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To whom it may concern:

Re: Update on voter residency requirements.

June 27, 2024

### **Finally clarification on where you can register and vote.**

New revelations about El Dorado County Registrar of Voters, Bill O'Neil's inaccurate letter about determining voter domicile - the residence where California voters can legally register to vote.

As I had pointed out in my letter to the Tribune (June 21, 2024), Voting laws have changed as a result of the Federal, Help America Vote Act (HAVA) Civil Rights Division - The National Voter Registration Act Of 1993 (NVRA).

### **NEW INFORMATION**

This is the clearest, least ambiguous explanation I have found of where a voter can register to vote in compliance with the new regulations. Being from the Secretary of State, the highest California authority on voting, it should be the determining guidelines.

#### CALIFORNIA SECRETARY OF STATE SHIRLEY N. WEBER, PhD.

"The Help America Vote Act (HAVA) creates new mandatory minimum standards for states to follow. In order to comply with the above Federal law, the California Secretary of State has enacted new provisions regarding voter registration."

### **Determining California Residency**

"A voter's residence, for purposes of voter registration, is the address specified by the voter. A voter may have more than one residence but may only register to vote at the residence the voter considers to be their domicile. For example, a voter may have homes in Red Bluff and San Diego, spending a portion of their time in each. In this case, the voter should register at the address they consider to be their principal residence, at which they have the intention of remaining, and to which they, when away, intend to return.

A person's residence status depends on their action and intent. If a person moves to another state or another country but intends to return, they may still claim residency in California. However, they cannot register to vote in another state and also continue to vote in California."

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Registrar Bill O'Neil seems to be unaware of the federal law governing voter registration which supersedes California law and is quite specific about things that can be used to establish a voter domicile.

O'Neil bragged that his letter was responsible for at least 18 voters changing their voter registration address from South Lake Tahoe to a location other than their residence in South Lake Tahoe and is undoubtedly responsible for intimidating thousands of others. In a phone interview with SF GATE, O'Neil said the elections department found 194 people whose voter registrations are suspicious, but did not identify them or elaborate on how made this determination. "The El Dorado County elections department is cracking down on suspicious registrations so the integrity of the election can be preserved, O'Neill said. The department will be running reports every week to monitor for signs of suspicious activity, and if there are still voters who are suspected of registering at a second home address, the district attorney will investigate before ballots are mailed. In a letter sent in 2011, the El Dorado County district attorney said that these cases of voter fraud 'were criminally subject to prosecution as felony-grade offenses'." (SF Gate By Julie Brown Davis, Tahoe Editor June 18, 2024) Statements like that are very intimidating to anyone who has a legitimate right to register at their Tahoe residence.

O'Neil's statements were recently used by Amelia Richmond, co-founder of Locals for Affordable Housing, who is also the proponent of the South Lake Tahoe Vacancy Tax measure, as an excuse to tell four major news services that "Only full-time residents are eligible to vote in South Lake Tahoe elections." This intimidating misinformation was delivered to millions of subscribers of those news services. It is not true and definitely not from the Elections Code. This is the type of negative impact that has resulted from Bill O'Neill's intimidation of voters wishing to register at their Tahoe residences.

(SF Gate "Tahoe officials crack down on suspicious voter registrations as battle on second homes heats up". (By Julie Brown Davis, Tahoe Editor, June 18, 2024) We are very disappointed that SF Gate would allow their writers to publish lies.

The public needs to be informed of the correct requirements (attached) and O'Neil should be required mail a retraction/correction to everyone that he mailed the incorrect, threatening letter to.

O'Neil has muddled the waters so badly that the entire election could be called into question. Because O'Neil's rhetoric was influential in the Measure T ballot measure election, the results of that vote could also be called into question because the margin was so small, only 58 votes. It could easily have been the result of his Fallen Leaf Lake letter intimidating voters.

I have requested the El Dorado Board of Supervisors to instruct the Registrar of Voters, Bill O'Neil to comply with the following standards set by the Secretary of State, Shirley N. Weber, PhD., for Residency Requirements for voters registering in El Dorado County.

Freedom depends on a free press that can provide information to the public without censorship by government officials.

*John Messina*