

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Pereira, Bridgeport

File No. 2020-029

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Jennifer Sierzant was not a bona fide resident at her registered address in Bridgeport, but rather was a bona fide resident at another address in Bridgeport, which was located in different state and local districts.¹

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

Law

1. An elector is eligible to register to vote at a particular address only if such voter is a bona fide resident of such address. 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.)

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

2. 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.
3. 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.
4. 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.)
5. 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. . . .”)

6. 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 when 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;

Allegations

7. In her Complaint, the Complaint alleged, in pertinent part:

Jennifer J. Sierzant is in her mid-forties, has at least one adult child, recently became a grandmother and appears to be gainfully employed. I have lived around the corner from [redacted] Huntington Turnpike since November 2012. I have knocked on the door of [redacted] Huntington Turnpike many times since July 2013 either campaigning for myself or a candidate I support. In my six years of knocking on the door of [redacted] Huntington Turnpike I have repeatedly spoken with John G. Ziobo and Leslie K. Walsh, however I have never encountered Jennifer J. Sierzant. Approximately two years ago I became suspicious of Jennifer J. Sierzant's residency after she sent me a Facebook friend request which I accepted. There never appeared to be photos of her with John Ziabo or Leslie Walsh, and her pictures were often taken in a home which was clutter free, contemporary in its furnishings and art. The home on [redacted] Huntington Turnpike is somewhat blighted and

messy. Although I have never been in the home located as [redacted] Huntington Turnpike, I have clearly seen the kitchen via the side entrance which has always been incredibly cluttered with paper and miscellaneous items covering the table and counter. The front door has a little foyer and the living area has also appeared cluttered and messy. Jennifer J. Sierzant consistently votes in Democratic Primaries with Leslie K. Walsh, however she rarely votes in General Elections. In Bridgeport, the Democratic Primary is the ball game. If you win the Democratic Primary you will win the General Election because there are 11 Democrats for every 1 Republican. According to a White Pages search, Jennifer J. Sierzant resides on the opposite side of town on [redacted] Lafayette Street, Apt.2 which is located next to Seaside Park and the University of Bridgeport Campus in the South End. This likely means that Jennifer J. Sierzant is required to vote at Bassick High School. Residents of [redacted] Huntington Turnpike are required to vote at Thomas Hooker School located in the Upper East Side. I believe that due to John G. Ziobo's political ties to Democratic Town Chair Mario Testa; Jennifer J. Sierzant has been purposefully and knowingly voting from [redacted] Huntington Turnpike in Primaries to help influence the outcome of 138th District & State Representative Democratic Primaries and General Elections in violation of several state elections & voting laws. . . . I would ask that you fully investigate potential elections & voting fraud committed by Jennifer J. Sierzant and any other potential accomplices residing at [redacted]Huntington Turnpike.

8. The Complaint included photographs of the interior of the property at Lafayette Street, Apt. 2 from rental listings associated with the apartment as well as property and tax records for both properties.
9. No other additional evidentiary support was included regarding bona fide residence as to either of the residences.

Investigation

Registration and Voting Record

10. The records of the Connecticut Voter Registration System ("CVRS") indicate that Respondent Jennifer Sierzant first registered to vote at the Huntington Turnpike property in Bridgeport in early 2016.

11. CVRS reflects that the Respondent was a regular voter in the City of Bridgeport during that time, casting a ballot in elections and primaries on 8 occasions between 2016 and the present.
12. CVRS reflects no activity that would suggest that Respondent Sierzant's association with the Huntington Turnpike property was flagged during the required annual "Canvass to ascertain changes of residence" administered by the Bridgeport Registrars of Voters, as enumerated in General Statutes §§ 9-32, *et seq.*

Huntington Turnpike

13. The investigation here confirmed that the records of the City of Bridgeport show that the Huntington Turnpike address is owned solely by a John Ziobo since 1987.
14. The Huntington Turnpike address is a single-family dwelling with 3 bedrooms.
15. The Huntington Turnpike address is located in the 4th Congressional, 23rd State Senate, 126th State House, and 138th Local districts.
16. Background checks on the Huntington Turnpike property, as well as public searches yielded Respondent Jennifer Sierzant's name in association with this property.
17. Additionally, records obtained from the Department of Motor Vehicle Records confirmed the Huntington Turnpike address as the Respondent's residential address.
18. The Commission also notes that it discovered information indicating a residential interest in the Huntington Turnpike address by another individual with the same last name Joseph Sierzant, who is 22 years younger than the Respondent.

Lafayette Street

19. The investigation here confirmed that the records of the City of Bridgeport show that the Lafayette Street address is owned solely by a Jeffrey Volcy of Nyack, NY.
20. The Lafayette Street address is a two-family dwelling with 3 bedrooms per unit.
21. The Lafayette Street address is located in the 4th Congressional, 23rd State Senate, 130th State House, and 131st Local districts.
22. Two individuals, Nina Parker and Marangelie Ramos, are the only registered electors at the Lafayette Street address.

23. Commission investigators' background check yielded this address as one possibly associated with Respondent Jennifer Sierzant, but no other credible sources were found that substantiated this potential association; all the publicly available data reviewed during the investigation yielded the Huntington Turnpike address as the Respondent's residential address.
24. Additionally, Commission investigators interviewed Lafayette Street owner and landlord Jeffery Volcy who asserted that he had no current tenant with the Respondent's name, nor any record in his possession that the Respondent was ever a tenant at the property.

Analysis and Conclusion²

25. The Complainant alleged that Respondent Sierzant is not a bona fide resident at the Huntington Turnpike property based primarily on her assertion that she believed that Respondent Sierzant actually lives at the Lafayette Street address.
26. The Respondent's belief regarding the Lafayette Street property was based largely on her review and analysis of the Respondent's social media pages, as well as her observation of the properties through the windows. However, she also found, as the Commission investigation did, at least one recorded, but unsubstantiated, potential association between that property and Respondent Sierzant.
27. Turning to the question here, the Commission notes that the primary responsibility of the Commission in any bona fide residence case in which an elector is currently registered at a particular address is to determine whether it is more likely than not that an individual has abandoned bona fide residence at that particular address. See *Referral by Manchester Registrars of Voters*, Manchester, File No. 2013-081, *supra*.
28. Moreover, while evidence of an association with an additional address or addresses is relevant as to the question of continued bona fide residence at the registered address, the right to reside at another address is not *definitive* evidence, alone, that bona fide residence has been abandoned at the registered address. "[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.*") *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4,

² The Commission notes that while Commission investigators were unable to make affirmative contact with Respondent Sierzant during the investigation of this bona fide residence question due to limitations related to the Covid-19 pandemic, for the reasons set forth in the Commission's Analysis and Conclusions, the Commission's ability to render a decision here was not hindered by this limitation.

1972) *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4, 1972) (Emphasis added.)

29. Here, neither the evidence provided by the Complainant, nor the evidence developed in the instant investigation showed more than a fleeting, potential association with the Lafayette Street property, with no substantiation of whether such association exists or ever existed, much less whether such association amounted to a residential interest.
30. Additionally, the facts developed during the investigation yielded considerable doubt of a residential association with this property, including, importantly, the statement by the landlord and current owner of the Lafayette Street property, who asserted that he lacked any knowledge or possessed any evidence of the Respondent ever residing there.
31. In addition to the official records of the Department of Motor Vehicles, the overwhelming share of the publicly available data points toward Huntington Turnpike as the Respondent's residential address, not Lafayette Street.
32. Considering the aforesaid, the Commission concludes that the available evidence does not support a finding that it is more likely than not that the Respondent abandoned her bona fide residence at Huntington Turnpike. As such, the Commission concludes that the Respondent's right to vote in the City of Bridgeport from her registered address remains intact as of the date of this decision.
33. Accordingly, 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 March, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission