

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

File No. 2019-001

FINDINGS AND CONCLUSIONS

The Referring Official made this referral pursuant to Connecticut General Statutes § 9-7b, alleging that that the Respondents James Perry Streater, Jr. and Andrea S. Sanchez voted in the November 6, 2018 general election in Wallingford when they were not *bona fide* residents 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.”).
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. In the referral, with regard to Respondent Streater, the Referring Official alleged, in pertinent part:

Mr. Streater registered on line on 9/12/2018. His confirmation letter was returned by the PO on 9/18/2018 and as we had no phone number to contact him, we made him inactive. At the poll, he re-activated himself and we again sent a confirmation letter confirming his re-activation. This letter was also returned by the PO.

7. The Referring Official further pursued some independent investigation attempting to confirm Respondent Streater's address, and subsequently made the referral to this office.
8. Respondent Streater, when asked about this issue by Commission investigators, stated that he did live at the address listed on his registration on November 6, 2018. He further stated that he moved from that address to another address in Wallingford shortly after the election. Respondent Streater further provided correspondence from the Internal Revenue Service addressed to him at the address he claimed for voting purposes in the November 6, 2018 general election. Such correspondence was dated September 14, 2018. Respondent Streater has already updated his voter registration to reflect his new address within Wallingford.
9. Based upon the forgoing, the Commission concludes that there is insufficient evidence to find that Respondent Streater violated General Statutes §§ 9-7b, 9-12, or 9-172 when he voted in the November 6, 2018 general election. Accordingly, this allegation should be dismissed.
10. In the referral, with regard to Respondent Sanchez, the Referring Official alleged, in pertinent part:

Originally registered on 8/13/15 at [address intentionally omitted]. She showed up on our Lortan Data canvass list as having moved from Wallingford.2018 [sic]. Her canvass letter was returned by the PO, so she was moved to inactive. She re-activated herself at the poll in November 2018 and voted. A confirmation letter sent to her at [address intentionally omitted] was returned by the PO as forwarding time expired, and her address as [street address intentionally omitted], New Britain, CT 06053.
11. The Referring Official further pursued some independent investigation attempting to confirm Respondent Sanchez's address, and subsequently made the referral to this office.
12. Respondent Sanchez, when asked about this issue by Commission investigators, stated that she did live at the address listed on his registration on November 6, 2018. She further claimed that the Wallingford address is that of her parents.
13. Commission Investigators confirmed that Respondent's claimed address in Wallingford is her family home.
14. Respondent Sanchez further stated that the New Britain address listed for forwarding was her off campus housing as she is an enrolled student at Central Connecticut State University.

15. As noted above:

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.

Sims v. Vernon, Superior Court, New London County, No. 41032 (Oct. 4, 1972).

16. Based upon the forgoing, the Commission concludes that there is insufficient evidence to find that Respondent Sanchez violated General Statutes §§ 9-7b, 9-12, or 9-172 when she voted in the November 6, 2018 general election. Accordingly, this allegation should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 3 day of ~~May~~^{June}, 2020 at Hartford, Connecticut.



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