

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

File No. 2017-009

FINDINGS AND CONCLUSIONS

The Referring Officials made this referral pursuant to Connecticut General Statutes § 9-7b, alleging that that the Respondent Nancy Frances Reynolds 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 is empowered to levy a civil penalty of up to two thousand dollars against any person the Commission finds to have “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 (a) (2) (C) (i).
4. 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.)
5. 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)).
6. The evidence in this matter supports the following findings:
 - a. In late 2015 or early 2016, the Respondent moved from Georgia and stayed with her brother at 45 Bridge Street, Unit 101 (the “Bridge Street Apartment”).
 - b. At all times relevant hereto, the Respondent’s brother, Wayne Pina, had possession of the Bridge Street Apartment.

- c. The Respondent registered to vote on October 20, 2016, claiming an apartment on Bridge Street in Suffield, Connecticut as her *bona fide* residence.
 - d. The manager of the Bridge Street Apartment required any person staying in a unit more than 45 days to submit certain documentation and be added to the lease.
 - e. When the Respondent moved into the Bridge Street Apartment, Mr. Pina informed the building manager that the Respondent would not stay more than 45 days.
 - f. At some point in 2016, the Respondent moved from the Bridge Street Apartment to a Main Street apartment in Suffield, Connecticut (the "Main Street Apartment").
 - g. At all times relevant hereto, the Respondent's cousin, Daisy Wilkins-Saunders, had possession of the Main Street Apartment.
 - h. The Bridge Street Apartment and the Main Street Apartment are located in the same voting district and use the same polling location.
 - i. On November 8, 2016, the Respondent voted at the Suffield Middle School polling location, claiming her *bona fide* residence to be the Bridge Street Apartment.
 - j. The Respondent claims that she moved from the Bridge Street Apartment to the Main Street Apartment after the November 8, 2016 election.
 - k. On January 31, 2017, in response to an inquiry by the Suffield Registrars of Voters, the managers of the Bridge Street Apartment indicated that the Respondent did not live at the Bridge Street Apartment and "never has."
 - l. The Respondent states that she did stay more than 45 days and was staying there on the date of the November 8, 2016 election.
 - m. Neither Mr. Pina nor Ms. Wilkins-Saunders could recall when, even approximately, the Respondent moved from the Bridge Street Apartment to the Main Street Apartment.
7. Because the investigation revealed no conclusive evidence that the Respondent did not live at the Bridge Street Apartment on November 8, 2016, and because there was no risk of improper voting because the Bridge Street Apartment and Main Street Apartment were in the same voting district the investigation did not reveal any other residence outside of the voting district, this matter should be dismissed.

8. However, the Respondent is cautioned that, as she has admitted that she no longer lives at the Bridge Street Apartment, she must update her voter registration with her correct address prior voting, or risk found in violation of General Statutes §§ 9-7b, 9-12, 9-171, and 9-172.

ORDER

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

That the matter is dismissed.

Adopted this 20th day of December, 2017 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

SALVATORE A. BRAMANTE