

**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

REPORT OF EVIDENTIARY HEARING

[¶1] An evidentiary hearing was held in the above matter on September 22, 2020.

FINDINGS OF FACT

[¶2] Terry B. Jones has had a North Dakota Driver's License since 2013. Mr. Jones' current address is 413 Eagle Drive, New Town, North Dakota.

[¶3] Mr. Jones started voting in North Dakota State and local elections solely in New Town, North Dakota, casting ballots on November 8, 2016, November 6, 2018, and June 9, 2020. During this time, Mr. Jones has not voted anywhere other than North Dakota.

[¶4] Mr. Jones has completed and filed a North Dakota income tax return as a resident of North Dakota, paying income taxes on all of his income, whether generated in North Dakota or elsewhere in 2015, 2016, 2017, 2018, and 2019.

[¶5] Mr. Jones has two vehicles that have been titled in North Dakota since 2017. A third vehicle was titled in North Dakota in 2019.

[¶6] Mr. Jones' cattle brand is registered in North Dakota.

[¶7] In 2017, Mr. Jones applied for and received a North Dakota Concealed Weapon License applying as a North Dakota resident.

[¶8] Mr. Jones' CDL Medical Examiner Certificate was completed by a North Dakota Doctor, and it lists a New Town, North Dakota, address. Mr. Jones receives his medical and dental care in North Dakota.

[¶9] On January 22, 2016, Mr. Jones registered Jones Brothers Enterprises LLC. as a foreign limited liability company in the State of North Dakota, and he has been the registered agent in North Dakota from that time to the present.

[¶10] On May 7, 2019, Mr. Jones filed with the North Dakota District Court a Verified Complaint in which he swore under oath that he was a resident of Mountrail County, North Dakota.

[¶11] Mr. Jones has worked and lived in North Dakota since at least 2015.

ANALYSIS

[¶12] A person's legal residence is determined by N.D.C.C. § 54-01-26, which provides in part:

54-01-26. Residence- Rules for Determining. Every person has in law a residence.

In determining the place of residence, the following rules must be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.

* * * *

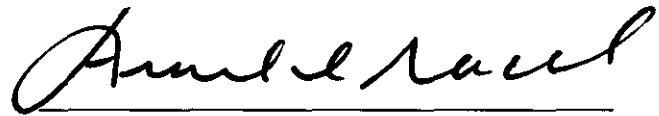
7. The residence can be changed only by the union of act and intent.

CONCLUSION

[¶13] Terry B. Jones has been a resident of the State of North Dakota for more than one year, and will be a resident of the State of North Dakota for more than a year on November 3, 2020.

Dated this 23rd day of September, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Frank L. Racek", written over a horizontal line.

Honorable Frank L. Racek
Presiding District Court Judge