

 Follow up**Alcorn, James (SBE)****From:** John Falcone [JFalcone@pldrlaw.com]**Sent:** Tue 7/7/2009 10:26 AM**To:** Alcorn, James (SBE)**Cc:****Subject:** voter residency regulations**Attachments:**

Mr. Alcorn:

The proposed regulations contain several provisions that clearly direct Registrars to register college students who attend college and are living temporarily in the Registrar's locality, assuming they are otherwise qualified. I believe those provisions reflect an erroneous conception of "domicile."

I believe there is a consensus that college students, particularly those who live in college dorms, do not consider the college's locality to be their "home." A student living in a dorm typically does not live there year-around, and many dorms are not open for the entire year. That factor alone should defeat any claim of domicile. College students usually are transient residents of a locality and do not intend to establish permanent residence there. The new definition of "resident" in Va. Code §24.2-101 states, in part: "To establish domicile, a person must live in a particular locality with the intention to remain." Being a temporary, transient member of a community as are college students, and particularly college dorm residents, certainly does not establish "the intention to remain."

Exclusion of college dorm residents from voting in the college's locality does not infringe on their fundamental right to vote. It merely determines *where* they may vote. The absentee ballot procedure is available for them to vote in their home districts.

Thank you for bringing these thoughts to the Board's attention.

John Falcone
Vice-Chair, Lynchburg Electoral Board