr. Johnson did not reside at the Apartment before leaving for the vacation or immediately after returning from vacation.

10. Based on the totality of the evidence, Mr. Johnson's testimony leads this Court to believe that he spent scant time in the Apartment until October 15, 2024.

11. Mr. Johnson manifested his intent to reside in District 40B in a few ways: he rented the Apartment, he changed his driver's license, and he changed his voter registration. But this Court concludes that Mr. Johnson's lack of physical presence at the Apartment—which was just 1.8 miles from his Little Canada Residence—means that those steps merely manifested an intent to appear as though he resided in District 40B.

12. The Court concludes that Mr. Johnson did not move many belongings into the Apartment before mid-October. There was no evidence of belongings being moved in before October except the testimony of Mr. and Dr. Johnson, and the Court finds that specific testimony difficult to reconcile with Mr. Sears's testimony about seeing an empty floor on October 1.

13. The Court also finds it troubling, and significant, that the Johnsons' actions changed so drastically on or about October 15, 2024, when Mr. Wikstrom's campaign released an advertisement alleging that Mr. Johnson did not live in House District 40B. After that date Mr. Johnson began staying in the Apartment full-time and had a POD delivered to the Little Canada Residence. Dr. Johnson began packing things from the Little Canada Residence into the POD. This Court concludes that Mr. Johnson's behavior—and his testimony about his behavior—reveals his awareness that his physical presence in District 40B prior to October 15 was insufficient to establish residency.

14. The bulk of testimony presented by the Contestee focused on the Johnsons' intent to move to House District 40B: their engagement of Becky Penttila, the difficulties with convincing their daughter to move, and the difficulties fixing up the Little Canada Residence and preparing it for sale.

15. The Court appreciates that the Johnsons encountered genuine difficulties in moving and does not wish to discount the difficulties of searching for a house in the current market or caring for the mental health struggles of a child. But ultimately, it seems that the testimony of all three of the Contestee's witnesses evidence an intent to move to the District in the *future*, but do not change the fact of Mr. Johnson's residence for the months of May through mid-October 2024. While their testimony may reveal a genuine intent to move in February or March 2025, it does not change the fact that Mr. Johnson primarily resided at the Little Canada Residence in District 44A until October 15, 2024. Furthermore, the testimony regarding significant repairs outstanding on the house and difficulties with financing call into question the likelihood of moving in February or March of 2025.

16. Contestant Paul Wikstrom has proven by clear and convincing evidence that Curtis Johnson did not reside in Minnesota House District 40B for the entirety of the six months prior to the general election (May 5, 2024 through November 5, 2024). Curtis Johnson's own testimony revealed that he did not reside and maintain a regular place of abode within House District 40B before mid-October, 2024.

17. Finally, at the time of Contestee's motion to dismiss on the basis of laches, this Court did not have sufficient evidence to determine whether Contestant's delay in bringing the challenge was unreasonable. Following the evidentiary hearing, however, the Court concludes that Mr. Wikstrom's delay was reasonable and necessary to meet the heavy burden of proof.

18. With a laches claim, “the practical question in each case is whether there has been such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant the relief prayed for.” *Fetsch v. Holm*, 52 N.W.2d 113, 115 (Minn. 1952) (citing *Elsen v. State Farmers Mutual Ins. Co.*, 17 N.W.2d 652 (Minn. 1945)).

19. “A party is not guilty of laches until he discovers the mistake, or until he is chargeable with knowledge of facts from which, in the exercise of proper diligence, he ought to have discovered it.” *Lindquist v. Gibbs*, 142 N.W. 156, 158 (Minn. 1913).

20. Mr. Wikstrom credibly testified that his campaign did not begin an investigation until early September because before that point, he had only a vague suspicion stemming from the knowledge that Mr. Johnson had historically resided in Little Canada. It wasn’t until multiple people told members of the Wikstrom campaign, and until Mr. Wikstrom heard directly from a member of the community whom he viewed as credible, that he decided Mr. Johnson’s residency was worth looking into.

21. This Court concludes that the delay by Mr. Wikstrom was reasonable because it is supported by principles of civility and common sense.

22. If the law requires people to immediately begin investigating a candidate’s residency upon their affidavit of candidacy, that presents two problems: it encourages an intrusion of privacy that may not be warranted, and it reduces the ability to enforce the latter months of the residency requirement or the 30-day residency requirement.

23. As to civility, Contestee’s counsel intimated that Contestant’s investigation was inappropriate or absurd; that the many videos and photos taken of the Johnson home violated principles of decency. Dr. Johnson and Mr. Johnson both appeared upset by the surveillance of their personal lives. Those reactions are reasonable even though a candidate puts their residency

at issue by choosing to run. This is why anyone looking to challenge a candidate's residency should only engage in an investigation when they have met a threshold of reasonable suspicion.

24. The principle of civility supports exactly what Mr. Wikstrom's team did: They took photos and videos, yes, but they waited until they had what they viewed as a well-founded, reasonable suspicion that Mr. Johnson was not being honest about his residency before doing so. That strikes this Court as reasonable.

25. As to an enforcement mechanism, if an investigation into a candidate's residency must be done immediately upon a filing of candidacy in order to avoid being dismissed on laches, how could a candidate's residence in the months of September, October, or early November leading up to a general election ever be enforced?

26. This Court concludes that Mr. Wikstrom's delay in waiting to investigate until late August or early September, when he had a legitimate and well-founded suspicion, was reasonable. At that point, it was reasonable to take the time necessary to conduct a thorough investigation, which the Wikstrom campaign did. The question about an unreasonable delay then becomes whether Mr. Wikstrom should have brought the challenge pre-election, on or around October 15, 2024, or post-election. Because a pre-election challenge brought on October 15 would not have been resolved prior to the general election, this Court concludes the prejudice to the election process would have been the same.

27. Article IV, section 6 of the Minnesota Constitution mandates that a candidate for the Minnesota House of Representatives must reside in the district they aspire to represent at least six months prior to the general election. This is not a suggestion nor an inconvenience. The reasons for the mandate are obvious and axiomatic to our representative form of government. Obtaining a lease and changing your voter registration does not satisfy this requirement;

meaningful physical presence is required to show genuine intent to reside in the district. The people of 40B deserve no less.


28. Mr. Johnson's failure to maintain a residence in District 40B for the entire six months prior to the general election was a deliberate, serious, and material violation of Minnesota Election Law under Minn. Stat. § 209.02. Consequently, Curtis Johnson is not eligible to represent the people of 40B and he cannot claim entitlement to the election certificate for State House District 40B.

ORDER

1. Contestant Paul Wikstrom's Election Contest is **GRANTED**.
2. Contestee, Curtis Johnson, did not meet the residence requirements and is not eligible to serve as the representative for Minnesota House District 40B. Curtis Johnson is enjoined from taking the oath of office and from acting as a member of the Minnesota House of Representatives for House District 40B.
3. Unless this matter is appealed to the supreme court, the court administrator shall transmit the findings, conclusions, orders, and records of the proceeding to the Chief Clerk of the Minnesota House of Representatives no later than January 14, 2025 (the first day of the legislative session).
4. The seat for Minnesota House of Representatives District 40B shall be filled according to law.

**THERE BEING NO REASON FOR DELAY,
LET JUDGMENT BE ENTERED IMMEDIATELY.**

Dated: December 20, 2024



Leonardo Castro
Judge of District Court

Castro, Leonardo (Judge)
Dec 20, 2024 10:24 AM