

# COUNTY OF EL DORADO

## REGISTRAR OF VOTERS

Bill O'Neill



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Registered Voters  
City of South Lake Tahoe

RE: Voter Registration Requirements

To Whom It May Concern:

This letter strives to clarify the law regarding confusing and misleading information shared with residents concerning eligibility to register to vote at their residence in South Lake Tahoe (SLT). The misinformation centers on where a person may register to vote, as well as a generalized failure to closely consider and fully appreciate the dictates of the pertinent law. Below is information regarding Election Law in this matter and is derived from several sources as well as a previous investigation of registration fraud conducted by the California Secretary of State's Office and the El Dorado County District Attorney's office addressing a similar issue in Fallen Leaf Lake in 2010.

Voter Registration is only permissible in the 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 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.'"

California Election Code further specifies "domicile" as:

### EC SECTION 349

- (a) "Residence" for voting purposes means a person's domicile.
- (b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.
- (c) 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. At a given time, a person may have more than one residence.

A simpler way of explanation provided by the County of El Dorado District Attorney, in a letter to voters of Fallen Leaf Lake in September 2011, is this: A vacation (or "second") home is a residence, not typically a domicile. Courts have traditionally considered factors which may indicate a domicile that might include where one works, enrolls children at school, receives mail, sees their primary physician, where their vehicles are registered, the address on a driver's license, where you receive your homeowner's exemption, or handles other matters of similar import.

I hope this letter helps to clear up any confusion concerning eligibility to vote in elections in the City of South Lake Tahoe. I strongly urge anyone registering to vote in future elections carefully review the relevant law and consider obtaining competent, private legal advice from an attorney experienced with such matters prior to doing so. If you feel you may have changed your registration in error, you can contact our office or visit the SoS website at <https://registertovote.ca.gov>.

Sincerely,  
Bill O'Neill  
Registrar of Voters  
County of El Dorado

Cc:  
California Secretary of State  
County of El Dorado District Attorney