

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In re: Referral of the Trumbull Registrars of Voters

File No. 2016-051

**FINDINGS AND CONCLUSIONS**

The Trumbull Registrars of Voters referred this matter pursuant to Connecticut General Statutes § 9-7b (a) (3) (E) and requested that the Commission make a determination whether Respondent Cheryl Arbelo, a registered voter in the Town of Trumbull, is a bona fide resident in Trumbull, as although her property is partially located within Trumbull, the dwelling unit appears to be located entirely within the City of Bridgeport.

1. Trumbull Registrars of Voters Lauren Anderson and William Holden referred this matter after receiving notice from the Trumbull Town Assessor informing them that according to the assessment maps, the dwelling unit on Respondent Arbelo's split-town property on Blueberry Road appeared to be entirely within the City of Bridgeport.
2. 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.)
3. Public Act 07-194 of the 2007 Public Acts added the language "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."

4. The above language was added subsequent to the Commission's final determination in *In the Matter of an Appeal of Gerald J. Porricelli and Marianne Porricelli against the Board for Admission of Electors and Registrars of the Town of Greenwich*, File No. 2007-154.
5. In *Porricelli*, the appellants, electors in Greenwich, owned a single-family home located on property within both the Town of Greenwich and the City of Stamford. However, the entire house in which they resided was located within the City of Stamford and only a portion of the driveway, including street frontage, was located in Greenwich. The electors had a Greenwich postal address and considered themselves residents of Greenwich for all purposes, including voting.
6. Looking to the common law in the area of domicile for tax purposes, the Commission determined in *Porricelli* that the location of an individual's dwelling unit determines where that person is permitted to claim bona fide residence. This common law standard was then codified in the aforementioned amendment to General Statutes § 9-12 (a) in Sec. 41 of Public Act 07-194 of the 2007 Public Acts.
7. The above standard was applied recently in *In re: Referral of the Trumbull Registrars of Voters* File No. 2014-065, which also concerned a dual-town property partially in Trumbull; the postal address and a portion of the property was located within the Town of Westport, but the actual dwelling unit, a single-family home, was entirely located within the geographic boundaries of the Town of Monroe. The Commission determined in that case that because the dwelling unit was located entirely in Town of Monroe, the Respondent was indeed a bona fide resident of Monroe and not the town through which they received their postal mail.
8. In *In re: Referral by Westport Registrars of Voters*, File No. 2013-100, a small portion of the dwelling unit was located within the Town of Westport, while the vast majority was located within the City of Norwalk. In that case, the Commission determined that if a dwelling unit is split between towns, an elector living in such dwelling unit has a *geographic* claim to bona fide residence in *both* towns, so long as such elector meets the other criteria, including but not limited to age, citizenship, and legitimate, significant, and continuing attachments to the town claimed as such elector's place of voting.
9. Turning to the facts of this case, Respondent has been a registered voter in Trumbull at a home with a residential mailing address on Blueberry Road in Trumbull since 2012 after purchasing the property with her husband William Arbelo in 2006.

10. Based on a review of the GIS and assessor's data available in each town, the property is 0.37 acres in total, 0.02 in Trumbull and 0.35 in the City of Bridgeport. The dwelling unit is very close to the border line, in the Bridgeport portion of the property.
11. The Trumbull assessor's card indicates "Res Vacant Land" and only taxes the property at an appraised value of \$500 accordingly. The Bridgeport assessor's card indicates a value of \$218,150 for the property in Bridgeport, which includes a building valuation of \$94,010.
12. The Respondent does not deny that the entire dwelling unit is located within the City of Bridgeport. She asserts that she and her husband were not aware of this fact until they went to sell the property and the assessor made them aware that the property in Trumbull was considered a vacant lot containing no dwelling unit (and concomitantly reached out to the Referring Officials). It was only then that they realized that they might not be eligible for enfranchisement in Trumbull.<sup>1</sup>
13. Since the filing of the instant Referral, the Respondent sold the Blueberry Road property and removed herself as a registered voter at that address. She has since purchased a home and registered to vote at a new address on Highwood Place in Trumbull.
14. Turning first to the initial question in this matter, the investigatory review of the facts, including but not limited to a review of the GIS map data, the assessor's records in each town, as well as interviews with the parties, the Commission finds that while the dwelling unit on the Blueberry Road property appears to the Commission very close to the border of the Town of Trumbull, its location is bounded entirely within the City of Bridgeport and no portion of such "dwelling unit" is located within the geographic boundaries of the Town of Trumbull.<sup>2</sup>
15. Considering the aforesaid, the Commission concludes pursuant to its authority under General Statutes § 9-7b (a) (3) (E) that the Respondent did not qualify as a bona fide resident in the Town of Trumbull for purposes of admission as an elector, as the Blueberry Road residential dwelling unit is located entirely within the boundaries of another town.
16. However, the Commission notes that subsequent to the filing of the instant Referral, the Respondent provided evidence, which the investigation confirmed, that she sold the property and withdrew her registration. As such, no further action is necessary in this matter.

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<sup>1</sup> They also discovered that pursuant to General Statutes § 10-186 (a) (2), school-aged dwellers at the property could not attend the Trumbull schools.

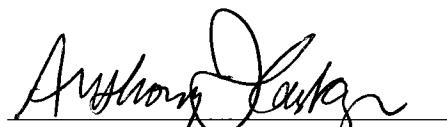
<sup>2</sup> See *In re: Referral by Westport Registrars of Voters*, File No. 2013-119 (GIS map data and assessor's records sufficient basis upon which Commission may make its bona fide residency decision; respondent may provide professional survey at respondent's own cost to rebut GIS and/or assessor's data.)

**ORDER**

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

That no further action be taken

Adopted this <sup>20</sup>~~14~~th day of September, 2016 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission