

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Referral of the Greenwich Registrars of Voters

File No. 2016-059

FINDINGS AND CONCLUSIONS

The Referring officials, the Registrars of Voters of the town of Greenwich, brought this Referral pursuant to Connecticut General Statutes § 9-7b, alleging that Respondents Lauren Glenn and Jean-Pierre Gagne lacked bona fide residence at an address in the Town of Greenwich and that Mr. Gagne may have impermissibly cast a ballot 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 Referral, Respondents Lauren Glenn and Jean-Pierre Gagne were registered voters at an address on Club Road in the village of Riverside in Greenwich since April 2016 and March 2014, respectively.
2. The records of the Connecticut Voter Registration System (“CVRS”) indicate that Ms. Glenn has never cast a ballot from this address and that Mr. Gagne cast ballots on November 4, 2014 and April 26, 2016.
3. The Referring Officials alleged, and presented evidence in support, that they made inquiries after the residence status of the 5 individuals registered at the Club Road address, including the Respondents here and received a response from Richard and Polly Memhard stating that the Respondents did not live at the address as of July 2016, at which point the Referring Officials referred the question to the Commission to answer.
4. 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.)

5. 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.)
6. 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. . . .”)

7. The Respondents here, a married couple, were cooperative with the Commission’s investigation. They asserted that they established bona fide residency at the address, but only part time and only on a month to month basis, as they also maintained a residence at an address in New York State.
8. The Respondents asserted that they terminated the month to month lease in or about June 2016 and confirmed that they did not live at the Club Road address as of July 2016, when the Referring Officials made their inquiry.
9. The Respondents submitted a copy of a lease signed by Polly Memhard and both Respondents and dated January 23, 2013. The terms of the lease were for one year, continuing month to month thereafter. The lease contains a notation, signed by both Ms. Memhard and Mr. Gagne and dated January 1, 2016, extending the lease to a termination date of June 1, 2016.
10. Based on the investigation in this matter, the Commission concludes that the evidence is sufficient to establish that it was more likely than not that the Respondents were bona fide residents at the Club Road address in Greenwich at the time that they registered to vote and at the time Respondent Gagne cast his ballots.
11. Also based on the investigation in this matter, the Commission concludes that the evidence is sufficient to establish that the Respondents are no longer bona fide residences at the Club Road address.
12. As such, this matter should be dismissed and based on the Respondents written representations to the Commission the Respondents should be removed from the Greenwich voter registry list (active or inactive).

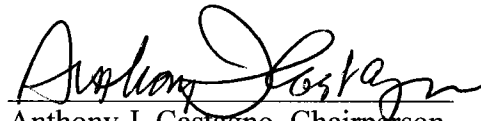
ORDER

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

That the matter is dismissed.

That the Greenwich Registrar of Voters Office remove the Respondents off the Greenwich registry list.

Adopted this 21st day of June, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission