

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint of Andre Grandbois, Plainville

File No. 2015-156

FINDINGS AND CONCLUSIONS

The Complainant alleged that Respondent Adam Bergenty was not a bona fide resident at the Plainville address at which he was registered to vote and had voted in the past:

1. An elector is eligible to register and 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.)

2. 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., *In the Matter of a Complaint by Joshua P. Erlanger, New Haven*, File No. 2013-116; *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.)

3. General Statutes § 9-7b (a)(3)(E) grants the Commission the authority to make determinations of an elector's proper voting location, and it reads, as follows:
 - (a) The State Elections Enforcement Commission shall have the following duties and powers:
 - ...
 - (3) . . . (E) To issue an order following the commission's determination of the right of an individual to be or remain an elector when such determination is made (i) pursuant to an appeal taken to the commission from a decision of the registrars of voters or board of admission of electors under section 9-311, or (ii) following the commission's investigation pursuant to subdivision (1) of this subsection;
4. The Respondent was at all times relevant to the instant Complaint a registered elector at an address on Johnson Avenue in Plainville. He first registered to vote at this location on or about October 15, 2012.
5. The Respondent cast ballots from this location on two occasions.
6. The Complainant here alleged that the location at which the Respondent was registered was a commercial business incapable of sustaining a bona fide residence and that the Respondent's true bona fide residence was elsewhere.
7. The investigation confirmed that the location on Johnson Avenue was the Respondent's family business, Central Connecticut Aircraft, LLC.

8. The investigation revealed that the building at which Central Connecticut Aircraft, LLC is located is listed in the Plainville property records as being owned by Mr. Bergenty's parents, William F. and Carla Bergenty.
9. The Respondent did not deny the allegation in this matter, insofar as he admitted that he did not live at the Johnson Avenue location, but rather that Johnson Avenue was his place of employment and his legal address for most correspondence.
10. The Respondent admitted that his residential address was a property on Arcadia Avenue in Plainville, nearby the commercial property.
11. The investigation in this matter—including but not limited to a review of Plainville property records, insurance accounts, and utility bills associated with the property—revealed sufficient evidence to support a finding that the Respondent's true bona fide residence is the address on Arcadia Avenue, as asserted by the Respondent. Accordingly, the Commission so finds.
12. The Respondent apologized for improperly registering to vote at the commercial address and admitted that he did not know that he was only permitted to register at his bona fide residence address.
13. Upon request of Law Enforcement Unit staff investigating this matter, the Respondent immediately transferred his registration to the Arcadia Avenue address.
14. The Commission notes that the two locations, the commercial address and the true bona fide residence address, are served by two different polling places.
15. However, electors at the two locations vote identical ballots, as municipal officials are elected at large, and each location is contained within the same district for both Congress, the State Senate, and the State House of Representatives.
16. Considering the aforesaid, the Commission determines that there is no further action necessary in this matter.

ORDER

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

No further action.

Adopted this 12th day of October, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chair
By Order of the Commission