

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by the Suffield Registrar of Voters

File No. 2016-135

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Timothy C. Papoutsakis (the "Respondent") and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

ALLEGATIONS

1. The Referring Officials alleged that the Respondent registered to vote and voted in Suffield after he had moved to Agawam, Massachusetts.

LAW

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. . . .

(Emphasis added.)

3. General Statutes § 9-172 further details the eligibility requirements for voting in a state election.

At any regular or special state election any person may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he shall vote in the district in which he was so registered; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last weekday before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote if he is a *bona fide* resident of the town and political subdivision holding the election and has not lost his right by conviction of a disfranchising crime. Any person offering so to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his *bona fide* residence in the town and political subdivision

holding the election, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence as is acceptable to the moderator.

4. General Statutes § 9-7b (a) (2) (C) authorizes the State Elections Enforcement Commission to levy a civil penalty not to exceed "two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum[.]"
5. General Statutes 9-19j provides the procedures for EDR in the State of Connecticut. Such requirements include that the voter must sign an affirmation that states:

I, the undersigned, do hereby state, under penalty of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.
7. I completed an application for an election day registration ballot and received an election day registration ballot.

.... (Signature of voter)

6. General Statutes § 9-20 (a) further provides:

Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names

of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.

7. The Commission is authorized “[t]o levy a civil penalty not to exceed. . . (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum[.]” General Statutes § 9-7b.

FACTUAL BACKGROUND

8. Prior to the November 8, 2016 general election, the Respondent moved to Agawam, Massachusetts.
9. The Respondent claims that on November 8, 2016, he went to a Manchester polling location in order to vote. He stated that, although he had recently moved from Suffield, Connecticut to Agawam, Massachusetts, he was under the belief that he had to vote where he was last registered and he believed he was last registered in Manchester.
10. The Respondent further claims that, once he appeared in the Manchester polling location, he was advised that he was not on the list, but was told by an election official that he would be able to register to vote and vote in Suffield because that was the address on his license. This claim could not be verified by the Registrar of Voters in Manchester.
11. The Respondent then presented himself at the Suffield Registrar of Voters Office, registered via Election Day Registration, and voted.
12. An independent investigation confirmed that the Respondent cast no other ballot in the November 8, 2016 election.
13. According to the Commission, 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).” (Emphasis added.) *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.")

14. In this case, the Respondent maintained a single residence in Agawam, Massachusetts at the time of the November 8, 2016 election. He had no claim to residency at any other location.
15. Accordingly, the Commission finds that the Respondent violated General Statutes §§ 9-7b, 9-12, 9-19j, 9-20, and 9-172 by registering to vote and voting in a town where he did not reside for the November 8, 2016 election.
16. However, as the Commission finds credible the claims that the Respondent was directed to register to vote and vote in Suffield by an elections official, the Commission, in its discretion, elects not to assess a civil penalty for these violations.

TERMS OF GENERAL APPLICATION

17. The Respondents admit to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
18. The Respondents waive:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - c. All rights to seek judicial review or otherwise to challenge or to contest the validity of the Order entered into pursuant to this Agreement.
19. Upon the Respondents' agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
20. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the

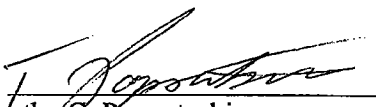
Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

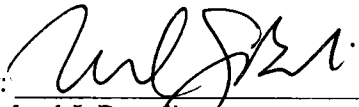
ORDER

It is hereby ordered that the Respondent shall henceforth comply with the requirements of 9-7b, 9-12, 9-19j, 9-20, and 9-172.

Respondent Timothy C. Papoutsakis:

For the State of Connecticut:


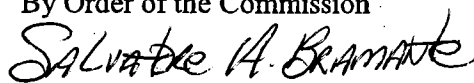
By: 
Timothy C. Papoutsakis
79 Corey St.
Agawam, MA 01001

By: 
Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 12/8/17

Dated: 12/8/17

Adopted this 20th day of December, 2017 at Hartford, Connecticut by vote of the Commission.


~~Anthony J. Castagno, Chairman~~
By Order of the Commission


RECEIVED
STATE ELECTIONS

DEC 08 2017

ENFORCEMENT COMMISSION