

STATE OF MINNESOTA  
IN SUPREME COURT  
No. A24-0216

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**KEN MARTIN,**

Petitioner,

v.

**STEVE SIMON, MINNESOTA  
SECRETARY OF STATE,**

Respondent,

**THE LEGAL MARIJUANA NOW PARTY,**

Intervenor-Respondent.

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Honorable Edward T. Wahl

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

**INTRODUCTION AND EXECUTIVE SUMMARY**

On February 6, 2024, Ken Martin (Martin) petitioned the Minnesota Supreme Court under Minn. Stat. § 204B.44 to decertify the Legal Marijuana Now Party (LMNP) as a major political party and to deny LMNP’s candidates for partisan political office the procedures of ballot access afforded to candidates of major political parties.

The Minnesota Supreme Court appointed this Court to act as referee in this matter by order dated March 1, 2024 (Referral Order). The Supreme Court directed this Court to “determine all facts relevant to, issue conclusions of law regarding, and make recommendations” regarding the Supreme Court’s disposition of three issues relevant to LMNP’s status as a major political party for Minnesota’s 2024 state general election:

- (1) Does LMNP have “the committees required by Minn. Stat. § 202A.12 (2022)”?
- (2) Has LMNP “provide[d] for each congressional district and at least 45 counties or legislative districts an executive committee consisting of a chair and such other

officers as may be necessary,” as required by Minn. Stat. § 202A.13 (Supp. 2023)”?

- (3) Did LMNP hold, “in 2022, the conventions for each congressional district and at least 45 counties or legislative districts, as required by Minn. Stat. § 202A.13”?

This Court’s role as referee is limited to those three questions.

It is important at the outset to note *what this case is not about*. It is not about whether any group of citizens can form a political party. It is not about preventing people from voting for any candidate of their choice. It is not about whether the State of Minnesota can compel any political party to organize itself in a particular way. It has nothing to do with a party’s platforms, political beliefs, advocacy, rules, or the manner in which a political party chooses to organize and act in furtherance of its causes and beliefs. It is not about whether any political party must – or should – model itself along lines similar to those of other political parties, be they well-established parties or newly emerging parties.

*This case is about* whether LMNP met, in 2022, the statutory criteria required to receive recognition as a “major political party,”<sup>1</sup> entitling it to retain its status as a major political party for the 2024 Minnesota general elections. Recognition by the State of a party as a “major political party” gives that party’s candidates for partisan political office easier access to the ballot, provides the party legal protection for its name, and provides opportunities for the party’s candidates to access certain state subsidies.

LMNP (which formed in 1998) first qualified for recognition as a major political party in 2018 by meeting these statutory criteria, which include receiving sufficient votes for at least one

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<sup>1</sup> Minnesota law regulating elections classifies political parties as “political parties,” “minor political parties,” and “major political parties.” Classification as a “major political party” is not a stamp of approval by the State of Minnesota. Regardless of classification, all political parties have all associational rights, free speech rights, and rights to petition the government afforded by the United States and Minnesota constitutions.

candidate for statewide partisan political office. Minnesota has many political parties, but only three -- LMNP, the Minnesota Democratic-Farmer-Labor Party (DFL), and the Republican Party of Minnesota (Republican Party) -- met the statutory criteria for major political party status in the 2018 or 2020 elections and maintained their status as major political parties for the 2022 election.

DFL Chair Martin doubts that LMNP met the statutory criteria in 2022 to maintain its status as a major political party. Accordingly, Martin petitioned the Supreme Court, requesting that the Supreme Court decertify LMNP as a major political party because of its alleged noncompliance with the statutory criteria. The Supreme Court assigned the case to this Court as referee to make findings of fact, conclusions of law, and recommendations on the three issues noted above.

None of these questions has anything to do with LMNP's political beliefs, its advocacy, or its candidates. Rather, the focus of these issues is whether LMNP, during Minnesota's most recent state general election year of 2022, satisfied the objective statutory requirements for parties that seek the structural advantages afforded to major political parties. The answers to the questions referred by the Supreme Court address whether the Minnesota Secretary of State should recognize LMNP as a major political party for Minnesota's state primary election in August 2024 and the state general election in November 2024.

The parties presented evidence addressing these issues at a hearing on March 11. The hearing established that the LMNP, in 2022, had a *statewide total* of only ten to twenty dues-paying members. LMNP held a convention on June 8, 2022, which party members (and, apparently, any member of the public, not simply dues-paying LMNP members) could attend either in person in Bloomington or online via Zoom. Only three dues-paying LMNP members attended that convention in person and only between ten and twenty dues-paying members attended that

convention via the Zoom link, according to LMNP Chair Dennis Schuller's hearing testimony. There is no documentary evidence of the number and actual identities of the convention attendees.

Minnesota's statutory requirements do not include a minimum number of dues-paying members a political party must have to qualify as a major political party. (This opinion details all the statutory requirements for major political party status.) But LMNP's current dues-paying membership of fewer than two dozen people statewide presents an insuperable obstacle for LMNP's ability to meet the statutory requirements to maintain its status as a major political party.

LMNP acknowledges this reality: its constitution provides that it may authorize the creation of what it refers to as "subdivisions" – which are local party organizations at a precinct, county, state legislative district, or congressional district level – when "it becomes feasible." The LMNP Chair testified repeatedly during the March 11 hearing that it currently is "impossible," "not feasible," or "impractical" for LMNP to do the things Minnesota requires of any party seeking major political party status. That is not surprising, nor is it unique to LMNP: the Minnesota Green Party, the Independence-Alliance Party, the Libertarian Party, the Socialist Workers Party, the Socialism and Liberation Party, the Grassroots – Legalize Cannabis Party, the Constitution Party, the American Delta Party (all of which had candidates on the ballot for statewide partisan political office in at least some of the most recent five state general elections), also have not met the statutory requirements to be certified as major political parties.

As set forth in this opinion in greater detail, based on the March 11 hearing, this Court makes findings of fact and conclusions of law that answer the Supreme Court's three specific questions in the negative. Broadly speaking, this Court answers:

- (1) the first question in the negative because this Court finds that LMNP does not provide for a state executive committee and because LMNP's state central committee, The Head Council, retains the ultimate authority over LMNP party affairs and is not subject to the control of the state convention;

- (2) the second question in the negative because this Court finds that LMNP does not provide for an executive committee for each congressional district and for at least 45 state legislative districts or counties; and
- (3) the third question in the negative because this Court finds that the June 8, 2022 convention was only the LMNP *state* convention; LMNP did not hold, in 2022, a convention for all eight congressional districts and for at least 45 state legislative districts or counties, notwithstanding LMNP's certification to the Secretary of State that it held eight congressional district conventions, 29 county conventions, and 33 state legislative district conventions simultaneously with the state convention that evening in a lightly attended meeting that lasted two hours or less.

Based on these findings, this Court respectfully recommends that the Supreme Court should (i) declare that LMNP did not meet all statutory requirements in Minn. Stat. §§ 200.02 subd. 7, 202A.12, and 202A.13 as of December 31, 2023 to maintain its status as a major political party for Minnesota's 2024 state primary and general election; (ii) direct Secretary of State Simon to take appropriate actions necessary to reflect that LMNP is not a major political party for Minnesota's 2024 general elections; and (iii) direct Secretary of State Simon not to permit LMNP candidates to appear on the ballot for partisan political office in the 2024 state primary and general elections using the procedures available to candidates of qualified major political parties.

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## PROCEDURAL BACKGROUND

### **I. MARTIN PETITIONS THE MINNESOTA SUPREME COURT; PARTIES; PROCEEDINGS IN THE MINNESOTA SUPREME COURT**

1. **Ken Martin.** Petitioner Ken Martin (Martin) alleges in the Petition that he is a Minnesota resident, a registered voter, and has served as Chair of the Minnesota Democratic-Farmer-Labor Party (DFL) since 2011.

2. **Steve Simon.** Respondent Steve Simon (Simon) is the Minnesota Secretary of State (Secretary) and is responsible for the administration of elections in Minnesota. This includes the August 13, 2024 state primary election and the November 5, 2024 state general election. As Secretary of State, Simon receives and accepts submissions from parties seeking designation as a “major political party” and is responsible for certifying whether parties qualify as a “major political party” for purposes of Minnesota state elections. Simon lacks authority and the resources to investigate and verify representations parties make in their submissions certifying their compliance with all statutory requirements for major political party status.

3. **LMNP.** The Legal Marijuana Now Party (LMNP) intervened as an interested party in this litigation. LMNP has been recognized as a major political party since 2018.

4. **Other interested persons.** Members of the Republican Party were not allowed to intervene and are not parties to this litigation. The DFL did not seek to intervene and also is not a party.

5. On February 6, 2024, Martin commenced these proceedings by filing a petition with the Minnesota Supreme Court as the court of original jurisdiction. He seeks a determination that LMNP failed to comply with the statutory requirements to maintain its status as a major political party in Minnesota and that LMNP should thus be decertified as a major political party under Minn. Stat. § 204B.44. Martin alleged Simon erred by certifying LMNP as a major political party.

6. By Order dated February 8, 2024, the Minnesota Supreme Court ordered Martin and LMNP to identify any disputed genuine issues of material fact and any dispositive threshold legal issues. On February 14, 2024, Martin, Simon, and LMNP filed responsive memoranda.

7. On February 14 and February 20, 2024, LMNP and members of the Republican Party moved to intervene as interested parties.

8. On March 1, 2024, the Minnesota Supreme Court granted LMNP's motion to intervene, denied the motion of the members of the Republican Party motion to intervene, and appointed this Court as referee in its Referral Order.

## **II. PROCEEDINGS IN THE DISTRICT COURT**

1. This Court held an initial case management conference and issued a scheduling order on March 1, 2024.

2. LMNP requested a discovery conference, which all parties attended via zoom on March 5, 2024. The parties also filed a joint stipulation for protective order regarding discovery and use of discovery materials on March 5, 2024.

3. On March 6, 2024, this Court held a hearing on the record to rule on discovery issues and allow the parties to preserve objections. The Court denied LMNP's request to compel certain discovery pertaining to constitutional defenses LMNP sought to raise during the March 11 evidentiary hearing. All parties agreed LMNP was not waiving any constitutional defenses and is free to raise them before the Minnesota Supreme Court.

4. On March 8, 2024, the parties submitted a Joint Statement of the Case and Witness and Exhibit Lists; LMNP also submitted a Trial Memorandum.

5. On March 11, 2024, this Court held an in-person evidentiary hearing to develop a factual record to address the three issues referred by the Supreme Court. David Zoll and Rachel Kitze Collins appeared on behalf of Petitioner Ken Martin. Nathan Hartshorn and Jon Woodruff



appeared on behalf of Respondent Steve Simon. Erick Kaardal and John Grzybek appeared on behalf of Intervenor-Respondent LMNP. References in this order to exhibits received at the evidentiary hearing are to “Exh. \_\_\_.” References to testimony adduced at the evidentiary hearing are to the testifying witness and the transcript of the hearing, *e.g.*, “Schuller, Hrg Trans. at \_\_\_.”

6. Martin called three witnesses at the March 11 hearing:

1. **Bibi Black** (Black), who served as the Director of Business Services and as a Business and Legal Analyst to the Office of the Minnesota Secretary of State between 1981 and 2019 and who has served as General Counsel to the Office of the Minnesota Secretary of State since 2019. Black, Hrg Trans. at 16-17. Ninety percent of her work since 2002 has involved election law. *Id.* at 17-18.
2. **Sonja Johnson** (Johnson), who has served as Director of Training and Party Affairs to the DFL since 2019. Johnson, Hrg Trans. at 93. Johnson works with all local DFL party organizations and committees from the precinct caucus level up through the state DFL party work with the Democratic National Committee. *Id.* at 93.
3. **Dennis Schuller** (Schuller), who has been a member of LMNP since 2015, who served as LMNP Treasurer in 2022, as interim LMNP Chair in 2023, and who became LMNP Chair in 2024. Schuller, Hrg Trans. at 115, 160, 176.

LMNP presented its case by direct and cross examination of these witnesses.

7. The parties introduced the following 26 exhibits at the March 11 hearing:

1. Exh. 101: Minn. Stat. § 200.02 (2023)
2. Exh. 103: Minn. Stat. § 202A.12 (2023)
3. Exh. 105: Minn. Stat. § 202A.13 (2023)
4. Exh. 106: Minn. Stat. § 202A.13 (2022)
5. Exh. 107: Demonstrative, comparing 2022 and 2023 versions of Minn. Stat. §§ 200.02, 202A.12, and 202A.13
6. Exh. 108: Letter, Dennis Schuller to Bibi Black (Nov. 8, 2023)
7. Exh. 109: Letter, Dennis Schuller to Bibi Black (Nov. 21, 2023)

8. Exh. 110: Email, Bibi Black to Dennis Schuller (Nov. 22, 2023)
9. Exh. 111: Letter, Dennis Schuller to Bibi Black (Nov. 27, 2023)
10. Exh. 112: LMNP Constitution
11. Exh. 113: LMNP Facebook Invitation to LMNP 2022 State Party Convention
12. Exh. 114: Minn. Stat. § 5.15 (2023)
13. Exh. 301: Minn. Stat. § 202A.12 (2023)
14. Exh. 302: Minn. Stat. § 202A.13 (2023)
15. Exh. 303: H.F. No. 1830, chap. 62
16. Exh. 304: Letter, Steve Simon to Tim Davis, LMNP (Oct. 18, 2023)
17. Exh. 305B: LMNP Constitution
18. Exh. 310A: LMNP Jan. 5, 2022 Notice
19. Exh. 310B: LMNP Feb. 1, 2022 Notice
20. Exh. 310C: LMNP March 2, 2022 Notice
21. Exh. 310D: LMNP May 4, 2022 Notice
22. Exh. 310E: LMNP June 1, 2022 Notice
23. Exh. 310F: LMNP June 8, 2022 Notice
24. Exh. 310G: LMNP July 6, 2022 Notice
25. Exh. 310H: LMNP Aug. 3, 2022 Notice
26. Exh. 310I: LMNP Dec. 7, 2022 Notice

8. Martin and LMNP submitted proposed findings of fact and conclusions of law on March 14, 2024. Martin, LMNP, and the Secretary submitted post-trial memoranda on March 15, 2024. The Court took the matter under advisement on March 15, 2024.

**SUMMARY OF DEFINITIONS AND STATUTORY PROVISIONS  
RELEVANT TO MAJOR POLITICAL PARTY STATUS**

1. A “political party” is an association of individuals under whose name a candidate files for partisan office. Minn. Stat. § 200.02 subd. 6.
  
2. To be considered a “major political party” in Minnesota, a political party must:
  - (a) maintain a party organization in the state;
  - (b) comply with the party’s constitution and rules;
  - (c) comply with the requirements of Minn. Stat. §§ 202A.12 and 202A.13;
  - (d) file with the Secretary, no later than December 1 of each odd-numbered year:
    - (1) a certification that the party has met the requirements of (a)-(c), *supra*; and
    - (2) a list of the dates and locations of each convention held;
  - (e) satisfy at least one of the following three criteria:
    - (1) have presented, at the most recent preceding state general election, at least one candidate for election to the office of:
      - (i) governor and lieutenant governor;
      - (ii) secretary of state;
      - (iii) state auditor;
      - (iv) attorney general;
      - (v) presidential elector; or
      - (vi) U.S. Senator

who received votes in each county in that election and received not less than five percent of the total number of votes in that election;<sup>2</sup>

- (2) have presented, at the most recent preceding state general election, at least:
  - (i) 45 candidates for election to the office of state representative;
  - (ii) 23 candidates for election to the office of state senator;
  - (iii) 4 candidates for election to the U.S. House of Representatives; and
  - (iv) one candidate for election to each of the following state office: governor/lieutenant governor, attorney general, secretary of state, and state auditor; or
- (3) have presented to the Secretary, before the close of filing for the state partisan primary ballot, a petition for a place on the state partisan primary ballot that contains valid signatures<sup>3</sup> of a number of party members equal to at least five percent of the total number of individuals who voted in the most recent state general election.

Minn. Stat. § 200.02 subds. 7(a)(b).

3. A political party becomes a major political party as of January 1 of the year after a state general election in which the party satisfied either paragraph 2(e)(1) or 2(e)(2), *supra*. Minn. Stat. § 200.02 subd. 7(c).

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<sup>2</sup> This five-percent-of-the-total-vote requirement applies for general elections held on or before November 8, 2022. This threshold requirement increases to eight percent of the total number of votes for state general elections held on or after November 7, 2024. Minn. Stat. § 200.02 subd. 7(b)(1).

<sup>3</sup> The statute provides that signatures are valid for purposes of this requirement only if signed no more than one year before the date the petition was filed. Minn. Stat. § 200.02 subd. 7(b)(3).

4. Once qualified as a major political party, a party that complies with the requirements listed in paragraph 2(a)-(d), *supra*, retains its major political party status for at least two state general elections even if at a subsequent state general election it fails to present candidates satisfying the requirements of either paragraph 2(e)(1) or 2(e)(2), *supra*. Minn. Stat. § 200.02 subd. 7(c).

5. A major political party whose candidates fail to meet the requirements under paragraphs 2(e)(1) or 2(e)(2), *supra*, at each of two consecutive subsequent state general elections loses its status as a major political party as of December 31 after the later of the two consecutive state general elections. Minn. Stat. § 200.02 subd. 7(d).

6. A major political party that fails to file with the Minnesota Secretary of State the certification and list required by paragraph 2(d), *supra*, loses major political party status on December 31 of the year in which it fails to make the required filing. Minn. Stat. § 200.02 subd. 7(e).

7. A “general election” is any election held at regular intervals on a day determined by applicable law or charter at which the voters of the state or any of the state’s subdivisions choose by ballot public officials or presidential electors. Minn. Stat. § 200.02 subd. 2.

8. A “primary” is an election at which the voters of the state or any of the state’s subdivisions choose by ballot the nominees for the offices to be filled at a general election. Minn. Stat. § 200.02 subd. 3.

9. A “convention” means an organized body of delegates assembled for the purpose of transacting the business of a major political party. Minn. Stat. § 200.02 subd. 13.

10. A “member of a major political party” means an individual who:
- (a) supports the general principles of the party’s constitution;

- (b) voted for a majority of the party’s candidates in the most recent general election; or
- (c) intends to vote for a majority of the party’s candidates in the next general election.

Minn. Stat. § 200.02 subd. 17.

11. “Partisan office” means federal offices, presidential electors, constitutional offices, and legislative offices. Minn. Stat. § 200.02 subd. 28.

12. To qualify as a major political party, parties must also comply with Minn. Stat. § 202A.12 which provides:

**Subdivision 1. Time of convention.**

The final authority over the affairs of each major political party is vested in the party's state convention to be held at least once every state general election year at the call of the state central committee.

**Subd. 2. State central committee.**

Subject to the control of the state convention the general management of the affairs of the state party is vested in the party's state central committee.

**Subd. 3. State executive committee.**

The state executive committee of the party shall have charge of the administration of the party's affairs, subject to the direction and control of the state convention and the state central committee.

**Subd. 4. Constitution, filing.[<sup>4</sup>]**

The chair of the state central committee of each party shall file with the secretary of state a copy of the party's constitution and all amendments to the constitution as they are enacted.

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<sup>4</sup> LMNP observes in its post-hearing submissions that section 202A.12 subd. 4 does not require a party’s constitution to “mimic the statute.” While true, that observation misses the mark: any party that seeks major political party status for the advantages that status affords must, through its constitution and rules and party organization, comply with all the statutory requirements in Minn. Stat. §§ 200.02 subd. 7, 202A.12, and 202A.13.

13. Major political parties must also comply with the following statutory requirements:
- (a) The party’s rules “shall provide that for each congressional district and at least 45 counties or legislative districts a convention shall be held at least once every state general election year.”
  - (b) The party “shall also provide for each congressional district and at least 45 counties or legislative districts an executive committee consisting of a chair and such other officers as may be necessary.”
  - (c) The party’s rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits.

Minn. Stat. § 202A.13.

14. In 2023, the Minnesota legislature amended Minn. Stat. §§ 200.02 subd. 7(a) and 202A.13. These amendments became effective on May 25, 2023. Minn. Laws 2023, chap. 62, art. 4, § 9. A copy of the complete session law is Exh. 303.

15. The 2023 amendments did not change any of the provisions of Minn. Stat. § 202A.12, whose provisions are set forth in paragraph 12, *supra*. See Exhs. 103, 104 & 107.

16. The 2023 amendments did substantively change provisions of Minn. Stat. §§ 200.02 subd. 7(a) and 202A.13 as follows:

- (a) The amendments to section 202A.13 reduced the burdens. The 2022 version of section 202A.13 required parties to provide an executive committee for every congressional district, every legislative district, and each county and to adopt rules mandating that a convention be held at least once in each state general election year for every congressional district, every legislative district, and each county. The 2023 amendments lessened those obligations: although parties are still required to hold conventions and to provide an executive committee in each of Minnesota’s eight congressional districts as before, the requirement to hold conventions and to provide for executive committees in state legislative districts and counties was reduced from *every* district and county to at least 45 legislative districts and counties. See Exhs. 105-107.

- (b) The amendments to section 200.02 subd. 7 did not change the requirements for the number of candidates a party had to present for election to a statewide partisan office or for the threshold of voter support required in the 2022 state general election (although that threshold was increased from five to eight percent starting with the 2024 state general election). The amendments added new enforcement provisions to ensure compliance by a party seeking major political party status with all the statutory requirements in sections 200.02 subd. 7, 202A.12, and 202A.13 by requiring parties to certify to the Secretary of State that they met all requirements of all three statutes and to provide a list of the dates and locations of all party conventions held in state general election years. *See* Exhs. 101, 102 & 107.

## **FINDINGS OF FACT**

### **I. LMNP'S STATUS AS A MAJOR POLITICAL PARTY**

1. Minnesota law recognizes three general categories of political parties: a non-classified political party status, having no statutorily defined criteria, under which a candidate files for partisan political office under that party's name; "minor political party," under which a party must meet certain statutorily defined criteria; and "major political party," under which a party must meet even more rigorous statutorily defined criteria. *See* Minn. Stat. § 200.02 subds. 6, 7, and 23. (Because minor political party status is not relevant to the issues referred to this Court by the Supreme Court in its Referral Order, this Order does not address the statutory requirements for a political party to qualify for and retain status as a minor political party.)

2. Broadly speaking, to qualify in Minnesota as a "major political party," a party must maintain certain indicia of formal party organization within the State of Minnesota, must garner a specified minimal threshold level of electoral support, must present a specified number of candidates at state general elections, or must present a petition signed by party members equal to at least five percent of the total number of people who voted in the most recent state general election. Minn. Stat. § 200.02 subd. 7.



3. LMNP formed in 1998 as an “offshoot” of the Minnesota Grassroots party. Schuller, Hrg Trans. at 160.

4. LMNP first qualified as a *minor* political party in Minnesota after the 2014 state general election when its candidate for Attorney General received 2.99 percent of the vote. Schuller, Hrg Trans. at 160, 172; *see generally* [Minnesota Secretary Of State - 2014 General Election Results](#).

5. LMNP first qualified as a *major* political party in Minnesota after the 2018 state general election when its candidate for State Auditor received 5.28 percent of the vote.<sup>5</sup> Schuller, Hrg Trans. at 160, 172; *see also* [Minnesota Secretary Of State - 2018 General Election Results](#).

6. LMNP maintained its status as a major political party after the 2020 state general election when its candidate for U.S. Senator received 5.92 percent of the vote. Schuller, Hrg Trans. at 160, 172; *see also* [Minnesota Secretary Of State - 2020 General Election Results](#).

7. The 2018 State Auditor race and the 2020 U.S. Senator race are the only races in which LMNP candidates have received more than five percent of the vote in a Minnesota statewide race for a partisan political office.<sup>6</sup>

8. According to the Secretary of State website, the DFL, the Republican Party, and LMNP are currently the only political parties in Minnesota that satisfy all statutory criteria for recognition as a “major political party.” *See* [Minnesota Secretary Of State - Political parties](#).

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<sup>5</sup> LMNP also had candidates on the ballot in the 2018 state general election in both races for U.S. Senator and those candidates received 2.55% and 3.70% of the vote in those races. *See* [Minnesota Secretary Of State - 2018 General Election Results](#).

<sup>6</sup> LMNP had candidates on the ballot in the 2022 state general election in the races for Governor/Lieutenant Governor and for State Auditor, but those candidates received only 1.17% and 3.55% of the vote, respectively. *See* [Minnesota Secretary Of State - 2022 General Election Results](#).

9. Parties that achieve major political party status enjoy several advantages: (i) they receive access to the ballot for the party’s candidates by filing an affidavit of candidacy without having to procure the significant number of signatures of citizens required of political parties that have not been classified as either major or minor political parties; (ii) their eligible candidates are entitled to a share of the general state elections campaign account; and (iii) their party name is protected from use by other parties. *See* Minn. Stat. § 202A.11 subd. 2; Schuller, Hrg Trans. at 164, 174.

10. Although LMNP Counsel and Schuller mentioned LMNP’s “electoral success” on several occasions during the March 11 hearing, describing LMNP as “a very successful emerging party” (Schuller, Hrg Trans. at 163-64, 171, 184), and despite LMNP having existed for 26 years, no LMNP candidate has ever been elected to statewide office, LMNP put only eight candidates on the ballot for statewide partisan political offices in the past five state general elections -- 2014, 2016, 2018, 2020, and 2022 -- and no LMNP candidate has ever received more than six percent of the vote for any statewide office.<sup>7</sup> LMNP’s major legislative agenda item, the legalization of recreational marijuana for people over 21, was accomplished by the Minnesota legislature in 2023 with the votes of 68 DFLers and 5 Republicans in the House and with the votes of 34 DFLers in the Senate. *See* <https://www.house.mn.gov/sessiondaily/Story/18019#:~:text=The%20House%20adopted%20the%20conference,five%20Republicans%20voted%20for%20it;https://minnesotareformer.com/briefs/senate-passes-bill-legalizing-recreational-marijuana/>.

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<sup>7</sup> LMNP’s “high water mark” is the 5.92% Kevin O’Connor received in the 2020 U.S. Senate race.

## **II. THE SECRETARY'S CERTIFICATION OF LMNP AS A MAJOR POLITICAL PARTY FOR THE 2024 STATE GENERAL ELECTION**

1. On October 18, 2023, Bibi Black, General Counsel to Secretary of State Simon, sent a letter to LMNP. She addressed the letter to LMNP's former chair, Tim Davis (Davis) and sent it to an email address its current chair, Dennis Schuller, used. Exh. 304, pp. 147-153; Schuller, Hrg Trans. at 140. Black noted that the status of the DFL, the Republican Party, and the LMNP as Minnesota's only major political parties would remain valid through the end of 2023. She informed LMNP of the 2023 amendments to Minn. Stat. § 200.02 subd. 7, which required existing major political parties to certify to the Secretary, by December 1, 2023, that the party:

- (i) maintained a party organization in Minnesota;
- (ii) complied with the party's constitution and rules;
- (iii) complied with Minn. Stat. §§ 202A.12 and 202A.13;
- (iv) held conventions and provide a list of the dates and location of each convention held during the 2022/2023 election cycle; and
- (v) complied with all listed criteria during 2022, the state's most recent general election year.

She concluded by noting that failure to submit the required certification would result in the loss of major political party status on December 31, 2023. She also included a red-lined addendum showing the 2023 amendments to Minn. Stat. §§ 200.02 subd. 7, 202A.12 (not amended in 2023), and 202A.13.

2. On November 8, 2023, Black emailed Davis and Schuller and another LMNP representative (Marty Super), forwarding her October 18 email and attachments. She reminded LMNP of the December 1, 2023 certification deadline, noted that she had not received any response from LMNP, and suggested that LMNP submit its certification before the December 1 deadline to afford adequate time to address any issues of noncompliance. Exh. 304, p. 147.

3. Before receiving Black's November 8, 2023 email, Schuller, despite then being LMNP's Interim Chair, had not reviewed any of the requirements of Minn. Stat. § 200.02 subd. 7. Schuller, Hrg Trans. at 140-42.

4. On November 8, 2023, Schuller, as LMNP Chair, wrote to Simon and Black purporting to certify that LMNP complied with all statutory requirements to maintain its status as a major political party. Exh. 108. Schuller represented that LMNP met the statutory criteria in Minn. Stat. §§ 202A.12 and 202A.13, reporting that (i) LMNP maintained "a party organization in Minnesota, and has complied with the party's constitution and rules during the 2022 to 2023 election cycle," (ii) LMNP's candidate for United States Senator had received more than five percent of the vote in the 2020 state general election and at least one vote in every one of Minnesota's 87 counties, (iii) LMNP had filed its constitution with the Secretary, and (iv) LMNP held conventions on June 8, 2022 at 9425 Syndicate Avenue, Bloomington and online via Zoom and on April 29, 2023 at the State Capitol [75 Rev. Dr. Martin Luther King Jr. Boulevard, St. Paul]. Exh. 108; Schuller, Hrg Trans. at 143. However, in this letter, Schuller did not certify that LMNP was in compliance with all requirements of sections 202A.12 and 202A.13 and also failed to list the dates and locations of the LMNP conventions during 2022 for all congressional districts and for at least 45 state legislative districts or counties.

5. Schuller wrote to Simon and Black again on November 21, 2023, responding to a November 15, 2023 letter from Black.<sup>8</sup> Exh. 109. Schuller represented that the LMNP convention held on June 8, 2022 in Bloomington included LMNP's "state, congressional district, county, and legislative district conventions" in compliance with sections 202A.12 and 202A.13. Again,

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<sup>8</sup> For unstated reasons, it appears that Simon recalled a November 15, 2024 letter and that letter was not received in evidence at the March 11 hearing.

however, Schuller did not certify in this letter that LMNP was in compliance with all requirements of sections 202A.12 and 202A.13 and also failed to list the specific congressional districts and state legislative districts or counties in which LMNP held conventions on June 8, 2022.

6. Black responded by email dated November 22, 2023 (Exh. 110), advising Schuller that LMNP's November 21 letter was deficient because it failed to include a specific list of the LMNP conventions, "listing each unit which held a convention and the date and location of that convention," that the party was required to certify by the 2023 amendments to Minn. Stat. § 200.02 subd. 7(a).<sup>9</sup> Black quoted the relevant statutory provisions in Minn. Stat. § 200.02 subd. 7(a) and 202A.13<sup>10</sup> regarding LMNP's certification requirements regarding its conventions, highlighting the specific provisions in which she deemed LMNP's earlier letters were deficient. *Id.* Black advised Schuller that LMNP had until December 1 to file its certification in compliance with the statutory requirements.

7. On November 27, 2023, Schuller submitted a third letter to Simon and Black. Exhs. 111, 307. Although substantially repeating the representations in his November 21 letter, Exh. 109, Schuller also included a two-page addendum representing that LMNP held, on June 8, 2022

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<sup>9</sup> As amended in 2023, section 202 subd. 7(a) requires a party seeking certification as a major political party to:

- (i) "maintain a party organization in the state;"
- (ii) be in compliance "with the party's constitution and rules;"
- (iii) file with the Secretary, no later than December 1 of each odd-numbered year, "a certification that the party" has met the requirements of (i) and (ii) and which also "include[s] a list of the dates and locations of each convention held;" and
- (iv) meet all other qualification requirements of subd. 7.

*See* Exh. 101.

<sup>10</sup> As amended in 2023, section 202A.13 provides, in pertinent part: "The rules of each major political party shall provide that for each congressional district and at least 45 counties or legislative districts a convention shall be held at least once every state general election year."

at 9425 Syndicate Avenue in Bloomington and online via Zoom, not only its 2022 state convention but also its 2022 conventions for all eight of Minnesota's congressional districts, for 29 counties, and for 33 state legislative districts (SD 30-58 & 64-67). Exh. 111, pp. 2-3. By this letter, Schuller represented to the Secretary that LMNP held all 71 of these conventions at the same location in Bloomington as well as online via Zoom at the same time on the evening of June 8, 2022.

8. On December 5, 2023, Simon wrote to Schuller, advising that his office had completed its review of LMNP's submissions and had determined those submissions complied with the statutory requirements. Simon informed LMNP that it would retain its certification as a major political party, which certification would remain effective as long as LMNP continued to meet Minnesota's statutory requirements for major political party status. Exh. 306.

9. Simon's certification of LMNP as a major political party was based solely on the written representations and certifications Schuller provided in his November 2023 letters. Neither Black nor other personnel in the Secretary of State's Office conducted any independent investigation to determine if LMNP in fact met all the statutory requirements for major political party status; they accepted as true all of Schuller's representations regarding LMNP's compliance with the statutory requirements because those submissions are made under penalty of perjury by Minn. Stat. § 5.15. Black, Hrg Trans. at 45, 47, 73-75, 81, 86. As Black pithily remarked:

We are required, we believe, by the law to simply look at the facial evidence before us in the submission. We take it as true because, of course, it's submitted under penalty of perjury . . . . And if they provided information that corresponds to the requirements set forth in the statute . . . then they've met the criteria. . . . [A]s we like to say, Your Honor, we don't have the dogs, guns, or badges.

Black, Hrg Trans. at 74.

**III. REFERRED ISSUE NO. 1: DOES LMNP HAVE “THE COMMITTEES REQUIRED BY MINN. STAT. § 202A.12 (2022)”?**

1. Under Minn. Stat. § 202A.12 (2022), to qualify and to maintain standing as a major political party, the party must have a minimum of two committees: a “state central committee” and a “state executive committee.” Minn. Stat. § 202A.12 subds. 2, 3 (2022).

2. The general management of the affairs of the state party must be vested in the party’s state central committee, “[s]ubject to the control of the [party’s] state convention.” Minn. Stat. § 202A.12 subd. 2 (2022).

3. The administration of the affairs of the state party must be vested in the party’s state executive committee, with the state executive committee being “subject to the direction and control of the [party’s] state convention and state central committee.” Minn. Stat. § 202A.12 subd. 3 (2022).

4. LMNP adopted its party constitution (Exhs. 112, 305B) in November 2014; it was most recently amended in June 2019. Schuller, Hrg Trans. at 118-19, 169. LMNP has not adopted any other written rules. *Id.* at 117.

5. The LMNP constitution mentions only a single party committee, “The Head Council” (THC), consisting of a Chairperson, Secretary, and Treasurer (of which one person may hold up to two offices) and a total of no more than nine members. The party constitution vests THC with the power to make “[a]ll decisions on important organizational and financial subjects, including candidate endorsements.” Exh. 112, § V, ¶ 2. THC has explicit constitutional authority to override decisions by the party’s state convention, including amending the LMNP constitution. Schuller, Hrg Trans. at 136; Exh. 112, § VIII.

6. The LMNP constitution does not provide for any other state party committee. The LMNP constitution does not provide for any committee with the express responsibility for “the

general management of the state party affairs subject to the control of the state convention.” Nor does the LMNP constitution provide for a second committee with the express responsibility for “the administration of the party’s affairs, subject to the direction and control” of both the state convention and the state central committee. A major political party must have both of these committees. Minn. Stat. § 202A.12 subds. 2, 3.

7. THC functions as LMNP’s state central committee for purposes of Minn. Stat. § 202A.12 subd. 2. Schuller, Hrg Trans. at 136, 155, 187. THC did not also function as LMNP’s state executive committee, as Schuller conceded. *Id.* at 153, 155, 188.

8. The LMNP constitution does not include any provisions relating to a state executive committee. *See* Exh. 112.

9. According to Schuller, LMNP had a state executive committee in 2022 which had two members: Tim Davis, then LMNP’s chair, and Schuller himself, then LMNP’s Treasurer. Schuller, Hrg Trans. at 153, 155, 168.

**IV. REFERRED ISSUE NO. 2: HAS LMNP “PROVIDE[D] FOR EACH CONGRESSIONAL DISTRICT AND AT LEAST 45 COUNTIES OR LEGISLATIVE DISTRICTS AN EXECUTIVE COMMITTEE CONSISTING OF A CHAIR AND SUCH OTHER OFFICERS AS MAY BE NECESSARY,’ AS REQUIRED BY MINN. STAT. § 202A.13 (SUPP. 2023)”?**

1. LMNP’s constitution is just over two single-spaced pages. Exh. 112. It includes eight sections: “Name,” “Purpose,” “Platform,” “Membership,” “Organization,” “Security,” “Electoral activity,” and “Amendment.” *Id.* LMNP has not amended its constitution since 2019. Schuller, Hrg Trans. at 118-19, 169.

2. Although none of the sections in the LMNP constitution is labelled “Bylaws,” nor does the constitution refer to “bylaws,” Schuller testified that Exh. 112 is the constitution and the bylaws of LMNP. Schuller, Hrg Trans. at 117, 119. The Court finds no textual support for Schuller’s conclusion that Exh. 112 includes any bylaws in addition to the party’s constitution.



3. Minn. Stat. § 200.02 subd. 7(a) defines a major political party as a political party that, among other things, “has complied with the party’s constitution and rules.” No evidence was presented at the hearing that LMNP has any written rules that are separate from its constitution. Although Schuller asserted that LMNP has adopted “rules,” he admitted that LMNP has no written party rules. Schuller, Hrg Trans. at 117. This Court finds that testimony credible and thus finds that LMNP has no written party rules separate and distinct from the LMNP constitution.

4. Minn. Stat. § 202A.13 provides, in pertinent part:

Each major political party shall also provide for each congressional district and at least 45 counties or legislative districts an executive committee consisting of a chair and such other officers as may be necessary.

5. No documentary evidence was presented at the hearing demonstrating that LMNP has “provided for an executive committee consisting of a chair and such other officers as may be necessary” for any of the eight congressional districts or for any county or Minnesota state legislative districts. This Court finds that LMNP has not done so.

6. According to Schuller, in 2022, LMNP had an executive committee for all eight congressional districts and also for all county and legislative districts in the State. Schuller, Hrg Trans. at 128-30, 155-56, 208. Minnesota has 87 counties, 67 state senate districts, and 134 state house districts. See <https://www.census.gov/geographies/reference-files/2010/geo/state-local-geo-guides2010/minnesota.html#:~:text=There%20are%2087%20counties%20in,a%20county%20board%20of%20commissioners>. According to Schuller, the sole executive committee for all of those almost 290 congressional, county, and state legislative districts at present consists of a single member -- himself. Schuller, Hrg Trans. at 132, 155-57. Schuller testified that, in 2022, when Tim Davis was LMNP Chair, each of the eight congressional districts as well as each county and state legislative district had the identical two-person executive committee consisting of Davis as

Chair and Schuller as Treasurer. *Id.* at 129-32, 155-56, 208.

7. The Court discredits Schuller’s conclusory, uncorroborated testimony that he and Davis served, in 2022, as a two-person LMNP executive committee for all of Minnesota’s congressional districts and for all of its legislative districts and counties for several reasons. The Court finds these facts:

(a) LMNP has no documents<sup>11</sup> that establish or refer to the existence of executive committees of any size at any of these local levels – congressional district, county, or state legislative district.

(b) The LMNP constitution itself mentions only The Head Council and does not mention any other committees, whether at the level of congressional districts, counties, or state legislative districts. Furthermore, neither the LMNP constitution nor any other party documents provide that the party state Chair is also the chair of each executive committee for all congressional districts and all county and state legislative districts.

(c) Notwithstanding his conclusory assertions that he functioned as the executive committee for all of these local districts in 2023 and that he and Davis functioned

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<sup>11</sup> LMNP’s lack of records and documentation is a recurring theme: LMNP and Schuller assert repeatedly that there is no requirement that LMNP adopt the same organizational practices, the same documentation practices, or the same record-keeping practices the DFL employs.

While true, that argument is one of the considerations that dooms LMNP’s effort to maintain its status as a major political party. Schuller proudly recounted LMNP’s lack of keeping written records and emphasized the party’s reliance on the “doobie rule” and the development of shared consensus based on speaking at party gatherings; in its post-hearing submissions, LMNP conceded “[i]t is not the LMNP’s custom or tradition to keep paperwork regarding roll calls, motions, new business, records . . . .” Schuller’s testimony and LMNP’s arguments elide the fact that one of the requirements to secure and to retain the considerable advantages of major political party status is that a party comply with its own constitution and rules. Minn. Stat. § 2002.02 subd. 7(a). LMNP did not comply with its own constitution because its own constitution requires its Secretary to keep minutes of meetings, ensure that record is safely preserved, and to “keep an archive of documents.” Exh. 112, § V, ¶ 7.

as the executive committee for all these local districts in 2022, *see* Schuller, Hrg Trans. at 155-58 and 208, Schuller testified credibly that LMNP did not have executive committees for *any* of these local districts, observing at least five times that it was “impractical,” “not feasible,” or even “impossible” for LMNP, given its current membership, to create executive committees for these local districts.<sup>12</sup> Schuller, Hrg Trans. at 122, 178, 180-81, 199-200, 216-17. That is corroborated by the facts that (i) LMNP had only 10-20 dues paying members statewide and does not maintain any register of party members (Schuller, Hrg Trans. at 116), and (ii) only three LMNP members were present in person at the LMNP June 8, 2022 convention in Bloomington (including Schuller) and only 10-20 LMNP members attended that convention online via zoom. Schuller, Hrg Trans. at 137.

(d) Schuller testified (Schuller, Hrg Trans. at 133-34) that LMNP has documents indicating that Davis was Chair of an executive committee for Minnesota’s First Congressional District in 2022. He cited “the state documents” (which he admitted was a

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<sup>12</sup> This Court agrees with LMNP Counsel’s arguments that LMNP need not organize and conduct its affairs as the DFL does. For that reason, the Court limited the evidence presented by Martin regarding how the DFL organizes and conducts its party affairs to comply with Minnesota’s requirements for major political party status.

Despite LMNP’s recurrent theme that it lacks sufficient members to organize itself as the DFL does and LMNP’s assertion that how a party organizes itself internally has “nothing to do with satisfying the statutory requirements (*e.g.*, Schuller, Hrg Trans. at 181), there are no exceptions in Minn. Stat. §§ 200.02 subd. 7, 202A.12, and 202A.13 for parties claiming impracticality or insufficiency. If a party seeks the advantages of major political party status, the party must meet all requirements of Minn. Stat. §§ 200.02 subd. 7, 202A.12, and 202A.13, even if it would rather not do so because it prefers to do things its own way or because it is “impractical” or, indeed, impossible for the party to do so given its current membership and resources.

If it is impractical for a “fledgling party” – as LMNP’s counsel refers to LMNP in post-hearing submissions -- to meet the statutory requirements to maintain major political party status given its tiny cadre of dues-paying and convention-attending party members and delegates, it is ironic for that party simultaneously to claim major political party status and all the advantages accorded to political parties that comply with the statutory requirements to merit recognition in the state as a major political party.

reference to his November 27, 2023 letter to Black and its addendum [Exh. 111]). But neither that letter nor the addendum identifies Davis as Chair of the executive committee of the First Congressional District in 2022.

(e) LMNP's constitution also supports the conclusion that none of these local district executive committees actually exists. Article V, paragraph 3 of the LMNP constitution provides:

When it becomes feasible, the Party may authorize the creation of subdivisions assigned to Congressional Districts or Legislative Districts or Counties. These subdivisions would require a minimum of 10 dues-paying members and three Cadres.

(f) Schuller testified inconsistently on various points that the Court expected he, as LMNP Chair and a senior party member for almost a decade, would have known definitively.<sup>13</sup> For example:

- (i) Schuller testified that delegates are elected to attend the LMNP state convention, before reversing himself and stating that delegates are not elected to attend the state convention. *Compare* Schuller, Hrg Trans. at 126 *with id.* at 127.
- (ii) Schuller incorrectly testified that THC called the LMNP state convention before he was confronted with the LMNP constitution which provides that the party Chair, not the THC, has the authority under the constitution to call for the state party convention. *Compare* Schuller, Hrg Trans. at 186 *with id.* at 187.
- (iii) Schuller testified there were at least ten members of the THC, whereas the LMNP constitution provides that the THC may not have more than nine members. *Compare* Schuller, Hrg Trans. at 196 *with* Exh. 112, § V, ¶ 2.

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<sup>13</sup> In contrast, the Court found Sonja Johnson, who testified briefly at the hearing regarding DFL policies, practices, and procedures, to be highly credible and knowledgeable regarding DFL policies, practices and procedures.

- (iv) Schuller described “cadre” as a “senior member who’s not yet on the [THC] because of seniority” (Hrg Trans. at 121), whereas the LMNP constitution defines “cadre” as an individual who has been approved as a party member and participated as a member for at least one year but who has not yet been promoted to “Senior” status or an individual who was a founding convention member. Exh. 112, § IV, ¶¶ 1, 4.

These inconsistencies further support this Court’s conclusion that Schuller’s otherwise uncorroborated hearing testimony that LMNP actually had local district executive committees for all congressional districts, legislative districts, and counties in 2022 is not credible.

8. Because LMNP has only 10-20 dues-paying members in the entire state, it mathematically could, at most, have no more than two local district committees, whether at the congressional district level or at the level of any state legislative district or county, in conformity with the party constitution that requires “a minimum of 10 dues-paying members” for any local “subdivision.” Exh. 112, § V, ¶ 3.

9. Finally, Schuller testified repeatedly that LMNP has not established any “subdivisions” pursuant to Article V.3 of the LMNP constitution. Schuller, Hrg Trans. at 122, 129, 179-81. If LMNP has no “subdivisions” – *i.e.*, local party organizations in congressional districts, legislative districts, or counties – then it did not have executive committees for any non-existent subdivisions.

**V. REFERRED ISSUE NO. 3: DID LMNP HOLD, “IN 2022, THE CONVENTIONS FOR EACH CONGRESSIONAL DISTRICT AND AT LEAST 45 COUNTIES OR LEGISLATIVE DISTRICTS, AS REQUIRED BY MINN. STAT. § 202A.13”?**

1. The LMNP constitution fails to make any provision for conventions for congressional districts, state legislative districts, or counties. It also implicitly recognizes that any LMNP conventions were conducted only at the state level through its recognition that the party

had not established party organizations at any such local levels: “*When it becomes feasible*, the Party *may* authorize the creation of subdivisions assigned to Congressional Districts or Legislative Districts or Counties.” Exh. 112, § V, ¶ 3 (emphasis added). Schuller perforce conceded that point. Schuller, Hrg Trans. at 149-50. This Court finds that LMNP did not hold, in 2022, the congressional district, legislative district, and county conventions at issue.

2. LMNP posted on Facebook an invitation to its 2022 state convention, indicating that convention would be held on Wednesday, June 8, 2022 between 8:00 and 9:00 p.m. Exh. 113. Although Schuller testified that three members attended that convention in person at the Bloomington, MN address, the posting on Facebook does not mention the in-person meeting but lists only a Zoom meeting address for interested persons to attend online. Exh. 113.

3. A separate notice of the June 8, 2022 LMNP convention apparently posted on LMNP’s website specifically describes the event as being an “online event,” describes the meeting as the “Legal Marijuana Now Party *State* Convention,” and invites members of the public “[i]nterested in finding out more about the Legal Marijuana Now Party” to “join us for our *statewide* convention on ZOOM.” Exh. 7 to Martin Petition (emphasis added).<sup>14</sup> That notice, under a heading “Details,” indicates that it was being held as a one-hour Zoom meeting, indicated it was open not only to LMNP members but to the “Public [and] Anyone on or off Facebook” with the tag line “Interested in finding out more about the Legal Marijuana Now Party join us for our statewide convention on Zoom.” That notice listed the zoom meeting ID and passcode number and also included a zoom link, but did not mention an option to attend the meeting in person at the Bloomington address.

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<sup>14</sup> This version was not offered and received in evidence at the March 11 hearing.

4. Schuller certified to the Secretary of State, in his November 27, 2023 letter, that the June 8, 2022 convention included not only the LMNP state convention but also the conventions for all eight of Minnesota congressional districts as well as the conventions for a total of 62 county and state legislative districts. Exh. 111. But Schuller admitted that LMNP never sent any invitations or posted on its website, on Facebook, or on other social media any notices or invites that indicated the June 8 state convention meeting was also the date for any congressional, county, or state legislative district conventions. Schuller, Hrg Trans. at 139, 210. Moreover, none of the eight congressional districts or any state legislative districts or counties had ever organized and held their own local party convention. *Id.* at 149-50.

5. Despite Schuller's certification to the Secretary of State that, in addition to the state convention, an additional 70 congressional district, county, and state legislative conventions were held on June 8, 2022, several omissions are fatal to LMNP's claim. The Court finds these facts:

(a) no written notice was ever sent or published that informed LMNP members (or other interested members of the public) that the convention to be held on June 8, 2022 would function as the convention for all eight of Minnesota's congressional districts, all of the state legislative districts, and for all counties as well as the state convention (Schuller, Hrg Trans. at 209-210);

(b) over the course of the one-to-two-hour duration of the June 8, 2022 convention (Schuller, Hrg Trans. at 138), no action was taken to adjourn any one convention before another convention was called to order, nor was there any formal delineation between any of the conventions allegedly held that evening<sup>15</sup> (*id.* at 147-49);

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<sup>15</sup> Schuller maintained that all 71 conventions were conducted simultaneously under LMNP's "doobie rules," under which all attendees had the opportunity to speak at any time regarding any local issues pertinent to any local districts as well as to statewide issues.

(c) no organizing was done in advance of the June 8, 2022 convention for any conventions for any of the eight congressional districts or for any of the county or state legislative districts (Schuller, Hrg Trans. at 129);

(d) no minutes were taken<sup>16</sup> and there are no records of any business actually conducted at any of the alleged congressional, county, or state legislative district conventions that Schuller certified were conducted at the same time as the state LMNP 2022 convention on June 8, 2022 (Schuller, Hrg Trans. at 210-11);

(e) there are no written records or any notice that the June 8, 2022 state convention would also satisfy the statutory requirements that the party conduct congressional district conventions or conventions for county and state legislative conventions (Schuller, Hrg Trans. at 212); and

(f) the convention was not recorded on video or audio, no pre-convention written agenda was prepared, no records were maintained of any roll call documenting the names and residences of attending LMNP members, there is no written record that any minutes of prior conventions were read, no written minutes of this convention were kept, no written record was made of any old or new business discussed, no scripts exist for any speeches, no written record was kept of any motions made or voted on, no other written records were preserved, no written record was kept of any resolutions debated, no written record exists showing that any convention attendee believed he or she could raise any local issues relevant to any congressional district, state legislative district or county, and no written platform (other than the permanent platform noted in the LMNP constitution) emerged from any of the 71 conventions that Schuller certified to the

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<sup>16</sup> The LMNP constitution directs the Secretary to keep minutes. Exh. 112, § V, ¶ 7.



Secretary of State had actually been held on June 8, 2022<sup>17</sup> (Schuller, Hrg Trans. at 139, 148-49, 152-53, 210-12, 224-25).

6. This Court finds that Schuller's certification in his November 27, 2023 letter to Black that LMNP conducted conventions for all eight of Minnesota's congressional districts, 33 state senate districts, and 29 counties at the same time as the state convention on June 8, 2022 did not reflect the reality of that convention. This Court finds the June 8, 2022 convention was only the LMNP *state* 2022 convention, and that Schuller's certification that LMNP also held 70 local district conventions at the same time was an after-the-fact attempt 17 months later<sup>18</sup> to satisfy Black and Secretary of State Simon by conclusorily claiming that LMNP complied with the requisite statutory requirements to maintain major political party status.

7. Schuller asserted repeatedly during the hearing that he had read the statutes discussed in this Order and ensured that LMNP complied with all the statutory requirements to maintain its status as a major political party; that was also a theme in LMNP Counsel's opening statement at the hearing as well as in LMNP's post-hearing submissions. Schuller, however, is a lay witness, not a legal expert. In any event, opinion testimony about the law, whether offered by a lay witness like Schuller or by an experienced lawyer with decades of experience in the area, like Black, is not relevant or admissible, as this Court repeatedly ruled on the record during the hearing. This Court must determine what the statutes require and, by applying the facts as found by the Court to what the Court has determined the law requires, must render conclusions of law regarding whether the party is in compliance with the statutory requirements.

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<sup>17</sup> On the record before this Court, the only subjects known to have been discussed at the June 8, 2022 LMNP convention were LMNP candidates, money-raising activities for the party, and transition of the party Chair. Schuller, Hrg Trans. at 214.

<sup>18</sup> Schuller, as LMNP party Chair, had been unaware of these requirements before Black pointed them out in her letters of October 18 and November 8, 2023.

## VI. CREDIBILITY FINDINGS

1. Black and Johnson were credible. They testified in a direct and forthright manner. They did not contradict written records.

2. This Court finds that Schuller's testimony was of uneven credibility. His testimonial manner in court was generally forthright and when he testified about matters that are empirically verifiable, the Court found him to be credible. On the other hand, when he testified about matters that could not be corroborated by documentary evidence, his testimony appeared to be conclusory and self-serving and was much less credible.<sup>19</sup>

3. For example, the Court finds that Schuller's testimony about LMNP's correspondence with the Secretary of State was credible. But, as noted above, when Schuller testified about matters associated with the 2022 LMNP convention and LMNP committees the Court finds that he was not credible. He was unable to offer any corroboration of his testimony from recordings or documents. His uncorroborated testimony generally was self-serving. Thus, he claimed to have served as the sole member of LMNP executive committees in each congressional district and 45 counties or state legislative districts in 2023 and that he and Davis served as the only two members of the executive committees for all 53 of those local districts in 2022. Schuller, Hrg Trans. at 155-156, 208. But on this critical organizational fact, he admitted that LMNP had only his "verbal evidence." *Id.* at 208. He conceded that there is "nothing written down" about this committee representation: no meeting notices, no minutes, no reports. *Id.* at 209.

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<sup>19</sup> Schuller admitted that he was unaware of the requirements of Minn. Stat. § 200.02 subd. 7 until he received Black's letter. Schuller, Hrg Trans. at 140-42. This creates the context for his self-serving and conclusory testimony.

4. Likewise, Schuller admitted that no documentation exists of notice that the June 8, 2022 state convention also served as the convention for all political subunits. Schuller, Hrg Trans. at 209-10. No documents establish that anyone who attended the state convention was able to raise business relevant to any county, legislative district, or congressional district unit. *Id.* at 211-12.

5. The absence of any corroborative evidence on basic organizational issues in this case casts doubt on Schuller's credibility. Section V.7 of the LMNP constitution requires that LMNP create the corroborative evidence this Court seeks: the Secretary must take minutes of meetings, must "safely preserve" these minutes, must "report party events and activities to the membership," and must archive documents.

6. These requirements provide an important part of this Court's credibility finding. Despite LMNP's constitutional requirement to preserve corroborative documentation (which LMNP must follow according to Minn. Stat. § 200.02, subd. 7), no such evidence exists. No documentary evidence of any kind exists to confirm Schuller's testimony that any local district conventions occurred and conducted business. Schuller, Hrg Trans. at 210. No evidence corroborates that anyone other than Schuller attended the convention in person or by Zoom. *Id.* No documents corroborate that the convention was held to address any business for "each congressional district and at least 45 counties or legislative districts." *Id.* at 209-12. No evidence corroborates that the convention had an agenda, a quorum determination, any speeches, any new or old business, the approval of minutes from previous meetings, any convention platform (other than the permanent platform in the constitution), nominations of any candidates, motions, resolutions, debates, or votes. *Id.* at 210-12. No video or audio record exists of the 2022 convention. *Id.* at 211.

7. In view of the constitutional and statutory requirement that LMNP’s secretary was charged with keeping minutes and archiving documents, the utter absence of any corroborative documentation significantly diminishes Schuller’s credibility. Moreover, the uniformly self-serving nature of Schuller’s uncorroborated testimony further undercuts his credibility.

### **CONCLUSIONS OF LAW**

#### **I. LMNP DOES NOT HAVE THE COMMITTEES REQUIRED BY MINN. STAT. § 202A.12 (2022).**

1. Minn. Stat. § 200.02 subd. 7(a) requires, among other things, that a major political party comply with the requirements of Minn. Stat. § 202A.12.

2. Minn. Stat. § 202A.12 describes the general structure that a political party must establish to qualify for major political party status in Minnesota. This structure requires that a major political party vest final authority over the party’s affairs in the state convention, vest authority over the general management of the party in a state central committee (subject to the control of the state convention), and vest authority over administration of the party in a state executive committee (subject to the direction and control of the state convention and the state central committee). *Id.*, subds. 1-3.

3. The Court concludes as a matter of law that LMNP’s party structure does not comply with the requirements of Minn. Stat. §§ 200.02 subd. 7(a) and 202A.12 for two reasons.

4. First, LMNP’s constitution provides for only a single committee, The Head Council, which acts the party’s governing body. Exh. 112, § V, ¶ 2. The Head Council can have no more than nine members, including a Chairperson, Secretary, Treasurer and other Senior members<sup>20</sup> of the Party. *Id.* The LMNP constitution grants to THC the authority to make “[a]ll

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<sup>20</sup> LMNP members are eligible for promotion to “Senior” member status after participating in the party for three consecutive years. Exh. 112, § IV, ¶ 5. In addition, veterans of the “1998 Legal

decisions on important organizational and financial subjects.” *Id.* THC is not subject to the control of the LMNP state convention under the LMNP constitution. *See* Exh. 112. LMNP is not in compliance with section 202A.12 subd. 1 because the party’s constitution does not grant final authority over LMNP’s affairs to the party state convention.<sup>21</sup>

5. Second, LMNP’s constitution does not mention a “state executive committee” or create any party committee other than The Head Council. *See* Exh. 112. LMNP is not in compliance with section 202A.12 subd. 3 because the party’s constitution does not grant authority to a second state party committee to “have charge of the administration of the party’s affairs,” with such a second state party committee being “subject to the direction and control of the state convention and the state central committee.”

6. Although the LMNP constitution does not expressly create a state executive committee, LMNP maintained at the hearing<sup>22</sup> that, in 2022, it had a state executive committee with two members, Tim Davis, then LMNP party Chair, and Dennis Schuller, then LMNP party Treasurer. Schuller, Hrg. Trans. at 155, 188. This Court is not persuaded by Schuller’s conclusory, self-serving testimony in this regard and concludes the testimony was developed only after the Supreme Court’s Referral Order in anticipation of this Court’s evidentiary hearing.

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Marijuana Now” campaign were automatically granted Senior member status under the LMNP constitution. *Id.*

<sup>21</sup> Furthermore, the LMNP constitution fails to comply with Minn. Stat. § 202A.12 subd. 1 because whereas section 202A.12 subd. 1 requires that the party’s state convention be held at the call of the party’s central committee, the LMNP constitution provides that the annual convention is held at the call of the LMNP Chair. *See* Exh. 112, § V, ¶ 11.

<sup>22</sup> In his certification letters to Simon and Black (Exhs. 108, 109, and 111), Schuller did not certify that LMNP was in compliance with the specific requirements in Minn. Stat. § 202A.12 subs. 2 and 3 regarding a state central committee and a state executive committee. *See* Exhs. 108, 109, and 111.

7. This Court concludes that LMNP did not have a separate state executive committee in 2022 comprising Davis and Schuller. The only evidence LMNP has for the existence of such an LMNP state executive committee in 2022 is Schuller’s March 11 hearing testimony. LMNP offered no exhibits at the hearing and pointed to no other documents that mention any LMNP executive committee existed and was acting in 2022. There is no evidence of action by the LMNP state convention in 2021 or 2022 or by the THC, functioning as the *de facto* state central committee, appointing Davis and Schuller to a state executive committee or otherwise authorizing them to act as a state executive committee in administering the affairs of LMNP in 2022 subject to the direction and control of the party’s state convention and the THC. LMNP has no written records of any state executive committee meetings held by Davis and Schuller in 2022, acting as a state executive committee, no minutes of any such meetings, and no written records regarding any actions taken by Davis and Schuller, acting as a state executive committee, of any actions they actually took during 2022 in administering the affairs of the LMNP. This absence is especially significant, given the constitutional directive to the LMNP Secretary to “safely preserve” and archive such documents, Exh. 112, § V, ¶ 7, and the statutory requirements that LMNP follow its own constitution and rules. Minn. Stat. § 200.02 subd. 7.

8. This Court concludes as a matter of law that LMNP does not have the committees required by Minn. Stat. § 202A.12 to maintain its status as a major political party.

**II. LMNP HAS NOT PROVIDED FOR EACH CONGRESSIONAL DISTRICT AND FOR AT LEAST 45 COUNTIES OR LEGISLATIVE DISTRICTS AN EXECUTIVE COMMITTEE CONSISTING OF A CHAIR AND SUCH OTHER OFFICERS AS MAY BE NECESSARY.**

1. Minn. Stat. § 200.02 subd. 7(a) requires, among other things, that a major political party comply with the requirements of Minn. Stat. § 202A.13.

2. To maintain major political party status, a political party must also provide for an executive committee, having a chair and any additional officers as necessary, “for each congressional district and at least 45 counties or legislative districts.” Minn. Stat. § 202A.13.

3. LMNP maintained at the hearing<sup>23</sup> that, in 2022, it had executive committees in all eight of Minnesota’s congressional districts and all of its state legislative districts and counties with every one of those local committees comprising the same two members: Davis, then LMNP party Chair, and Schuller, then LMNP party Treasurer. Schuller, Hrg. Trans. at 128-32, 155-58, 173. Here again, this Court is not persuaded by Schuller’s conclusory, self-serving, and uncorroborated testimony in this regard and concludes that testimony was developed only after the Supreme Court’s Referral Order in anticipation of this Court’s evidentiary hearing.

4. This Court concludes that Davis and Schuller were not acting as local executive committees for each of the eight congressional districts as well as for dozens of legislative districts in 2022. The only evidence LMNP has that Davis and Schuller acted as a local executive committee in 2022 for all these districts is Schuller’s testimony at the March 11 hearing. LMNP offered no exhibits at the hearing and pointed to no other documents that mention any of these local executive committees existed and acted in 2022. There is no evidence of action by the LMNP state convention in 2021 or 2022, by the THC, functioning as the *de facto* state central committee, or of action by Davis and Schuller, acting as the *de facto* state executive committee, appointing Davis and Schuller to dozens of local executive committees or otherwise authorizing them to act as the local executive committees in a multitude of local districts. There is no evidence of any

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<sup>23</sup> In his certification letters to Simon and Black (Exhs. 108, 109, and 111), Schuller did not certify that LMNP was in compliance with the specific requirement in Minn. Stat. § 202A.13 regarding the creation of executive committees in each of Minnesota’s eight congressional districts and in at least 45 state legislative districts or counties. See Exhs. 108, 109, and 111.

local LMNP organizations in any of these local districts voting to elect Davis and Schuller to their local district executive committee for the obvious reason that no such local district organizations ever existed. LMNP has no written records of any local executive committee meetings held by Davis and Schuller in 2022, acting as a specific local executive committee; no minutes of any such meetings; and no written records regarding any actions taken by Davis and Schuller, acting as the executive committee for any specific local executive committee, or of any actions they actually took during 2022 on behalf of any specific local district.

5. This conclusion that Davis and Schuller were not actually appointed to and did not operate as the executive committee for all these local districts in 2022 is further bolstered by the reality that LMNP had not created any party organization at any local levels in 2022. The terminology employed in the LMNP constitution is “subdivisions assigned to Congressional Districts or Legislative Districts or Counties.” Exh. 112, § V, ¶ 3. LMNP’s constitution provides that, “[w]hen it becomes feasible, the Party may authorize the creation of subdivisions assigned to Congressional Districts or Legislative Districts or Counties.” *Id.* (emphasis added). The LMNP constitution further provides that “a minimum of 10 dues-paying members and three Cadres” is required to form any one of these “subdivisions.” *Id.* To comply with the LMNP constitution, then, LMNP needed a minimum of 530 dues-paying members in the eight congressional districts and at least 45 of the state legislative districts or counties to establish local party organizations in 53 of these local districts. LMNP also needed a minimum of 159 members of “Cadre” status to establish local party organizations in 53 local districts. Because LMNP had only between ten and twenty dues-paying members in the entire state in 2022, it was impossible for it to have organized more than two local party organizations – “subdivisions” – in the state in accordance with its constitution. Additionally, LMNP did not establish at the March 11 hearing that the party had at



least the 159 Cadres in 2022 it would have needed to form 53 local district subdivisions in compliance with its constitution.<sup>24</sup> Schuller, the LMNP Chair, acknowledged that repeatedly during the March 11 hearing, opining that it was “impossible,” “impractical,” and “not feasible” for LMNP to form local party organizations in each of Minnesota’s eight congressional districts and in at least 45 state legislative districts or counties.<sup>25</sup>

6. The Court rejects Schuller’s testimony that a singular state executive committee, made up of Schuller and Davis in 2022, acted as the executive committee for each of the 70 local districts listed in the addendum to Schuller’s November 27, 2023 letter to Black (Exh. 111). That position urged by LMNP effectively renders the phrase “for each congressional district and at least 45 counties or legislative districts” in section 202A.13 meaningless. “Each as a pronominal subject is invariably singular, even when followed by *of + pl. noun*.” *See Each*, *The New Fowler’s Modern English Usage* (3<sup>rd</sup> ed. 1996). The statutory requirement that, to qualify for and maintain status as a major political party, a party must provide an executive committee in at least 53 of these local districts must mean that each district has its own distinct executive committee. Two

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<sup>24</sup> LMNP presented no evidence at the hearing regarding the number of “founding convention members” who are still alive and participating as LMNP members, thus having “Cadre” status. Because LMNP had, at most, 20 dues-paying members in 2022, there would have to be at least 133 such “founding convention members” still participating as LMNP members for LMNP to have at least 153 members with “Cadre” status in 2022.

<sup>25</sup> Notably, since the Petition was filed in the Supreme Court commencing this case, the Secretary asked all major political parties to submit a file listing the locations for 4,100 party precinct caucuses which took place on February 27, 2024. LMNP failed to submit that list. *See* Office of the Minnesota Secretary of State, *2024 Precinct Caucus Locations*, <https://ossmedia.sos.mn.gov/caucusdata/caucus.htm>. The LMNP website indicated it would hold a “State Caucus” on Tuesday, February 27, 2024, on zoom and in an undisclosed location in Bloomington. *See* Legal Marijuana Now Party, <https://www.legalmarijuanowparty.com/>. This does not comply with the statutes governing precinct caucuses, which require that “the chair of the county or legislative district executive committee . . . issue the call for the precinct caucus.” Minn. Stat. § 202A.14 subd. 2. The fact that no individual county or legislative district committee of LMNP issued a call, and no local precinct caucuses were planned, is further evidence that LMNP does not have the organizational structure required by Minn. Stat. § 202A.13.

individual LMNP statewide party officers, as Davis and Schuller were in 2022, cannot also simultaneously constitute the separate executive committees for each of Minnesota's eight congressional districts and at least 45 additional state legislative districts or counties.

7. The Court concludes as a matter of law that LMNP does not have the local executive committees required by Minn. Stat. § 202A.13 for all eight of Minnesota's congressional districts and for at least 45 of Minnesota's legislative districts or counties to maintain its status as a major political party under Minnesota law.

### **III. LMNP DID NOT HOLD CONVENTIONS IN 2022 FOR EACH CONGRESSIONAL DISTRICT AND AT LEAST 45 COUNTIES OR LEGISLATIVE DISTRICTS.**

1. As previously noted, Minn. Stat. § 200.02 subd. 7(a) requires, among other things, that a major political party comply with the requirements of Minn. Stat. § 202A.13.

2. To maintain major political party status, a political party must, pursuant to party rules, provide that "a convention shall be held at least once every state general election year" in "each congressional district and in at least 45 counties or legislative districts." Minn. Stat. § 202A.13.

3. LMNP's sole 2022 party convention occurred on the evening of June 8, 2022 in person in Bloomington and contemporaneously online via Zoom. The issue this Court must decide is if, by that single convention, LMNP complied with the statutory requirement that it conduct during 2022 a state convention (*see* Minn. Stat. § 202A.12 subd. 1), conventions in each of Minnesota's eight congressional districts, and conventions in at least 45 state legislative districts or counties. LMNP contends that its June 8, 2022 convention was not only its state party convention but also the convention for all eight congressional districts, for 29 counties, and for 33 of Minnesota's 67 state senate districts that satisfied the requirement in Minn. Stat. § 202A.13 for the party to have held a minimum of 53 local district conventions in Minnesota during 2022 in

addition to its state convention. Schuller, Hrg Trans. at 146-47; Exh. 111. For several reasons, this Court rejects LMNP's position and concludes as a matter of law that LMNP conducted only its state convention during the June 8, 2022 meeting and did not hold any conventions in 2022 for any of Minnesota's eight congressional districts or for any of Minnesota's state legislative districts or counties.

(a) This Court concludes that LMNP's certification in its November 21 and November 27, 2023 letters (Exhs. 109 and 111) that the June 8, 2022 convention was simultaneously its state convention as well as the convention for 70 separate congressional and local state districts was simply a newly minted position in November 2023 as LMNP sought to certify the facts Simon and Black were demanding to preserve LMNP's status in 2023 as a major political party. LMNP's attempt to re-frame the nature and purpose of the June 8, 2022 meeting as constituting 71 simultaneous conventions is a post-hoc effort to salvage its status as a major political party, not a position that reflected the reality of what LMNP did in 2022.

(b) Fewer than two dozen LMNP members attended the June 8, 2022 convention: three in-person, and ten to twenty online via Zoom (Schuller, Hrg Trans. at 137).

(c) Although Schuller testified at the March 11 hearing that LMNP provides notice of its conventions by Facebook posting, postings on other social media, and by email to its email subscriber base, the only notice received in evidence at the March 11 hearing was a single posting on Facebook. Exh. 113. That notice indicated an LMNP party convention would be held on Wednesday, June 8, from 8:00-9:00 p.m. and provided the Zoom link, but nothing in that notice indicated the convention would include conventions

for any local districts nor that the convention would address any local issues in any of the state's congressional or legislative districts or counties.

(d) There was no written agenda for the convention, no written record of any quorum call, and no written record of the election of any officers. No written minutes were retained, no written record was made of any discussion of old or new business, no written record was made of any motions being made or voted on, no written record was made of any resolutions offered or debated, and no record was made of any discussions regarding any issues for a current platform (apart from the LMNP permanent party platform codified in section III of the party constitution). This absence of documentation is so despite the constitutional and statutory requirement to archive such documents.

(e) There is no record of any delineation during the two hours between the state convention and any local district convention, nor any record that any convention was concluded and another convention called to order.

(f) LMNP had only three congressional,<sup>26</sup> three state senate,<sup>27</sup> and four state house<sup>28</sup> candidates on the ballot in 2022, in addition to candidates for Governor and State Auditor. Even if party endorsement of these candidates could plausibly be said to account for ten conventions, LMNP presented no evidence at the hearing that the remaining five congressional districts and 55 additional state legislative districts or counties had sufficient

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<sup>26</sup> Secretary of State, Results for All Congressional Districts, <https://electionresults.sos.mn.gov/Results/Index?ersElectionId=149&scenario=USRepresentative> (listing LMNP candidates for the First, Second, and Seventh Congressional Districts).

<sup>27</sup> Secretary of State, Results for All State Senate Races, <https://electionresults.sos.mn.gov/Results/Index?ersElectionId=149&scenario=StateSenate> (listing candidates for Senate Districts 26, 38, and 43).

<sup>28</sup> Secretary of State, Results for All State Representative Races, <https://electionresults.sos.mn.gov/Results/Index?ersElectionId=149&scenario=StateRepresentative> (listing candidates for 53A, 53B, 54A, and 65A).

attendees, let alone sufficient business to discuss, tending to prove that LMNP actually conducted all 70 of the local conventions listed in the addendum to Schuller's November 27, 2023 letter to Black (Exh. 111, pp. 2-3).

(g) "Convention" is defined in Minnesota election law as "an organized body of delegates assembled for the purpose of transacting the business of a major political party." Minn. Stat. § 200.02 subd. 13. This Court concludes that LMNP did not have 71 bodies of delegates assembled during the evening of June 8, 2022 to complete the business of each unit.

4. LMNP's constitution contains the only written rules controlling LMNP party operations. Five sections of the LMNP party constitution pertain to this referred question from the Supreme Court, although none of them directly establishes party rules directly relevant to holding conventions:

- (a) An annual convention shall be held upon call of the Chairperson. If the party loses statutory Majority Party recognition, a convention shall be called to suspend this constitution and revise it to conform to that altered set of circumstances. Exh. 112, § V, ¶ 11.
- (b) A quorum for action by THC shall be no less than five if the full number of nine members belong; if there are fewer members then a quorum shall number four. Exh. 112, § V, ¶ 9. A quorum for the annual convention shall be one-fifth of the dues-paying membership but must include a THC quorum as well. *Id.* § V, ¶ 10.
- (c) Members shall elect the following officers at the party's annual convention: Chairperson, Secretary, and Treasurer. One person may hold two of those offices at the same time but no one shall hold more than two. Only Cadre or Senior members may be chosen as officers. Exh. 112, § V, ¶ 1.
- (d) The Secretary shall keep a minute of meetings of the general membership and of THC and this record shall be safely preserved. The Secretary shall report party events and activities to the membership, or may delegate this function to another person, subject to approval by THC. The Secretary shall

keep an archive of documents, correspondence, brochures, or other material generated by the party and its candidates; or may delegate this function to another person, subject to approval by THC. Exh. 112, § V, ¶ 7.

- (e) When it becomes feasible, the Party may authorize the creation of subdivisions assigned to Congressional Districts or Legislative Districts or Counties. These subdivisions would require a minimum of 10 dues-paying members and three cadres. Exh. 112, § V, ¶ 3.

5. To maintain major political party status, LMNP must comply with its own constitution in addition to meeting the requirements of Minn. Stat. §§ 200.02 subd. 7(b), 202A.12, and 202A.13. On the record before this Court, LMNP has not established that the June 8, 2022 convention was conducted in compliance with the quorum requirement of the party constitution. Even though a quorum of the membership was present – the record establishes that LMNP had between ten and twenty dues-paying members in 2022 and between 13 and 23 dues-paying members attended the June 8 convention either in person or online via Zoom -- LMNP did not establish that a quorum of the THC (at least four THC members) attended that convention. *See* Exh. 112, § V, ¶¶ 9-10. In addition, on the record before this Court, LMNP’s Secretary failed to keep minutes of the convention and to preserve and archive such minutes, as required by the LMNP constitution and Minnesota law. *See id.*, § V, ¶ 7 Minn. Stat. § 200.02 subd. 7.

6. The Court finds that LMNP did not hold 70 local conventions over the course of the less than two-hour meeting on the evening of June 8, 2022 for all eight of Minnesota’s congressional districts and the 62 state senate districts and counties in addition to its state convention, as Schuller represented to Black. This Court concludes as a matter of law that, because LMNP did not hold the required conventions in all eight congressional districts and in at least 45 county or state legislative districts, it failed to hold at least 53 congressional district and state legislative district or county conventions in 2022 as required by Minn. Stat. § 202A.13 and therefore does not qualify as a major political party.

## RECOMMENDATIONS

The Supreme Court ordered this Court to make recommendations regarding the Supreme Court's disposition of whether LMNP met the statutory requirements in 2022 to retain its status as a major political party for the 2024 state primary and general election. Based on this Court's findings of fact and conclusions of law that the Legal Marijuana Now Party (1) does not have the committees required by Minn. Stat. § 202A.12, (2) has not provided for each of Minnesota's eight congressional districts and at least 45 Minnesota state legislative districts or counties an executive committee consisting of a chair (and such other officers as may be necessary) required by Minn. Stat. § 202A.13, and (3) did not conduct, in 2022, the most recent state general election year, any convention for Minnesota's eight congressional districts and at least 45 Minnesota state legislative districts or counties required by Minn. Stat. § 202A.13, and as ordered by the Supreme Court in its Referral Order, this Court respectfully makes the following recommendations to the Supreme Court and Minnesota Secretary of State:

1. The Supreme Court should declare that the Legal Marijuana Now Party does not meet all the statutory requirements set forth in Minn. Stat. §§ 2002.02 subd. 7, 202A.12, and 202A.13 as of December 31, 2023 to maintain its status as a major political party for purposes of the state primary election in August 2024 and the state general election in November 2024.

2. The Secretary of State should take all appropriate actions necessary to reflect that the Legal Marijuana Now Party is not a major political party in Minnesota for purposes of the state primary election in August 2024 and the state general election in November 2024.

3. The Secretary of State should not allow Legal Marijuana Now Party candidates to appear on the ballot for the 2024 state primary and general elections using the procedures available for candidates for partisan office who seek the nomination of a major political party pursuant to

Minn. Stat. § 204B.03 or allow the Legal Marijuana Now Party to designate a presidential candidate using the procedures available to major political parties pursuant to Minn. Stat. § 208.03.

Dated: March 20, 2024

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Edward T. Wahl", written in a cursive style.

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Edward T. Wahl  
Judge of District Court