

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Referral of the Greenwich Registrars of Voters

File No. 2016-060

FINDINGS AND CONCLUSIONS

The Referring officials, the Registrars of Voters of the town of Greenwich, brought this Referral pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Isabel Mujica may have lacked bona fide residence at an address in the Town of Greenwich at which she was registered and at which she had cast a ballot.

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

1. At all times relevant to the instant Referral, Respondent Isabel Mujica was a registered voter at an address on Lenox Drive in Greenwich since December 2010.
2. The records of the Connecticut Voter Registration System (“CVRS”) indicate that Respondent cast a ballot using this address on November 3, 2015.
3. The Referring Officials alleged, and presented evidence in support, that after the Respondent filled out and submitted a new voter registration application for the same Lenox Drive address in October 2015, the confirmation letter generated by CVRS was returned undelivered. They alleged, and provided evidence in support, that a second letter from their office was also returned undelivered.
4. The Referring Officials submitted this Referral to the Commission to investigate the matter further.
5. An elector is eligible to register to vote in a particular town only if such voter is a bona fide resident of such town. General Statutes § 9-12, 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.)

6. In addition to the statutory prongs of age, citizenship and geographic location identified above, an individual's bona fide residence must qualify as the place where that individual maintains a true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return. See, e.g., *Referral by Manchester Registrars of Voters, Manchester*, File No. 2013-077; *In the Matter of a Complaint by Gary Amato, North Haven*, File No. 2009-158 (2010); *In the Matter of a Complaint by Cicero Booker, Waterbury*, File No. 2007-157. In other words, "bona fide residence" is generally synonymous with domicile. *Id.*; cf. *Hackett v. The City of New Haven*, 103 Conn. 157 (1925). The Commission has concluded, however, that "[t]he traditional rigid notion of 'domicile' has . . . given way somewhat but only to the extent that it has become an impractical standard for the purposes of determining voting residence (i.e., with respect to college students, the homeless, and individuals with multiple dwellings)." (Emphasis added.) *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047 (Emphasis added.). See also *Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (stating that under certain circumstances the domicile rule for voting residency can give rise to administrative difficulties which has led to a pragmatic application of that rule in New York); *Sims v. Vernon*, Superior Court, Fairfield County, No. 168024 (Dec. 22, 1977) (concluding that an absentee ballot of an individual should be counted as that individual was a bona fide resident of the town in which the ballot was cast.); *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4, 1972) (considering issue of voter residency with respect to college students and stating that "a student, and a nonstudent as well, who satisfies the . . . residence requirement, may vote where he resides, without regard to the duration of his anticipated stay or the existence of another residence elsewhere. It is for him alone to say whether his voting interests at the residence he selects exceed his voting interests elsewhere.") (Emphasis added.)
7. The Commission has previously concluded that "[a]n individual does not, therefore, have to intend to remain at a residence for an indefinite period for that residence to qualify as that individual's bona fide residence." *Referral by Manchester Registrars of Voters, Manchester*, File No. 2013-081; (quoting *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047). Rather, the individual only has to possess a present intention to remain at that residence. *Id.*; see also *Maksym v. Board of Election Com'rs of City of Chicago*, Illinois Supreme Court, Docket No. 111773 (January 27, 2011), 2011 WL 242421 at *8 ("[O]nce residency is established, the test is no longer physical presence but rather

abandonment. Indeed, once a person has established residence, he or she can be physically absent from that residence for months or even years without having abandoned it. . . .”)

8. The Respondent here was very cooperative with the Commission’s investigation. She asserted that at all times relevant to the instant inquiry, she was a part-time live-in employee of Mr. Charles Royce, the owner of the Lenox Drive property.
9. The Respondent submitted evidence, including mail to her at the Lenox Drive address from the Internal Revenue Service, as well as a signed statement from Mr. Royce confirming her residency status at the address at the time in question.¹
10. Based on the investigation in this matter, the Commission concludes that the evidence is sufficient to establish that it was more likely than not that the Respondent was a bona fide residents at the Lenox Drive address in Greenwich at the time that she registered to vote and at the time she cast her ballot in November 2015.
11. As such, this matter should be dismissed.

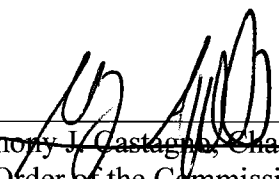
¹ Subsequent to the relevant events of this case, the Respondent moved to an address on Dingtletown Road for other live-in employment and moved her registration and voted from there for the November 8, 2016 General Election. Subsequent to that, she then moved her registration to an address in Stamford that she owns; as of the date of this decision, she remains registered at the Stamford address.

ORDER

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

That the matter is dismissed.

Adopted this 21st day of June, 2017 at Hartford, Connecticut.


~~Anthony J. Castagna, Chairperson~~ Michael J. Ajello
By Order of the Commission