



OFFICE OF THE
DISTRICT ATTORNEY
EL DORADO COUNTY, CALIFORNIA

VERN PIERSON, DISTRICT ATTORNEY

September 19, 2011

All Registered Voters
Fallen Leaf Lake Community Services District

**RE: FRAUD INVESTIGATION
FALLEN LEAF LAKE COMMUNITY SERVICES DISTRICT
ELECTION HELD AUGUST 31, 2010**

To Whom It May Concern:

You are receiving this letter because you were registered to vote in the election held for the governing board of the Fallen Leaf Lake Community Services District on August 31, 2010. As you may be aware, the California Secretary of State recently concluded a lengthy and detailed investigation of complaints of voter fraud and candidate ineligibility/fraud concerning that election.

This investigation revealed that improprieties had in fact occurred, and were criminally subject to prosecution as felony-grade offenses. Largely because the acts appear to have been precipitated by poor judgment, some misinformation which was circulating in the community, and a failure by some to accurately and fully appreciate the requirements of the pertinent law, this office has determined to decline prosecution at this time. While the statute of limitations allows us to reconsider within a three-year period, we presently believe that remedies available within the civil arena will suffice for now, and we encourage anyone interested in doing so to seek such measures.

However, the improprieties found were so widespread as to indicate that we should send this letter to place all registered voters in the district on notice that similar future violations will be prosecuted. As revealed by the investigation, many, if not most, of the persons registered to vote in the August 31, 2010, election were ineligible to vote in that election. As noted above, the problem principally seems to have stemmed from misinformation about where a person may vote, as well as a generalized failure to closely consider and fully appreciate the dictates of the pertinent law. Each of the registered voters in this district is now deemed to be on notice that voting is permissible only in the

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All Registered Voters, Fallen Leaf Lake Community Services District
RE: FRAUD INVESTIGATION
September 19, 2011

PAGE TWO

location of a person's domicile, and not in connection with any other residence a person may own or have. More specifically, while it is possible to have multiple residences, to include for example "vacation" or "second" homes, a person may have only one domicile at a given time. The recent case of *People v. Superior Court (Wright)*, describes the difference in this way:

"A domicile is described as a 'fixed' place of habitation – one in which the person has 'an intention of remaining' or, if absent, an 'intention of returning', . . . importantly, 'at a given time, a person may have only one domicile'.

On the other hand 'the residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining', . . . thus, 'at a given time, a person may have more than one residence.'"

A simpler way of explanation may be this: A vacation (or "second") home is a residence, not typically a domicile. Factors which may indicate a domicile might include where one works, enrolls children at school, receives mail, sees his primary physician, or handles other matters of similar import.

I hope this letter helps to clear up what appears to have been a degree of confusion concerning eligibility to vote in elections of this particular community services district. In closing, I strongly urge anyone intending to register to vote in future Fallen Leaf Lake Community Services District elections to carefully review the relevant law and to consider obtaining competent, private legal advice from an attorney experienced with such matters prior to doing so.

Very truly yours,

DISTRICT ATTORNEY
EL DORADO COUNTY

VERN PIERSON
District Attorney

VP:nva