



August 10, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum #21125

**TO:** All County Clerks/Registrars of Voters

**FROM:** /s/ Jana M. Lean  
Chief, Elections Division

**RE:** California Gubernatorial Recall Election: Natural Disaster - Displaced from Residence

We have received inquiries regarding the issue of whether a voter, who for example, has recently been displaced (either temporarily or permanently) from their home due to a fire, is required to re-register to vote at a different address. Below is guidance that can be provided to your voters.

For the September 14, 2021, California Gubernatorial Recall Election, all active registered voters will receive their ballots in the mail. A ballot will be mailed to the address at which the voter is registered to vote. However, if there is a mailing address listed, the ballot will be mailed to that address. Voter registration records should reflect a voter's current residence and mailing address.

### **Temporary Displacement**

If a voter has been temporarily displaced from their home, and the voter intends to return to their residence in the future, and/or mail delivery to their residence is disrupted, the voter can continue to use their prior permanent residence where they were registered to vote as their address for the purpose of voting and they can re-register to update their mailing address for this election; a vote-by-mail ballot can be sent to the home of a family member or friend, a post office box, or to the voter's work.

If a voter does not wish to register with a new mailing address, the voter can either request a Remote Accessible Vote-by-Mail (RAVBM) ballot through your office (this option will be available statewide on August 16<sup>th</sup> via [VoterStatus.ca.gov](http://VoterStatus.ca.gov)) or use the [one-time Vote-by-Mail Ballot Application](#) to provide a mailing address where they can receive their ballot for this September 2021 recall election.

## **Permanent Displacement**

If a voter's displacement is permanent, they can update their California residence and/or mailing address by re-registering, or if they have a residential address update within your county, they can also send a signed letter, with their date of birth and current residential address to your office.

Pertinent to this guidance is the ruling issued by the California Supreme Court in *Walters v. Weed* (1988) 45 Cal.3d 1. In *Walters v. Weed*, the Supreme Court was presented with the question of whether voters (in this case, college students), who left their domiciles with no intent of returning, lost their right to vote in the precinct where their domiciles were located though they had not yet established new domiciles. The Court held that "when a person leaves his or her domicile with the intention to abandon it, and when that person currently resides in a place in which he or she does not intend to remain, that person may vote in the precinct of his or her former domicile until a new domicile has been acquired." (45 Cal.3d 14.)

## **USPS Information**

With regard to mail delivery to an address where a voter may be staying temporarily, a voter can use someone else's address as their mailing address for voter registration purposes. The USPS should deliver mail based on the address and not the individual's name (unless there is a Change of Address on file).

If there is disruption of mail delivery (such as the fires, power outages, damage to a post office, etc.) the USPS will put out public service announcements and Service Alerts letting the public know where they can go and pick up their mail on their website at <https://about.usps.com/newsroom/service-alerts/>

Voters that are displaced from their homes have options when it comes to their mail. They can place their mail on hold, obtain a P.O. Box, or file a change of address. Voters can go to <https://faq.usps.com/s/article/Change-of-Address-The-Basics> to learn more or call 1-800-ASK-USPS.

The USPS also offers a service called General Delivery which is a mail service for those without a permanent address, often used as a temporary mailing address. General Delivery is intended to be used for: Post Office locations without city carrier delivery service; non-city delivery offices for those who prefer not to use P.O. Box service and for whom use of P.O. Box, Caller Service, or delivery by letter carrier would be an unreasonable inconvenience; a participating Post Office to serve those without a permanent address; and anyone who wants P.O. Box service when P.O. Boxes are unavailable. General Delivery FAQs can be found here: <https://faq.usps.com/s/article/What-is-General-Delivery>.

County elections officials can reach out to their local USPS representative if they have any questions. Voters can call 1-800-ASK-USPS (1-800-275-8777) if they have any mail related questions. Voters can also visit our [Displaced Voters Fact Sheet](#).

### **Elections Code Sections: Governing Residence and Domicile Determinations**

**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.

**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.

**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 the person does business in another place, the former is the person's place of domicile. However, if the person having a family fixed in one place, has taken up an abode in another place with the intention of remaining, and the person's family does not so reside with the person, the person is a domiciliary where the person has so taken up the abode. For purposes of this section, a person may take up an abode at the same place at which the person does business.

**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.

**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.

If you have any questions, please contact Rachele Delucchi at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov). Thank you.