

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

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

File No. 2017-004

**FINDINGS AND CONCLUSIONS**

The Referring Officials made this referral pursuant to Connecticut General Statutes § 9-7b, alleging that that the Respondent Kimberly Thompson 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 evidence in this matter supports the following findings:
  - a. Prior to October 3, 2016, the Respondent resided at 26 Lise Circle, Suffield, CT.
  - b. On October 3, 2016, the Respondent sold her home located at 26 Lise Circle, Suffield, CT.
  - c. On November 28, 2016, the Respondent purchased a home located at 4C Mill Pond Lane, Simsbury, CT.
  - d. Between selling her house in Suffield and purchasing her home in Simsbury, the Respondent moved into her parents' home located at 839 East Street North, Suffield, CT.
  - e. On November 8, 2016, the Respondent voted in the regular election, in person, in Suffield.
  - f. The address the Respondent used to vote was 26 Lise Circle, Suffield, CT.

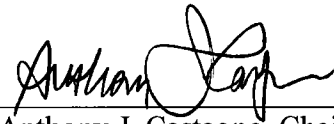
- g. 26 Lise Circle, Suffield, CT is located in the same voting district as 839 East Street North, Suffield, CT.
  - h. Records show that the Respondent did not cast any ballots in the November 8, 2016 election other than the one she cast in Suffield.
  - i. On February 14, 2017, the Respondent changed her registration to reflect her new address in Simsbury.
5. Based upon the above facts, the Respondent abandoned her residence at 26 Lise Circle, Suffield, CT on October 3, 2016. Moreover, the Respondent had not yet established residence in Simsbury on November 8, 2016. Accordingly, at the time of the November 8, 2016 election, the Respondent's *bona fide* residence was 839 East Street North, Suffield, CT.
6. Under these circumstances, the Respondent should have updated her voter registration to reflect her new address as 839 East Street North, Suffield, CT after she moved on October 3, 2016.
7. However, because 839 East Street North, Suffield, CT is located in the same town and voting district as 26 Lise Circle, Suffield, CT, and because the Respondent has already updated her voter registration to reflect her new address, the Commission declines to take any further action with regard to this Referral.

ORDER

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

That the Commission take no further action with regard to this Referral.

Adopted this 19<sup>th</sup> day of April, 2017 at Hartford, Connecticut.



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Anthony J. Castagno, Chairperson  
By Order of the Commission