

The problem with which this Task Force is charged is to define voter residency such that only citizens, qualified in accordance with the Virginia Constitution, will be permitted to register and vote. This issue goes back for many decades. For example, in 1971 Jack Kegley, Registrar of Voters, Albemarle County, requested clarification on this issue (Students- Definition of 70-71 Va. AG 176) , citing a 1966 court decision regarding students voting.

The 2008 election exemplified this issue when our Commonwealth, which had historically been conservative, went from Purple to Blue. A glance at the map of the election outcome reveals that the majority of the state voted Red with several pockets of Blue voters centered around cities with large institutions of higher education.

<http://static.mgnetwork.com/rtd/flash/VaElexMap/Index.html>

These voters were inspired by organizations such as Acorn and [www.countmore.org](http://www.countmore.org) whose purpose was to elect one or more candidates by subverting the will of the citizens. For 2008, Countmore.org told the students:

**“How do we decide which states count more?** First, we categorize states into the following tiers:

1. **Tipping Point State:** States that the non-partisan polling website [FiveThirtyEight.com](http://FiveThirtyEight.com) identifies as "Tipping Point States" that are more than 10% likely to tip the election. These states are currently: *Pennsylvania, Ohio, Virginia, Michigan, Colorado, and Florida.*”

There are many factors to consider when deciding where one’s citizenship should be, beyond the single issue of where we want to vote. I don't think that any of us want to deny a qualified citizen the right to vote, nor should we stand by while unqualified people subvert our election results by voting in our local and national elections. Virginia is currently a purple state meaning that a small group of aligned voters can determine the outcome of our elections as happened in 2008. Attempts to solve this problem in the 2008 election such as to limiting registering students by asking whether they had an out-of-state license or auto registration were blocked by the Kaine administration.

The problem which limits this task force is the narrow definition of your charter:

*To promulgate rules and regulations to ensure the uniform application of the law for determining a person’s residence for voter registration.*

While you have worked diligently toward this goal, this issue will best be solved by the Virginia legislature in the following manner:

Currently, our Commonwealth has 6 or 7 different definitions of residence varying by the agency involved. For example, the State Council for Higher Education has a very restrictive definition which is used to determine the in-state or out-of-state tuition status of a student. I guarantee you that every student in college in Virginia knows their status on this question.

The legal definition of domicile states that a person can have only one domicile. Therefore, it is not possible to have a different domicile for different usages such as in-state tuition status vs. Medicare coverage, vs. requiring a Virginia driver’s license vs. registering to vote. You can not be a resident of Virginia for in-state tuition but a Pennsylvania resident for voting purposes. It is not possible to have dual citizenship by state vs. having multiple national citizenships.

The solution to this problem is for the General Assembly to pass legislation requiring a single common definition of residency for all applications from voting to paying automobile property taxes based on the Constitutional requirements of domicile and abode. When an individual successfully applies for residency, their name would be added to the master list of citizens of Virginia. This list would be distributed to all state and local governmental agencies and used for all applications where residency is an issue. Rather than looking at whether the person has a Virginia driver's license to determine residency for voting, for example, the process would be reversed. The citizenship list could be used by the police to enforce the current rules for changing your driver's license when moving into the state. The same would go for local commissioners of revenue to collect local property taxes and the welfare department to determine eligibility for Medicare and other social welfare services and when registering to vote.

This registration would not be specifically for any use (such as for voting) but would be a general list for all uses for by agencies. A person would not apply for registration to vote, they would apply for citizenship in the Commonwealth and the local municipality in which the individual resides.

This approach would eliminate all the complaints by local municipalities about people who vote but don't participate in civic duties or pay taxes which are rightfully required by the current Virginia and local municipality rules. Regarding students moving into the state to qualify for in-state tuition, the current rules require a 12 month waiting period before they are eligible. This may need to be changed to residing here 12 months (or 24 months) while gainfully employed such as is the requirement of other states.

I suggest that the preceding proposal be submitted to the Virginia General Assembly for consideration as an alternate to the current rules which you are formulating. If the legislature passes this proposal there will not be a need for any SBE rules for determining residency for voting purposes.

Thank you for your consideration.

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