

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Lois Carreira, Bridgewater

File No. 2010-005

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and asserts that Strother B. Purdy III (hereinafter “the Respondent”) voted in Bridgewater on November 3, 2009, although he was not a bona fide resident of that town.

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

1. The Complainant, a resident of Bridgewater, Connecticut asserts that the Respondent voted in that town on November 3, 2009 via absentee ballot even though he did not reside in that town at the time.
2. In support of his allegation, the Complainant provided the Commission with a web communication purportedly posted by the Respondent on October 12, 2009. The following statements appear in that posting:
  - a. “Last month, I took a job as Project Director at the Maude Group in Glen Ellyn, Illinois, a suburb of Chicago. . . It’s a good job, indeed, though with one disadvantage - my family is still in Bridgewater, CT and will be until May of 2010. So I have a long commute.”
  - b. “Last weekend on my way back home to Connecticut, . . .”
  - c. “Three days later back at the Midway airport, . . .”
3. The main issue in the present case is whether the Respondent was qualified to vote in Bridgewater on November 3, 2009. General Statutes § 9-12 (a) concerns elector qualifications and, as of October 1, 2007, § 9-12 provides that:

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 the town clerk of the town of residence of such citizen, as prescribed by law, be an elector. . . . **For the purposes of this section . . . 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. . . .**[Emphasis added.]

4. General Statutes § 9-7b (a)(2) concerns unlawful voting and provides that the State Elections Enforcement Commission has the following duties and powers:

To levy a civil penalty not to exceed . . . (A) two thousand dollars per offense against any person the commission finds to be in violation of . . . 9-170 . . . 9-172, . . . (C) two thousand dollars per offense against any person the commission finds to have (i) **improperly voted in any election**, primary or referendum, and (ii) **not been legally qualified to vote in such election**, primary or referendum . . . [Emphasis added.]

5. General Statutes § 9-170 also states that only individuals who are bona fide residents of the town in which they are offering to vote will be permitted to vote in *town* elections. It specifically provides in part that:

At any regular or special town election any person may vote who is registered as an elector on the revised registry list of the town last completed and he shall vote only in the district in which he is so registered, . . . **Each person so registered shall be permitted to vote unless he is not a bona fide resident of the town . . .** holding the election . . . [Emphasis added.]

6. Furthermore, § 9-360 provides in relevant part as follows:

Any person not legally qualified who fraudulently votes in any . . . primary, election or referendum 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. . . .

7. No one contests that the Respondent was a citizen of the United States and had attained the age of eighteen years by November 3, 2009. As such, the determinative issue is whether the Respondent was a “bona fide resident” of Bridgewater at that time. If not, the Respondent may face liability for violating to General Statutes § 9-360. Furthermore, he may face civil penalty liability pursuant to General Statutes § 9-7b.
8. The evidence establishes that the Respondent voted in Bridgewater on November 3, 2009.
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). 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.] Complaint of James Cropsey, Litchfield, File No. 2008-047; see also Farley v. Louzitis, Superior Court, New London County, No. 41032, October 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.”); Sims v. Vernon, Superior Court, Fairfield County, Docket No. 168024 (Dec. 22, 1977, Levine, J.) (a case with similar facts to those presented here and 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.); 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).

10. 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. Complaint of James Cropsey, Litchfield, File No. 2008-047. Rather, the individual only has to possess a present intention to remain at that residence. Id.
11. As such, where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that individual can choose either one of those residences to be their bona fide residence for the purposes of election law so long as they possess the requisite intent. Id., see also Wit, 306 F.3d 1262 (quoting People v. O’Hara, 96 N.Y.2d 378, 385 (2001) for this principle.)
12. Thus, the issues in the present matter are whether the Respondent truly resided in Bridgewater when he voted in that town on November 3, 2009 and, if so, whether he had legitimate, significant, and continuing attachments to that town and/or dwelling.
13. As with any bona fide residence inquiry, the answers to those questions turn entirely on the specific facts of this case.
14. The Commission finds that there is significant evidence that the Respondent was a bona fide resident of Bridgewater on November 3, 2009. That evidence includes, but is not limited to the following: 1) public records showing that the Respondent owned a single family home at 25 Black Snake Lane in Bridgewater and paid taxes on that property; 2) Respondent’s voter registration application which lists the aforementioned address as his residential address; 3) witness testimony that the Respondent’s father, wife and two children lived in the dwelling unit at that address at that time and continue to do so; 5) the Respondent’s children attend middle school there; 6) the Respondent maintains a Connecticut driver’s license which reflects the aforementioned address; 7) the Respondent was not registered to vote in Chicago, Illinois on November 3, 2009; 8) the Respondent’s regular and continuous voting record in Bridgewater since April of 2000; 9) the Respondent was registered as a justice of the peace in that town during the time at issue and 10) witness testimony that, at the time in question, while the Respondent did travel to Chicago for work (but no longer does so), he never owned property there and always commuted “home” to his family at the aforementioned address on

weekends; 11) the Respondent's representation that the Bridgewater dwelling unit was and continues to be his only residence.

15. In light of the aforementioned evidence, the Commission finds that the Respondent was a bona fide resident of Bridgewater when he voted there on November 3, 2009 as he maintained a regular physical presence at 25 Black Snake Lane as well as legitimate, significant, and continuing connections to that house and the Town of North Haven and whenever transiently relocated due to his employment obligations intended to return there, and did return there.

16. The Commission therefore further concludes that the Respondent has not committed any violations of election law 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 22<sup>nd</sup> day of September, 2010 at Hartford, Connecticut.

  
Stephen F. Cashman, Chairperson  
By Order of the Commission