

ASSEMBLY BILL

No. 31

Introduced by Assembly Member Cristina Garcia

December 1, 2014

An act to amend Section 2026 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as introduced, Cristina Garcia. Members of the Legislature and Congress: domicile.

Existing law provides that a person's residence for voting purposes means a person's domicile, and that a person may only have one domicile. Existing law defines domicile to be the place in which a person's habitation is fixed and where the person intends to remain or return to whenever absent. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it shall be conclusively presumed that the residence address indicated on that person's currently filed affidavit of voter registration is that person's domicile.

This bill would clarify that the conclusive presumption shall only apply if the address indicated on that person's currently filed affidavit of voter registration is a place in which the person's habitation is fixed for some period of time.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2026 of the Elections Code is amended
2 to read:
3 2026. The domicile of a Member of the Legislature or a
4 Representative in the Congress of the United States shall be
5 conclusively presumed to be at the residence address indicated on
6 that person’s currently filed affidavit of voter registration. *This*
7 *conclusive presumption shall apply only if the address indicated*
8 *on that person’s currently filed affidavit of voter registration is a*
9 *place in which the person’s habitation is fixed for some period of*
10 *time within the meaning of subdivision (c) of Section 349.*

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