

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ohan Karagozian, New Haven

File No. 2017-082

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Ron Hurt may have lacked bona fide residence at an address in the City of New Haven at which he was registered and at which he had ballots.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. At all times relevant to the instant Complaint, Respondent Ron Hurt was a registered voter at an address on Congress Avenue since October 2008.
2. The records of the Connecticut Voter Registration System (“CVRS”) indicate that Respondent cast ballots using this address eleven times since registering.
3. The Complainant alleged that since the property on Congress Avenue was owned by Deliverance Temple Church, a tax-exempt religious entity, it was incapable of sustaining a residence and as such the Respondent could not be an eligible voter at the address.
4. The Complainant submitted no other evidence in support of his claim.
5. 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.)

6. 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.)
7. 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. . . .")


8. The Respondent here was very cooperative with the Commission's investigation. He asserted that at all times relevant to the instant inquiry, he was (and remains) an Elder at Deliverance Temple Church and that the property at which he is registered to vote is the adjoining parsonage for the church building.
9. The Respondent further asserts that the property is not rented out for pay, but rather made available by the church for church staff such as him, much like other houses of worship in the City of New Haven. He gave examples such as St. Mary's Roman Catholic Church, Bethesda Lutheran, and Immanuel Baptist Church, all of which have similar associated rectory and/or parish houses in which staff are housed.
10. In support of his particular claim to residence at the Congress Avenue property, the Respondent submitted evidence, including a copy of his driver's license and insurance and registration documents for his vehicle, as well as a utility bill for mobile telephone service.
11. Evangelist Julia McCarter, Pastor of Deliverance Temple, submitted a letter confirming the assertions of the Respondent that the property is a residence owned and run by the church and that Mr. Hunt, a Senior Elder in the church, is indeed is a resident there.
12. The investigation here confirmed that the address on Congress Avenue is a residential building that is contiguous with the building housing the church itself. Both properties are owned by Deliverance Temple Pentecostal Ministries, Inc.
13. 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 Respondent was a bona fide resident at the Congress Avenue address in New Haven at the time of the filing of the instant Complaint and to date.
14. As such, 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 17th day of July, 2019 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission
Stephen T. Penny