

**Fallen
Leaf
Lake**



COMMUNITY SERVICES DISTRICT

Post Office Box 9415
South Lake Tahoe, CA 96158

August 5, 2010

Re: Voter Registration at Fallen Leaf Lake

To: Fallen Leaf Lake Community Members

It has recently come to my attention the initial information regarding voter registration requirements given by the El Dorado Election Office may not be correct. Because of the large number of new people registering to vote, the Elections Department became concerned that some of the people registering may not be legally entitled to do so. Because of this, the Election Department has turned the matter over to the El Dorado County District Attorneys office. The El Dorado County District Attorneys office has now turned it over to the Secretary of State – Voter Fraud Investigation Division. The Voter Fraud division has asked for a list of registered voters in our district after the August 16th voter registration deadline has occurred.

I spent quite a bit of time on the phone with them to understand what the problem may be. The Voter Fraud Division directed me toward several codes and definitions that outline the requirements for a person to register to vote and vote within our district (Fallen Leaf Lake).

Please review the attached documentation and decide for yourself if you meet the criteria outlined in order to legally register to vote and vote within the Fallen Leaf Lake District. Please be aware that if you do not meet these requirements and an investigation occurs fines and possible charges may apply. It may be necessary to un-register immediately to avoid problems.

Additional information regarding this subject may be found at the web site shown below.

California Elections Code

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Kraft', written over a light gray rectangular background.

Mike Kraft
CSD President



From the Forest Service Handbook....

USFS Recreational Residence

in the definition section

Principal Residence. The principal residence can be a house, apartment, mobile home, or other reasonable domicile, either owned or rented, and must be open and available to the permit holder at all times. The principal residence cannot be simply an address used to give the appearance of living in a home elsewhere. It must be the place where the permit holder routinely receives mail, is registered to vote, from which children attend school, and from where the permit holder normally commutes to work.

41.23f – General Recreation Residence Use.

1. Residency. Do not allow holders to use their recreation residence as their principal residence. The recreation residence should be utilized at least 15 days per year by the permit holder, to ensure that the use granted by the permit is exercised.

*For any additional information please contact the USFS Lake Tahoe Basin Management Unit
530/543-2600*

California Elections Code

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.

California Elections Code (cont.)

2000. (a) Every person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of electors may vote at any election held within the territory within which he or she resides and the election is held.

(b) Any person who will be at least 18 years of age at the time of the next election is eligible to register and vote at that election.

2020. The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election.

2021. (a) A person who leaves his or her home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose his or her domicile.

(b) A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the intention of making that precinct his or her home.

2022. If a person moves to another state with the intention of making it his or her domicile, the voter loses his or her domicile in this state.

2023. If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, he or she loses his or her domicile in this state, notwithstanding that he or she intends to return at some future time.

2024. The mere intention to acquire a new domicile, without the fact of removal avails nothing, neither does the fact of removal without the intention.

2025. A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he or she domiciles while attending that institution, when in fact the student has abandoned his or her former domicile.

California Elections Code (cont.)

2026. The domicile of a Member of the Legislature or a Representative in the Congress of the United States shall be conclusively presumed to be at the residence address indicated on that person's currently filed affidavit of registration.

2027. The place where a person's family is domiciled is his or her domicile unless it is a place for temporary establishment for his or her family or for transient objects.

Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article.

2028. If a person has a family fixed in one place, and he or she does business in another, the former is his or her place of domicile, but any person having a family, who has taken up an abode with the intention of remaining and whose family does not so reside with him or her, is a domiciliary where he or she has so taken up the abode.

2029. The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with this article.

2030. A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain his or her domicile for the purpose of qualifying as an elector only, except that his or her domicile in this state shall terminate if the domiciliary qualifies as an elector in any other state or any territory.

California Elections Code (cont.)

2031. If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

If a person has more than one residence and that person claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

This section shall not be applicable to state or federal elected officials.

2032. Except as provided in this article, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which he or she has not so resided within the immediate preceding year are merely residences as defined in subdivision (c) of Section 349 and not his or her domicile.

2033. Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change and the county elections official shall make the change on the voter's affidavit of registration and a new affidavit shall not be required.

2034. A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that he or she wishes to be domiciled for registration purposes in another precinct in which his or her house or apartment lies. In order to fulfill the requirements of this section, the letter of request shall include the name, signature, and residence address of the requester.

California Elections Code (cont.)

2035. A person duly registered as a voter in any precinct in California who removes therefrom within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election.