

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the New Hartford Registrars of Voters

File No. 2015-002

FINDINGS AND CONCLUSIONS

The Referring Officials made this referral pursuant to Connecticut General Statutes § 9-7b, alleging that that the Respondent Julie Cataniapizighelli was not a *bona fide* resident of New Hartford when she voted in the 2012 and 2014 general elections.¹

1. 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 he or she, whenever transiently located, has a genuine intent to return. *See, e.g., Complaint of Cicero Booker, Waterbury*, File No. 2007-157. In other words, "*bona fide* residence" is generally synonymous with domicile. *Id.*; *cf. Hackett v. 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)." *Complaint of James Cropsey, Tilton, New Hampshire*, File No. 2008-047. *See also, Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (stating that under certain circumstances domicile rule for voting residency can create administrative difficulties that might lead to its pragmatic application in New York); *Sims v. Vernon, 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.)
2. The Commission has further held that, where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that

¹ This case came to the attention of the Referring Officials when they received a bill for the Respondent to be trained as an elections moderator. The Referring Officials did not authorize such training, and when they inquired as to the reason for the bill, it was discovered that she had been authorized to be trained as an elections moderator by the Registrars of City of Bridgeport. The bill had inadvertently been sent to the wrong Registrars. However, in Connecticut, moderators are not required to reside in the municipality where they serve.

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. *Complaint of James Cropsey, Tilton, New Hampshire*, File No. 2008-047. *See also Wit*, 306 F.3d at 1262 (quoting *People v. O'Hara*, 96 N.Y.2d 378, 385 (2001)).

3. The evidence in this matter shows, and the Respondent admits that:
 - a. At all times relevant to this Referral, the Respondent maintained a residence in Bridgeport with her husband.
 - b. In 2010, the Respondent purchased property located at 19 Dorothy Drive, New Hartford, CT (hereinafter "The Dorothy Drive Property").
 - c. From 1964 until the Respondent's purchase in 2010, The Dorothy Drive Property was owned by the Respondent's family.
 - d. There is a habitable structure on The Dorothy Drive Property. Said structure has one bedroom, one bathroom, and a kitchen, among other things.
 - e. The structure on The Dorothy Drive Property has no heating system and is used primarily as a summer cottage.
 - f. In 2012, Respondent registered to vote in New Hartford claiming that The Dorothy Drive Property was her *bona fide* residence.
 - g. Respondent voted in New Hartford in the 2012 and 2014 general elections and seeks to continue voting in New Hartford as she claims the property is a *bona fide* residence.
4. The Respondent further claims that she has spent significant time at The Dorothy Drive Property, both before she purchased it and after. In support of this allegation, the Respondent submitted photos of family gatherings at The Dorothy Drive Property.
5. The Referring Officials allege that, because the structure lacks heat and portions of the property are in a state of disrepair, this property was not habitable as a year round residence, and thus could not serve as the Respondent's *bona fide* residence.
6. The investigation into this matter included numerous witness interviews, a site visit to The Dorothy Drive Property, and an examination of public records concerning The Dorothy Drive Property, among other things. This investigation confirmed that The Dorothy Drive

Property would be insufficient to serve as a year round dwelling. However, there is inadequate evidence to support a conclusion that that The Dorothy Drive Property was *generally* uninhabitable.

7. The Commission has never held that a structure must be habitable at all times in order for it to serve as a *bona fide* residence. Rather, provided that a permanent structure exists and can serve as a habitable residence for the periods of time when it is used and provided that the elector has “legitimate, significant, and continuing attachments” to the property, said property may serve as the elector’s *bona fide* residence.²
8. Due to the Respondent’s current ownership, regular occupation, and lifelong attachment to the home, the Commission finds that the Respondent has legitimate, significant, and continuing attachments to The Dorothy Drive Property.
9. Moreover, the Commission finds that there is insufficient evidence to prove that The Dorothy Drive Property is not habitable in the Spring, Summer, and Fall.
10. Accordingly, this matter should be dismissed.

² It should be noted that if a structure were to be found *generally* uninhabitable by the Commission, that would be a relevant factor in determining whether it could serve as an elector’s *bona fide* residence.

ORDER

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

That the matter is dismissed.

Adopted this 18th day of January, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission