

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Michael Bushior,
Somers

File No. 2016-044

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission, pursuant to General Statutes §9-7b, alleging that the Town of Somers First Selectman Lisa Pellegrini was not a resident of Somers and therefore she was not an elector in Somers and could not hold elective office in that municipality pursuant to General Statutes §9-186. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. The Complainant alleged that Somers First Selectman Lisa Pellegrini did not live at the residence that she used for voter registration in Somers and that instead she lived in the Town of Enfield.
2. The Complainant alleged that Ms. Pellegrini was not eligible to be an elector in Somers pursuant to General Statutes § 9-12, § 9-23g and § 9-23h because her residence was in Enfield. Complainant alleged that she therefore violated § 9-186 by not being an elector in Somers, the town in which she held the elected office of First Selectman.
3. General Statutes § 9-12g, provides in pertinent part:
 - (a) 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 or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and *a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town.* No mentally incompetent person shall be admitted as an elector. [Emphasis added.]

4. General Statutes § 9-23g, provides in pertinent part:

(a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.

(b) The Secretary of the State shall prescribe, and provide to registrars of voters, town clerks and voter registration agencies, as defined in section 9-23n, application forms and other materials necessary to complete such application and admission process. The Secretary of the State, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of the secretary's elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. The application shall contain the information required under section 9-23h. All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury. ...

(g) All provisions of the general statutes relating to electors, which are not inconsistent with the provisions of this section, shall apply to electors admitted under the provisions of this section.

5. General Statutes § 9-23h, provides:

The application provided for in section 9-23g shall provide spaces for the following information for each applicant: (1) Name, (2) bona fide residence, including street number, street address, apartment number if applicable, town and zip code, (3) telephone number, (4) date of birth, (5) whether the applicant is registered as an elector in any other town in the state of Connecticut or in any other state, and if so, the applicant's last previous voting residence, (6) whether the applicant is a United States citizen, (7) whether the applicant will be eighteen years of age on or before election day, (8) party affiliation, if any, (9) the applicant's signature and date of signature, and (10) the applicant's Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number. ...

6. General Statutes §9-186 provides:

Each elected municipal officer and each justice of the peace shall be an elector of the municipality in which he is elected, or in the case of a justice of the peace, nominated or appointed to office and, if for any reason he ceases to be an elector thereof, he shall thereupon cease to hold office therein and such office shall be deemed vacant.

7. The Commission has held, and concludes in this instance, that pursuant to General Statutes § 9-12, § 9-23g and § 9-23h, to be an elector in a municipality, an individual must also be a *bona fide* resident of the municipality. See *Complaint by Thomas A. Talalaj*, New Britain, File No. 2014-135.
8. Therefore, the Commission concludes that an analysis of an elected municipal officer's *bona fide* residence must be made to determine whether they satisfy the requirement of being an elector in the municipality in which they hold and maintain their elected office pursuant to General Statutes § 9-186.
9. The Commission has previously held that an individual's *bona fide* residence is the place where that individual maintains a true, fixed, and principal home to which they, whenever transiently relocated, have a genuine intent to return. See, e.g., *Complaint of Cicero Booker*, Waterbury, File No. 2007-157 (2007). In other words, "*bona fide* residence" is generally synonymous with domicile. *Id.*; cf. *Hackett v. The City of New Haven*, 103 Conn. 157 (1925).
10. In determining an individual's *bona fide* residence, the Commission analyzes whether there are verifiable factual circumstances to establish that such individual has "sufficient connections" to conclude that she manifested an intent to be domiciled in a municipality. See *Complaint by Darlene F. Burrell and Lyn F. Joyal*, Suffield, 2013-175. In this instance therefore the Commission must analyze Ms. Pellegrini's factual circumstances regarding her intent or claim of domicile in Somers. As with any *bona fide* residence inquiry, the answers to those questions turn entirely on the specific facts of this case. *Complaint of Lois Carreira*, Bridgewater, File No. 2010-005.

11. The Commission finds, after investigation, that Ms. Pellegrini's *intent* to be domiciled in Somers is plainly revealed. Besides denying Complainant's allegations Ms. Pellegrini in response to this complaint and investigation made the following assertions:

- (1) I live in the Town of Somers and have lived in the Town of Somers during my four terms as First Selectman that began in 2009;
- (2) I currently live at 687 Hall Hill Road, Somers CT 06071, a home owned by Ms. Barbara Capuano;
- (3) I pay rent to Ms. Barbara Capuano;
- (4) My car is registered at 687 Hall Hill Road, Somers;
- (5) My driver's license is registered with 687 Hall Hill Road, Somers address;
- (6) My voter registration is for the 687 Hall Hill Road, Somers address.
- (7) I purchase renter's insurance for my belongings located at the 687 Hall Hill Road, Somers address; and,
- (8) My car insurance and federal and state tax returns are registered to that address.

12. The Commission finds various specific facts pertaining to Ms. Pellegrini's claim to reside in Somers that manifest an intent to maintain a domicile in town. While no single fact is conclusive for this analysis, the indicia below all contribute to Ms. Pellegrini's connections to Somers and the determination of her claim of domicile there. Specifically, the following facts were independently confirmed or corroborated by investigation:

- (1) Evidence indicates that Ms. Pellegrini had a month-to-month tenancy with Mr. Phil Eastwood for the rental of 300 Four Bridges Road, Somers from October 2014 to March 2016.
- (2) Ms. Pellegrini has a history of making monthly rental payments in the amount of \$1,050.00 to Mr. Eastwood for rental of 300 Four Bridges Road, Somers;
- (3) Ms. Pellegrini has registered her car at the 300 Four Bridges Road Address, Somers;

- (4) Evidence indicates that Ms. Pellegrini has had a month-to-month tenancy with Ms. Barbara Capuano for the rental of premises at 687 Hall Hill Road, Somers since April 2016.
- (5) Ms. Pellegrini has a history of making rental payments in the amount of \$800.00 to Ms. Barbara Capuano for premises at 687 Hall Hill Road, Somers;
- (6) Ms. Pellegrini maintains renter's insurance for premises at 687 Hall Hill Road, Somers, since March 2016.
- (7) Ms. Pellegrini has a driver's license identifying her address as 687 Hall Hill Road, Somers;
- (8) Ms. Pellegrini makes payments for utilities at 687 Hall Hill Road, Somers; and,
- (9) The Somers Registrars of Voters records indicate that Ms. Pellegrini has been registered to vote in Somers since October 15, 2003 and that she received a "change of address" notice from that office as of March 28, 2017 identifying 687 Hall Hill Road, Somers as her address.

13. The Commission finds that, on balance, the indicia of Ms. Pellegrini's connections with Somers satisfy the domicile requirements for establishing *bona fide* residence in that town and therefore being a registered voter and elector in Somers pursuant to General Statutes § 9-12, § 9-23g and § 9-23h.

14. The Commission concludes, for the reasons detailed herein, that Ms. Pellegrini is a *bona fide* resident of the Town of Somers and pursuant to General Statutes § 9-12, § 9-23g and § 9-23h and therefore would be an elector upon registering to vote in Somers.

15. The Commission finds that Connecticut voter registration records issued by the Somers Registrars of Voters office indicate that Ms. Pellegrini was consistently registered to vote in Somers since October 15, 2003. Further, the Commission finds and state records confirm that Ms. Pellegrini was first elected to office in Somers on November 3, 2009. The Commission finds therefore that Ms. Pellegrini has at all times been an elector in Somers while holding that town's office of First Selectman.

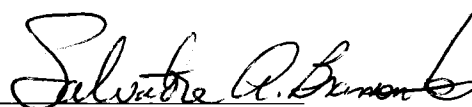
16. The Commission concludes, for the reasons detailed herein, that Ms. Pellegrini as an elector in the town in which she was elected to public office satisfied the requirements of General Statutes § 9-186. Therefore, the Commission dismisses Complainant's allegations because they were not supported by the facts or the law after investigation.

ORDER

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

That the matter is dismissed.

Adopted this 15th day of February 2017, Hartford, Connecticut.



~~Anthony J. Castagno~~

Vice Chairman

By Order of the Commission

7 Salvatore A. Bramante