

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Cicero Booker, Waterbury

File No. 2007-157

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to C.G.S. § 9-7b and asserts that Sheila M. O'Malley improperly voted in the August 8, 2006 primary election and November 7, 2006 general election in the City of Waterbury when she was not a bona fide resident of that City.

After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. General Statutes § 9-12 (Rev. 2006) sets forth the criteria necessary to qualify as an elector of a particular town. It provides the following:

**Each citizen** of the United States who has attained the age of eighteen years, and **who is a bona fide resident of the town to which the citizen applies for admission as an elector shall**, on approval by the registrars of voters . . . as prescribed by law, **be an elector** . . .

2. The Commission has previously concluded that a person's bona fide residence is their genuine domicile. Specifically, that place where that person maintains a true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return. *See In the Matter of an Appeal by Gerald J. and Marianne Poricelli*, File No. 2007-154; *see also, Complaint of Nancy Rossi*, West Haven, File No. 2006-109.

3. General Statutes § 9-360 (Rev. 2006) provides the following:

Any person not legally qualified who fraudulently votes in any . . . primary, election . . . in which the person is not qualified to vote, . . . shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. . . .

4. General Statutes § 9-361 (Rev. 2006) states the following:

The following persons shall be guilty of primary . . . violations: (1) Any person unlawfully voting or participating or attempting to vote or participate in any primary in which he is not eligible to vote or participate; . . . . The penalty for any such violation shall be a fine of not more than one hundred dollars or imprisonment of not more than sixty days, or both, except that any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised.

5. On April 20, 2006, the Respondent registered to vote in the City of Waterbury. On her application, she indicated that she lived at 6 Gayridge Drive, Unit 310, Waterbury, Connecticut. Her application was accepted by the Registrars of Voters.
6. On August 8, 2006, the Respondent voted in the primary election for the City of Waterbury. She voted in person at the polling place designated for individuals residing at 6 Gayridge Road, Waterbury.
7. The Respondent was actually residing at 6 Gayridge Road #2, Unit 310, Waterbury on August 8, 2006. The Commission, therefore, concludes that because the Respondent was a bona fide resident of the City of Waterbury, she did not violate C.G.S. §§ 9-360 or 9-361 when she voted there in the August 8, 2006 primary election.
8. On August 15, 2006, the Respondent entered into a lease for an apartment located at 1595 East Main Street, Waterbury. The Commission finds that the Respondent moved into the apartment on that date and was actually living there through December of 2006. The Respondent did not, however, change her address on her voter registration and, due to the timing of her change of address, the Registrars' canvass did not catch it.
9. On November 7, 2006, the Respondent voted in the November 7, 2006 general election in the City of Waterbury. The Commission concludes that because the Respondent was a bona fide resident of the City of Waterbury at that time, she did not violate C.G.S. §§ 9-360 or 9-361 when she voted there in the November 7, 2006 general election.
10. On November 7, 2006, because the Respondent did not change her address on her voter registration, she voted in person at the polling place designated for individuals residing at 6 Gayridge Road rather than the polling place designated for individuals residing at 1595 East Main Street.
11. General Statutes § 9-172 provides that:

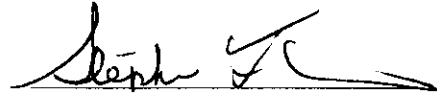
**At any regular. . . state election any person** may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he **shall vote in the district in which he was so registered** . . . . Each person so registered shall be permitted to vote if he is a bona fide resident of the town and political subdivision holding the election . . . .
12. In the present matter, the voting district for 6 Gayridge Road and 1595 East Main Street was the same, the 74<sup>th</sup> Assembly District. The Commission therefore concludes that the Respondent did not violate C.G.S. § 9-172 by voting at the polling place for Gayridge Road.
13. It is therefore concluded that the Respondent has not committed any violations of election laws in connection with the allegations set forth in the complaint.

**ORDER**

The following Order is recommended on the basis of the aforementioned findings:

That the case be dismissed.

Adopted this 14th day of November, 2007 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Stephen F. Cashman, Chairperson  
By Order of the Commission