

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Cordelia Thorpe, New Haven

File No. 2016-020

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Victoria Dancy lacked bona fide residence at an address in the City of New Haven and impermissibly cast ballots from that address.

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

1. At all times relevant to the instant Complaint, Respondent Victoria Dancy was a registered voter at an address on Winchester Avenue in New Haven. She had been registered at that address since July 29, 2011, when she changed her address from one on Nash Street.
2. On or about March 1, 2016, the Respondent voted in the City of New Haven Democratic Ward Committee primary using the Winchester Avenue address.
3. The Complainant alleged that at the March 1, 2016 Democratic Ward Committee Primary the Respondent appeared at the Wexler Grant School polling place to vote and presented as identification a driver's license that listed the Nash Street address, which is not in the same Ward as the Winchester Avenue address and is served by a different polling place.
4. The Complainant further asserted that while she believed that the Respondent owned the Winchester Avenue address, she alleged that another person, Cheryl Tisdale Paige, lived at that address and rented from the Respondent.
5. The Complainant offered two witnesses to the driver's license allegation, but offered no evidence in support of her allegation that the Respondent rented her property to Ms. Paige.
6. 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.)

7. 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.)
8. 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. . . .”)

9. The Respondent here was very cooperative with the Commission’s investigation.
10. The Respondent asserted that she is a full time resident at the Winchester Street address and that she has no claim to the Nash Street address.
11. The Respondent did not deny that her driver’s license still had the Nash Street address on it, but provided evidence that a Department of Motor Vehicles sticker had been added to the back that displayed the Winchester Street address.
12. The Respondent also provided evidence, including but not limited to mortgage documents and recent utility bills to support her assertion.
13. Finally, Respondent asserted that Ms. Paige lived in the same building as her, but in a different condo unit.
14. The investigation into this matter did not support the Complainant’s allegations.
15. The records of the New Haven Registrars of Voters as well as the records provided by the Respondent sufficiently established that the Respondent is a registered voter, and the owner, of Unit #19 of the Winchester address.
16. The records of the New Haven Registrars of Voters show that Ms. Paige is registered to vote at Unit #30 of the same building.
17. Moreover, the fact that the Respondent’s license contained a different address on the front is not *prima facie* evidence of a lack of bona fide residence at her registered address.¹
18. Based on the investigation in this matter, the Commission concludes that the evidence is insufficient to establish that the Respondent was not a bona fide resident at the Winchester Avenue address in New Haven at the time that she cast her ballot in the March 1, 2016 Ward

¹ Indeed, a license containing an address that is different from a voter’s registered address is sufficient to prove *identity* under Title 9. Where registration must be proven, additional documents would be necessary. However, for the majority of voters, including the Respondent here, showing a preprinted form of identification showing either your name and address, name and signature or name and photograph is sufficient under General Statutes § 9-261 to allow a voter to obtain a ballot and vote at a polling place.

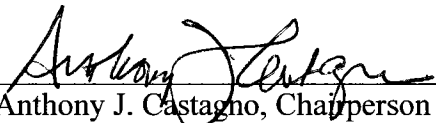
Committee Primary. No evidence has been presented by the Complainant or found during the instant investigation that can establish that the Respondent had not sufficiently established the address as her true, fixed, and principal home in which she had a right and a genuine present intent to live. This matter should be dismissed.

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