

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Katherine Camara, Oakville

File No. 2019-155

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondents Glen and Katherine Duplissie may have lacked bona fide residence at an address in the Town of Watertown at which they were registered and from they had cast multiple ballots.

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

1. At all times relevant to the instant Complaint, Respondents Glen and Katherine Duplissie have been registered to vote in the Town of Watertown since August 8, 199.
2. The records of the Connecticut Voter Registration System (“CVRS”) indicate that the Respondents are regular voters in the Town of Watertown, casting ballots in 19 elections, primaries, and referenda since August 2012 through November 2019.
3. Of the 19 votes cast by the Respondents, 3 were by absentee ballot, all in 2014, with the other 16 being in person.
4. The Complainant alleged that Mrs. Duplisse was quoted in an article by the Waterbury Republican American newspaper stating that she and her husband were actually residents in Vermont and that her husband may have voted in both places.
5. The Complainant submitted this Complaint to the Commission to investigate the matter further and make a determination of bona fide residence pursuant to the Commission authority under General Statutes § 9-7b (a) (3) (E).
6. 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.)

7. 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.
8. In other words, "bona fide residence" is generally synonymous with domicile. *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.
9. 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.)

10. 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. . . .”)
11. The Commission has both the authority to determine whether a person is eligible to be or remain an elector, as well as the authority to issue civil penalties were a person has either registered and/or voted improperly. General Statutes § 9-7b reads, in pertinent part:
 - (a) The State Elections Enforcement Commission shall have the following duties and powers:
 - ...
 - (2) To levy a civil penalty not to exceed . . . (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum, . . .
 - ..
 - (3) . . . (E) To issue an order following the commission's determination of the right of an individual to be or remain an elector when such determination is made (i) pursuant to an appeal taken to the commission from a decision of the registrars of voters or board of admission of electors under section 9-311, or (ii) following the commission's investigation pursuant to subdivision (1) of this subsection;

Investigation

Complaint and Waterbury-American Article

12. The newspaper article in question appeared in the October 31, 2019 edition of the Waterbury Republican-American (“WRA”).

13. The article details allegations by Town Council candidate David Demirs against Mrs. Duplissie—an incumbent on the Town Council—and her husband were not residents of Watertown, but were in fact residents of Vermont.
14. The article states that the Duplissie owned a 80 acre tree farm in Newport, Vermont and had recently bought a lake house in that state as well. Mr. Demirs alleged that the Duplissies were evading taxes by having vehicles registered in Vermont and not in Watertown, or, alternately, were in fact Vermont residents and should not be voting and/or serving in office in Watertown.
15. Mrs. Duplisse is credited in the article as stating that they divide their time between Vermont and Connecticut, with Mr. Duplisse spending more time in Vermont than her.
16. Mrs. Duplissie is quoted in the article as stating that some, but not all, of their vehicles were registered in Vermont, but some were also registered in Watertown, for which they paid taxes to the assessor. She also was further quoted in the article as stating that her husband was in fact a “resident in Vermont” which is why, she argues, he was permitted to register his vehicles there.
17. The Complainant in the instant matter does not express any personal knowledge as to the Respondents’ bona fide residency status, but expressed concern about that last line from Mrs. Duplissie, which she believes might be an admission that Mr. Duplissie is not eligible to be an elector in Watertown.

Properties

18. The investigation here revealed that the Respondents have been co-owners of a residential property in Watertown on Morro St since 1990. The property is 1.29 acres with a 1,371 square foot dwelling built in 1953.
19. The Respondents are also co-owners of an 80-acre farm property on Pine Hill Road in Derby, Vermont, which they purchased in 2013.
20. The Respondents are also co-owners of a 0.26 acre residential property with a 1250 square foot residential dwelling on Glen Road in Derby, Vermont, which they purchased in 2018.
21. The property card for Pine Hill Road property in Vermont lists the Morro Road address in Watertown in the contact information.

22. The Watertown assessment records indicate not only the real property on Morro St, but two vehicles in Mrs. Duplissie's name registered in Watertown through the current tax year. Mr. Duplissie had two other vehicles registered in Watertown through the 2013 tax year.

Voting Records and Voting Information

23. As stated above, the voting records in Connecticut show that the Duplissies are longtime registered electors in Watertown and frequently vote in town primaries, elections, and referenda.
24. The investigation explored the records of both of the aforementioned Vermont towns, as well as the statewide database of the Vermont Secretary of the State and discovered no records evidencing that either of the Duplissies ever registered as electors and/or voted in Vermont.

Response

25. The Respondents were very cooperative in the instant investigation. Mrs. Duplissie stated that she was not misquoted by the WRA, but that she discovered afterwards that she was incorrect about her husband's voting status.
26. Mrs. Duplissie did not correct anything else in the article and confirmed that she splits her time between the two states and that her husband spends more time in Vermont than her.
27. Mr. Duplissie confirmed that he has never registered to vote or voted in Vermont. He stated that he does spend a substantial amount of the year tending to the tree farm in Vermont. He estimated approximately 8 months/year recently and inquired whether he should move his voter registration to Vermont.
28. Both Respondents indicated that Watertown remains an important part of their lives, but that they are undoubtedly dual-staters.

Analysis

29. Turning to the question here, as concerns Mrs. Duplisse, while the evidence is clear that she is a dual-property owner, her contacts in Connecticut are substantial and sufficient. She is a longtime elector at the same address, pays property taxes in town, and participates in public service as a Town Councilor in that community. In Connecticut, a person is not required to spend a plurality of time at a particular address for that address to remain such person's bona fide residence. There is no evidence here that Mrs. Duplissie abandoned her bona fide residence in Watertown. As such, the matter should be dismissed against this Respondent.


30. Mr. Duplissie's time in Connecticut each year is less substantial than his spouse's, but he also is a longtime elector in the Watertown community who continues to own property in town in which he lives with his wife. His duties to the business property in Vermont take him away frequently, but there was no evidence discovered during the investigation that he had abandoned the Watertown property for voting purposes. There is insufficient evidence here that Mr. Duplissie abandoned is bona fide residence in Watertown. As such, the matter should also be dismissed against this Respondent.

ORDER

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

That the matter is dismissed.

Adopted this ist day of July, 2020 at Hartford, Connecticut.


~~Anthony J. Castagno~~, Chairperson - *Vice*
By Order of the Commission
SALVATORE A. BRAMANTE