

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

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

File No. 2019-005

**FINDINGS AND CONCLUSIONS**

The Referring Official referred the instant matter to the Commission pursuant to Connecticut General Statutes § 9-7b. The Referring Official alleged that Respondents Andrea Chiappa and Christopher Chiappa registered to vote and voted in Killingworth when they were not *bona fide* residents of that town. The following are the Commission's findings of fact and conclusions of law:

1. At all times relevant hereto, Referring Official Lauren Blaha was the Republican Registrar of Voters in the Town of Killingworth.
2. On November 6, 2018, Respondents Andrea Chiappa and Christopher Chiappa presented themselves at the Killingworth Elementary School in an attempt to vote in the general election being held that day.
3. When Respondents appeared at the polling location they were informed that they were on the inactive registry list and would have to complete a new registration in order to be restored to active status.
4. Upon receiving that instruction, both Respondents completed voter registration applications listing an address on Running Brook Drive in Killingworth (The "Running Brook Dr. Address").
5. When Respondents presented their new registrations to the elections officials on November 6, 2018, they each presented identification with an address in Westbrook.
6. Subsequently, on or about November 13, 2018 the Referring Official sent letters to the Respondents at the Running Brook Dr. Address confirming their voter restorations to active status in Killingworth (the "Restoration Letters").
7. On or about November 14, 2018, the Restoration Letters were returned to the Referring Official as undeliverable.
8. Based upon this returned letters, the Referring Official referred the instant matter to the Commission.
9. Upon receipt of the instant referral, Respondents attempted to clarify their rather complicated address history.

10. Sometime prior to April 2016, after the death of Respondent Andrea Chiappa's husband, Respondents moved to the Running Brook Drive Address.
11. In April of 2016, Respondents registered to vote in Killingworth from the Running Brook Drive Address.
12. Sometime after April of 2016, Respondent rented a house in Westbrook.
13. After obtaining the lease for the property in Westbrook, Respondents split their time between the Running Brook Drive Address and Westbrook.
14. In November of 2016, the owner of the Killingworth address, Respondent Andrea Chiappa's then fiancé, sold that location. Respondent Andrea Chiappa states it was her and her fiancé's intent to use the proceeds from that sale to purchase land in Killingworth and build a home.
15. On or about October 31, 2018, Respondent's lease for the Westbrook property expired.
16. During the period from October 31, 2018 through November 6, 2018, Respondents were temporarily living in locations in Middletown and Bloomfield.
17. 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:
  - (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.)
18. "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., *In the Matter of a Referral by Manchester Registrars of Voters, Manchester*, File No. 2013-077 (emphasis added); *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.

19. In other words, “bona fide residence” is generally synonymous with domicile. *Id.*; cf. *Hackett v. The City of New Haven*, 103 Conn. 157 (1925); *In the Matter of an Appeal of Gerald J. Porricelli and Marianne Porricelli against the Board for Admission of Electors and Registrars of the Town of Greenwich*, File No. 2007-054.
20. 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.)
21. 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. . . .”)
22. However, in order for a multiple-dwelling examination to be made, the person still must have sufficiently established that such person meets the criteria for bona fi-de residency in the first instance. See *Farley*, above. Then, and only then, may the person choose between such multiple dwellings. *Id.*

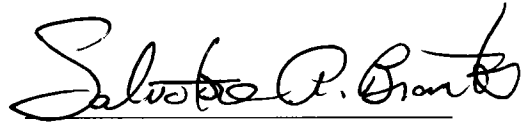
23. In this case, while Respondents' connection to Killingworth in general, and the Running Brook Drive Address in particular, on November 6, 2018 are questionable at best, the Commission declines to take any further action in this case because: 1) there is no evidence that the Respondents' voted more than once or that their voting in Killingworth was associated with any attempt to improperly impact any election; 2) Respondents were transiently located at the time of the November 6, 2018 election; and 3) had the election officials confirmed the address presented on the Respondents presented identification with that on the registration form, as required by Regs. Conn. State Agencies § 9-42-1, this issue could have been avoided.
24. Nevertheless, the Commission cautions that Respondents should take extra care to ensure that they comply with the *bona fide* residence requirements in the future.

ORDER

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

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

Adopted this 19<sup>th</sup> day of AUGUST, 2020 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Salvatore P. Bramante". The signature is written in a cursive style with a large initial 'S'.

~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante, Vice Chair