

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

Kenton Onstad, individually in his capacity as
a resident and elector of North Dakota District
4 and as chair of the District 4 Democratic-
NPL Party,

Petitioner,

vs.

Alvin Jaeger, in his capacity as North
Dakota's Secretary of State, and Terry B.
Jones,

Respondents.

SUPREME COURT NO. 20200251

RESPONDENT TERRY B. JONES' SUPPLEMENTAL APPENDIX

Monte L. Rogneby (#05029)
Jesse H. Walstad (#07375)
VOGEL LAW FIRM
Attorneys for Appellants
US Bank Building
200 North 3rd Street, Suite 201
PO Box 2097
Bismarck, ND 58502-2097
Telephone: 701.258.7899
Email: mrogneby@vogellaw.com
jwalstad@vogellaw.com

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AFFIDAVIT OF TERRY B. JONES

STATE OF NORTH DAKOTA)
 :SS
COUNTY OF MOUNTRAIL)

[¶1] Terry B. Jones first duly sworn of oath, under the penalty of perjury, says as follows:

[¶2] I am completing this Affidavit in response to the North Dakota Democratic-NPL Party's Petition, acting through Kenton Onstad, to have this Court change my legal residence from North Dakota to Wyoming. The Petition should be denied because my residency is undeniably in North Dakota. There are no facts which support the Democratic-NPL Party's allegation that I do not meet the one-year residency requirement.

[¶3] I first moved to North Dakota in 2012 to seek construction opportunities for my family business, Jones Brothers Enterprises, LLC, as part of North Dakota's oil boom.

[¶4] In the Spring of 2012 I became involved, along with Jones Brothers, in the

permitting and construction of a water depot near New Town. From 2012 until the depot became operational in 2015, I worked more than full time on the depot in North Dakota. After the depot began operations, until approximately August 2019, I operated and managed the depot full time in North Dakota.

[¶5] Since August of 2019, I have been working in North Dakota to develop other business opportunities for Jones Brothers in the oil patch in North Dakota.

[¶6] From 2013 until August 2019 my home was located at 9090 41st St. NW, New Town. This became my legal residence in January 2015. From August 2019 until August 2020, my legal residence and home was 3964 89th Ave NW #314, New Town. I now reside in a house which my wife Kelly Jones and I purchased in July 2020 and then renovated, located at 413 Eagle Drive, New Town. All of these homes have contained my personal possessions, clothing, furniture, and items of sentimental value.

[¶7] Since at least January 2015, it has been my sole intent to be a legal resident of North Dakota and at that time I abandoned my prior residency in the State of Wyoming. My intent has manifested in the following actions since 2015 where I made filings of record reflecting my intent to become a North Dakota resident:

- a. I applied for and received a North Dakota driver's license.
- b. I started voting in State and local elections solely in New Town, North Dakota, casting ballots on November 8, 2016, Nov 6, 2018, and June 9, 2020. During this time I have not voted anywhere other than North Dakota.
- c. I have completed and filed a North Dakota income tax return as a resident of North Dakota, paying income taxes on all of my income, whether generated in North Dakota or elsewhere in 2015, 2016, 2017, 2018, and 2019.
- d. I have two vehicles that have been titled and insured in North Dakota since 2017. A third vehicle was titled and insured in North Dakota in 2019.
- e. My cattle brand is registered in North Dakota.
- f. In 2017 I applied for and received a North Dakota Concealed Weapon License applying as a North Dakota resident.
- g. My CDL Medical Examiner Certificate lists a New Town, North Dakota address and it was completed by a North Dakota doctor.

- h. On January 22, 2016, I registered Jones Brother Enterprises, LLC, as a foreign limited liability company in the State of North Dakota and I have been the registered agent in North Dakota from that time to the present.
- i. On May 7, 2019, I filed with the North Dakota District Court a Verified Complaint in which I swore under oath that I was a resident of Mountrail County, North Dakota.

[¶8] In addition to the above-listed legal filings of record, my personal choices also reflect my decision to become a North Dakota resident. In 2016 I decided to serve the State of North Dakota and my community by standing for election to the North Dakota Legislative Assembly. I was elected and my qualifications to serve, including my qualifications as a North Dakota resident, were not challenged. After I was elected, I served my community and the State of North Dakota in the Legislature.

[¶9] Similarly, on March 2, 2020, I completed an Affidavit of Candidacy where I again swore under oath that I was a resident of North Dakota qualified to stand for reelection.

[¶10] Since 2013 I have held leadership positions in my local church in New Town. In September 2019 I was asked to be the Branch President (Pastor) for the New Town congregation, a position I still hold and fulfill faithfully.

[¶11] In 2014 my wife, Kelly, and three of our children that were still living at home, moved to North Dakota and lived with me for a year and a half. The oldest son was in online school. The two younger ones attended school in Stanley for one quarter. Then all three did online school for a year. We decided that was too much online time for children and Kelly took the kids back to Wyoming to finish high school with their friends. Subsequently, in 2019 after the kids had all graduated, Kelly moved to North Dakota and she also now is a North Dakota resident.

[¶12] Kelly and I purchased a house in North Dakota and we renovated it. That is where we currently reside.

[¶13] Kelly and I maintain checking accounts and our mortgage with a local bank in New Town. My checks list my post office box address in New Town.

[¶14] I receive my medical, dental, and eye care in North Dakota.

[¶15] I have had a North Dakota land telephone line since 2013 which now rings to my cell phone even though my cell phone has an area code prefix from the location where it was originally placed into service. I have had no reason to change the cell phone number because many family members, friends, business associates, and legislative colleagues use this number to contact me.

[¶16] It is my understanding that the Democratic-NPL Party acting through Kenton Onstad is making several factual allegations against me as set out in the Affidavit of Kenton Onstad in support of the Petition to this Court. None of the facts in the Affidavit, however, support the Petition.

[¶17] Mr. Onstad cites to the Articles of Organization for Jones Brother Enterprises, LLC, which were completed in Wyoming in 2004. As part of the Articles, I was appointed by Jones Brothers to act as the registered agent for Jones Brothers in Wyoming. On February 21, 2004, I certified that I was at that time “[a]n individual who resides in this state and whose business office is identical with the registered office[.]” This certification was true when it was made by me in 2004. This statement has no bearing on the subsequent change of my legal residence from Wyoming to North Dakota.

[¶18] On January 7, 2019, and January 6, 2020, Jones Brothers Enterprises completed its annual reports for the State of Wyoming. The annual report forms are pre-populated with information by the Wyoming Secretary of State including continuing to list me as the registered agent. Jones Brothers is directed to “Please review the current Registered Agent

information and, if it needs to be changed or updated, complete the appropriate Statement of Change form available from the Secretary of State's website”

[¶19] Kelly Jones completed the forms online on behalf of Jones Brothers without making any changes to the preprinted forms. Those forms continued to list me as registered agent for Jones Brothers Enterprises.

[¶20] Neither Kelly nor I were aware that Jones Brothers Enterprises was required to make a change to its registered agent form based upon my decision to become a resident of North Dakota. Kelly electronically signed the forms online as provided by the Wyoming Secretary of State. Once this issue was brought to the attention of Jones Brothers, it filed a Change of Entity's Registered Agent and Office form with the Wyoming Secretary of State. See Exhibit 1 (attached).

[¶21] I acknowledge that Jones Brothers erred in continuing to list me as registered agent after I moved my residence from Wyoming to North Dakota. An error by Jones Brothers, however, on a pre-printed form that I did not review nor execute, does not nullify my choice to become a legal resident of North Dakota nor does it negate my clear actions, demonstrating my unmistakable intent to become a legal resident of North Dakota.

[¶22] It is striking the intentional misrepresentation which is made by the Democratic Party and Petitioner in the Petition concerning this issue. They falsely assert: “Jones conceded as a matter of law in both 2019 . . . and 2020 . . . that as a registered agent for his Wyoming LLC he ‘resides in’ in the state of Wyoming . . . [and] attested that his address is 203 2nd Street in Otto, Wyoming” These allegations are false and malicious. I did not concede anything as part of the 2019 and 2020 annual reports filed in Wyoming. I did not attest that my address was in Wyoming. The forms referenced in the Petition were

completed and submitted by Jones Brothers, not by me. They were signed electronically by Kelly in error. I did not execute them. It is an intentional, material, misstatement of fact to claim that I ever conceded in 2019 or 2020 that I was still a resident of Wyoming.

[¶23] As noted above, Jones Brothers is registered as a foreign LLC in North Dakota. Like in Wyoming, Jones Brothers is required to have a registered agent in North Dakota. The registered agent must reside in North Dakota. In late 2015 or early 2016, I completed the paperwork necessary to become the registered agent for Jones Brothers in North Dakota. I am the registered agent for Jones Brothers in North Dakota and have been since 2016. Unlike the Wyoming annual reports, which were filed in error, the North Dakota filing is accurate, unchanged, uncorrected and consistent with my intentions to be a resident of North Dakota.

[¶24] Mr. Onstad next notes that Kelly and I own property in Otto, Wyoming. Nothing about our ownership of property in Wyoming, however, has any relevance to our becoming residents of North Dakota. Kelly and I own a residence at 203 1st Street South, Otto, Wyoming. Our son, Carlin Jones, his wife and family live at this residence. Our son Bryce Jones and his wife have placed a manufactured home on the property at 301 1st Street, Otto Wyoming. The other “residential” parcels are vacant lots. Kelly and I also own a farm/ranch in Wyoming which is being worked by our sons. None of this is unusual or has any relevance to my choice to become a North Dakota resident.

[¶25] Mr. Onstad claims it is relevant to his Petition that I continue to maintain the same cell phone number including the area code assigned when I lived in Wyoming. This is nonsense. I have had the same cell phone number for over 20 years and nothing in law requires it be changed as part of my change of residence to North Dakota.

[¶26] Mr. Onstad also believes it is significant that I previously used Jones Brothers' fax number (and machine), which was located in Jones Brothers' Wyoming office, for my personal (legislative) business. This also is nonsense. North Dakota legislators are citizen legislators and responding to constituents and other legislative duties are routinely carried out at their places of business. At the time my legislative biography was completed, my office support was still primarily in Wyoming. Based on the number of hours I was working at the depot, it was not prudent for me to receive faxes at my residence in New Town. The decision to have faxes directed to my business office was made to increase my productivity and the public's ability to communicate with me. Certainly, it has no bearing on my choice to become a resident of North Dakota

[¶27] Mr. Onstad erroneously attempts to draw conclusions about my residency based on the fact that I utilize a post office box in New Town. Most homes in New Town, however, are required to have a post office box because the United States Postal Service does not deliver mail to the door of every residence. From 2013 until 2019 I resided at 9090 41st St NW, New Town. Delivery was not available at my house. There were also not enough boxes available at the post office, so we used the service at Mail and More on Main Street of New Town until they went out of business. By then the post office had more boxes so I got a post office box there. After I moved to 3964 89th Ave NW, I chose to continue to use my post office box because we knew living at the apartment was temporary until we could find a home to purchase in New Town. When I purchased my current house in New Town, I was told that I cannot get delivery at that address, so I continue to receive my mail via a post office box. My choice to use a post office box in New Town for my mail has absolutely no bearing on my choice to be a North Dakota resident.

[¶28] In his letter to Secretary of State Jaeger, Mr. Onstad falsely states that I have spent the majority of my time in Wyoming over the last year. This is false. I spent the start of the year working on business projects in North Dakota. Because of COVID and the quarantine, I chose to spend time in Wyoming helping family for approximately two months. Otherwise, my time has been spent in North Dakota, except for occasional visits to see my children and grandchildren. I have 6 children and 4 grandchildren who reside in Wyoming.

[¶29] I declare under penalty of perjury that the foregoing is true and correct.

Dated this 20th day of September, 2020.


Terry Jones



Wyoming Secretary of State
Herschler Building East, Suite 101
122 W 25th Street
Cheyenne, WY 82002-0020
Ph. 307.777.7311
Email: Business@wyo.gov

For Office Use Only

Change of an Entity's Registered Agent and Office

This form is used **ONLY** to change the registered agent from one person/company to a different person/company.

1. Name of the business entity:

Jones Brothers Enterprises, LLC

2. Name of former registered agent and physical address of former registered office:
(The former registered agent information provided must match exactly with the Secretary of State's records.)

Former Registered Agent:

Terry B Jones

Former Registered Office Address:

203 1st St So
Otto, WY 82434

3. Name of new registered agent and physical Wyoming address of new registered office:

New Registered Agent:

Bryce G. Jones

New Registered Physical Office Address (must be located in Wyoming):

203 1st St So
Otto, WY 82434

New Registered Agent's Mailing Address:

(To include a PO Box in the address it must have the same zip code as the registered office.)

203 1st St So
Otto WY 82434

For consistency the Secretary of State's office will only keep one version of the agent's name and address on file.



4. I hereby certify that the new registered office and the registered agent comply with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

5. The mailing address of my business should be changed to reflect the new registered office address. Yes No

6. The principal address of my business should be changed to reflect the new registered office address. Yes No

7. Once completed the physical address of the registered office and business office of the registered agent will be identical.

Signature: Kelly G. Jones
(Shall be executed by an authorized individual)

Date: 09/11/2020
(mm/dd/yyyy)

Print Name: Kelly G. Jones

Contact Person: Kelly G. Jones

Title: Member

Daytime Phone: 307-272-1225

Email: kerrybkellyg@gmail.com

(Email provided will receive filing evidence.)
*May list multiple email addresses

Checklist

- ☒ **No Filing Fee**
- ☒ This form **must** be accompanied by a written consent to appointment executed by the new registered agent.
- ☒ Please submit one **originally signed** document.
- ☒ Please review form prior to submitting to the Secretary of State to ensure all areas have been completed to avoid a delay in the processing of your documents.



Wyoming Secretary of State
Herschler Building East, Suite 101
122 W 25th Street
Cheyenne, WY 82002-0020
Ph. 307.777.7311
Email: Business@wyo.gov

Consent to Appointment by Registered Agent

I, Bryce G. Jones, registered office located at
(name of registered agent)

203 1st St So
Otto WY 82434 voluntarily consent to serve

* (registered office physical address, city, state & zip)

as the registered agent for Jones Brothers Enterprises, LLC
(name of business entity)

I hereby certify that I am in compliance with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

Signature: [Signature]
(Shall be executed by the registered agent.)

Date: 09/17/2020
(mm/dd/yyyy)

Print Name: Bryce G. Jones Daytime Phone: 307-272-9889

Title: Manager Email: Jones.Bryce1855@gmail.com

Registered Agent Mailing Address
(if different than above): 203 1st St So
Otto WY 82434

***If this is a current registered agent changing their registered address on file, complete the following:**

Previous Registered Office(s): [Redacted]

I hereby certify that:

- After the changes are made, the street address of my registered office and business office will be identical.
- This change affects every entity served by me and I have notified each entity of the registered office change.
- I certify that the above information is correct and I am in compliance with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

Signature: _____
(Shall be executed by the registered agent.)

Date: _____
(mm/dd/yyyy)