

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

File No. 2017-002

FINDINGS AND CONCLUSIONS

The Referring Officials made this referral pursuant to Connecticut General Statutes § 9-7b, alleging that that the Respondent Ewa Marta Lojewska voted in the November 8, 2016 general election in Suffield when she was not a *bona fide* resident of that town.

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:

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. General Statutes § 9-172 further provides:

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.

3. The Commission has previously held that 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)." *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.") (Emphasis added.)
4. The Commission has further held that, where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that individual can choose either one of those residences to be their *bona fide* residence for the purposes of election law so long as they possess the requisite intent. *Complaint of James Cropsey, Tilton, New Hampshire*, File No. 2008-047. *See also Wit*, 306 F.3d at 1262 (quoting *People v. O'Hara*, 96 N.Y.2d 378, 385 (2001)).
5. The evidence in this matter supports the following findings:
 - a. At the time of the November 8, 2016 general election, the Respondent was enrolled as a fulltime student at Springfield College in Massachusetts.
 - b. When school is in session, the Respondent resides in an apartment near Springfield College.
 - c. When school is not in session, the Respondent returns to her parents' home, located at 164 Woods Hollow Road, West Suffield, Connecticut.

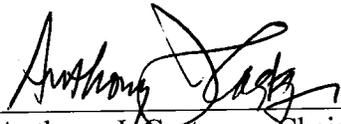
- d. The Respondent considers 164 Woods Hollow Road, West Suffield, Connecticut to be her permanent residence.
 - e. The Respondent voted, in person, in the November 8, 2016 general election in Suffield, claiming 164 Woods Hollow Road, West Suffield as her *bona fide* residence.
 - f. The Respondent has never registered to vote, or voted, in Massachusetts.
 - g. Respondent only cast one ballot in the November 8, 2016 general election.
6. It is clear from the evidence that the Respondent is a college student temporarily away from home while she pursues her degree.
 7. As “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[,]” and pursuant to the authority granted to the Commission in General Statutes § 9-7b (a) (3) (E), the Commission finds that the Respondent’s *bona fide* residence is 164 Woods Hollow Road, West Suffield, Connecticut.
 8. Accordingly, 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 19th day of April, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission