

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**ANGELA CRAIG, and  
JENNY WINSLOW DAVIES**

Plaintiffs,

v.

**STEVE SIMON**, in his official capacity  
as Minnesota Secretary of State,

Defendant.

Case No.: 0:20-cv-02066 WMW/TNL

**DECLARATION OF TIM DAVIS IN  
SUPPORT OF PROPOSED-  
DEFENDANT TYLER KISTNER'S  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, Tim Davis, declare as follows:

1. I am over 18 years of age. I make this declaration based on personal knowledge of the below facts, which are true and accurate to the best of my knowledge and belief, and made in opposition to Plaintiffs' motion for preliminary injunction.

2. I am the Co-Chair of the Legal Marijuana Now Party ("LMNP") in Minnesota. In my role, I represent LMNP in our efforts to maintain our status as a major political party in Minnesota and present our platform to voters. I am a resident of Minneapolis, Minnesota.

3. LMNP's candidate for Congress in the Minnesota's Second Congressional District, Adam Weeks, passed away on September 21, 2020. On Sunday, October 4, 2020, in accordance with Minn. Stat. § 204B.13 and based on the position of the Minnesota Secretary of State, we nominated Paula Overby to be

LMNP's candidate for the upcoming Second Congressional District election. We have informed members of our party and supporters of Ms. Overby's candidacy.

4. LMNP reaches voters by participating in activities such as door knocking, and by providing promotional supplies for its candidates. We engaged in these activities for Mr. Weeks and will continue these efforts for Ms. Overby.

5. I understand that Representative Craig has filed a lawsuit to declare the special election statute unconstitutional.

6. Even though it was LMNP's candidate who passed away, Representative Craig did not notify LMNP that a lawsuit was to be filed. LMNP currently lack the resources to defend its interests in federal court and support its candidates for office at the same time.

7. If Representative Craig were to succeed in its lawsuit, it would impact LMNP and our voters greatly, as well as other third parties around the state. Elections give parties like LMNP an opportunity to get issues in front of voters and the other major parties. Without the opportunity provided by the special election statute due to the passing of Mr. Weeks, LMNP will be unable to have the same opportunity to get its issues in front of voters and LMNP supporters will be without an opportunity to support the party's chosen candidate, Ms. Overby.

8. In the 2018 general election, over 17,000 voters in the Second Congressional district supported LMNP's candidate for State Auditor according to the Secretary of State's website. LMNP did not at that time have a candidate for Congress in the Second Congressional district.

9. LMNP specifically sought a candidate in the Second Congressional district race in 2020 because of its success in the 2018 election.

10. Based on information and belief, LMNP's goal is to exceed the 17,000 vote benchmark established in 2018 in the Second Congressional District. If Representative Craig succeeds, the members of LMNP and other supporters will not be entitled to elect a member of Congress from LMNP on the existing ballots who could serve in office, and our voters would be denied the opportunity to elect a member of their choice.

11. I declare under penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Executed on October 6, 2020, at Minneapolis, Minnesota

s/Tim Davis

Tim Davis