

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the North Canaan Town Clerk

File No. 2020-066

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 Respondent Laurence Gay voted in North Canaan when he was not a *bona fide* resident of that town. The following are the Commission's findings of fact and conclusions of law:

Factual Background

Relevant Individuals

1. At all times relevant hereto, the Referring Official Jean A Jacquier was the Town Clerk for the Town of North Canaan.
2. At all times relevant hereto, Respondent Laurence Gay was an individual registered to vote in the Town of New Canaan.

Respondent's Connections to North Canaan

3. Prior to the summer of 2019, Respondent owned a residence on East Cannon Road ("East Canaan Road House 1").
4. Respondent claims that East Canaan Road House 1 was his home and legal residence from his birth until he sold the residence in late summer of 2019 after a change in family circumstances.
5. Respondent asserts that immediately upon selling East Canaan Road House 1, Respondent moved into a home on the same street owned by his sister ("East Canaan Road House 2").
6. Respondent states that he has his own, private bedroom and office within East Canaan Road House 2.
7. On or about October 29, 2019, the voter registration records of the Town of North Canaan show that Respondent changed his voter registration to reflect his new address at East Canaan Road House 2.

8. An affidavit provided by Respondent's sister states that Respondent has lived at East Canaan Road House 2 during the period of time relevant to this investigation.
9. Since moving in 2019, Respondent's registered address with the Connecticut Department of Motor Vehicles has been East Canaan Road House 2.
10. Since moving in 2019, Respondent used East Canaan Road House 2 as his address for federal and state income taxation purposes.
11. Since moving in 2019, Respondent asserts that most of his belongings have been kept at East Canaan Road House 2.

Business Locations

12. At all times relevant hereto, Respondent was an owner and/or partner of Business Strategies Insights ("BSI").
13. Respondent's obligations with regard to BSI often require extended stays away from Connecticut.
14. For more than five years, BSI has leased a two-bedroom apartment in New York City for use by Respondent and two other partners of BSI (the "BSI Apartment").
15. Over the past five years, Respondent has spent significant time in the BSI Apartment. In fact, shortly before the current pandemic began, Respondent underwent surgery that rendered him at risk of complications if he contracted COVID-19. Respondent's sister, at the time, was working in a medical facility.
16. Respondent states that he remained in the BSI Apartment for an extended period of time to avoid potential COVID-19 exposure from his sister.

Law

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 . . . (Emphasis added.)

18. 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.

19. “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.
20. 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.
21. 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.)

22. 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. . . .”).
23. However, mere assertion of “intent to return” to a residence is not the end of the Commission’s inquiry into the topic. See *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2014-158A & 2015-007A. In *Szyrkowicz*, the Commission held that:

In this case, Respondent’s connections to the Randolph Road House is that of an adult child visiting a parent, not a resident of the home. Over the past several years, the Respondent has not used the Randolph Road House as a primary home, but rather used it as a place to visit her family that owns that home. Moreover, Respondent is employed, full time, in a job that is located in another location, with no fixed end date. While she has expressed affinity for the Randolph Road House, she has made no showing, and taken no affirmative action to demonstrate that she actually lives or intends to live her day-to-day life at that location.

Moreover, Respondent’s age and length of time away from the home is relevant to this inquiry. Respondent was 43 years old on November 4, 2014. She had been living at another location for at least seven years. This extended indefinite absence demonstrates an abandonment of the Randolph Road House for voting purposes.

24. Moreover, 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 fide residency in the first instance. See *Farley*, above. Then, and only then, may the person choose between such multiple dwellings. *Id.*

Discussion

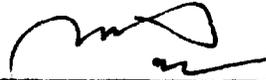
25. Respondent's historic connections to the Town of North Canaan are not in question in this case. It is clear from the evidence that Respondent has had a long term connection to the town.
26. The questions for the Commission to answer are: 1) whether, after leaving East Canaan Road House 1, Respondent established residency in East Canaan Road House 2; and 2) if so, whether Respondent ever abandoned his residency for another location.
27. With regard to the first question, the evidence suggests that, after selling his family home, Respondent took numerous actions to establish his residence at East Canaan Road House 2, including, but not limited to: registering such address as his address for income tax and motor vehicle purposes, moving his belongings to the location, establishing his own space at the location, and physically staying at the location.
28. Based upon the evidence collected in this matter, it is the conclusion of the Commission that Respondent did establish East Canaan Road House 2 as his *bona fide* residence after he sold East Canaan Road House 1.
29. Moreover, while Respondent did have extended stays away from North Canaan, there was no evidence discovered that the other locations where Respondent stayed were intended to be anything other than temporary. Accordingly, the Commission concludes that the Respondent did not abandon his *bona fide* residence in North Canaan prior to or on November 3, 2020.
30. Accordingly, it is the determination of the Commission that this matter should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 15th day of December, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission