

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Joshua A. Esses,
Stamford

File No. 2021-060

FINDINGS AND CONCLUSIONS

Complainant, Joshua A. Esses, made this complaint pursuant to General Statutes § 9-7b. Complainant alleged that Corey P. Harris (hereinafter "Respondent") voted when ineligible to do so on three occasions. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant alleged that Respondent voted in Stamford on August 11, 2020 and November 3, 2020 and March 2, 2021, when he was ineligible to do so.
2. Complainant alleged that Respondent violated General Statutes § 9-172 by voting in Stamford because he was not a bona fide resident of Stamford, but rather was living in Bridgeport at the time he voted in each instance.
3. By way of background, the question of residency arose in this instance due to a temporary relocation due to divorce proceedings that were finalized in December 2019 and culminated in Respondent vacating the apartment he had shared with his former spouse.

Applicable Law

4. 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.

...

5. General Statutes § 9-172, 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. ...

“Bona Fide” Residence Standard and Precedent

6. The Commission has ample precedent applying a “bona fide” residence standard to cases where it has determined the legitimacy of an individual’s voter registration or eligibility to be an elector. *See* General Statutes § 9-12 and § 9-20.
7. The Commission has indicated 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).
8. Further, the Commission has concluded 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.
9. The Commission has considered the following elements relevant to determining whether an individual maintained a bona fide residence, or not: (1) location of a rented home; (2) state and address identified on a driver’s license; (3) state listed as address for income taxation purposes; (4) state where individual and/or individual’s spouse or children lived; (5) *state where individual had regular continuing employment over the consecutive years*; and, (6) *whether individual had registered in a state other than the state in which a bona fide residence is claimed or in dispute*. *See Complaint by Linda Szykowitz*, File Nos. 2014-158 and 2015-007.
10. The Commission subsequently has confirmed its reasoning regarding such indicia of bona fide residence and has “...stressed that the aforementioned criteria are illustrative of relevant factors and not wholly or on their own dispositive

determinants of “bona fide” residence when weighing them for purposes of applying Connecticut’s election laws.” *See Complaint by Alyssa Peterson, Hartford, File No. 2016-106.*

11. It follows that the Commission in applying its bona fide residence standard weighs the facts pertaining to an individual’s claim of residence on a case-by-case basis.¹

Facts After Investigation

12. Respondent cooperated with this investigation and provided a detailed response to the complaint. Respondent denies that he voted in Stamford when ineligible to do so as alleged. Upon investigation, records and testimony corroborate Respondent’s assertion of bona fide residence in Stamford.
13. Respondent detailed his contacts with Stamford at all times relevant to this complaint and provided evidence of his “genuine intent to return” to Stamford as his voting residence. *See Booker, infra.*
14. The Commission finds that since his December 2019 divorce precipitated his temporary relocation from Stamford, Respondent continued his employment in Stamford, maintained his parish membership with a Stamford church and slept periodically two or three nights a week in Stamford at a friend’s apartment. Finally, the Commission finds that Respondent in returning to Stamford ended up initially back at 150 Broad Street where he returned to a different unit in the same facility he had vacated due to his divorce.
15. Further, Respondent while maintaining a lease for an apartment in Bridgeport, nevertheless provided credible evidence that he consistently maintained a genuine intent to return and reside in Stamford. Specifically, the Commission finds that Respondent manifested his intent to reside and return to Stamford between December 2019 and April 2021, by updating his voter registration change of address information with the Stamford Registrars of Voters office on April 16, 2020; which voter residence address at 1 Birch Drive in Stamford was effective as of that date.²

¹ Most recently, the Commission in the *Complaint of Morris R. Patton, Bristol, File No. 2022-013* reaffirmed this proposition and the necessity of this approach.

² *See Id.*, (where an individual updating change of address information with the Registrars of Voters office within the same municipality was deemed to be illustrative of and indicia of an intent to remain or reside within that respective community for purposes of bona fide residence).

16. Additionally, the Commission in the course of its investigation determined that Respondent, manifested the requisite intent to reside in Stamford by seeking election, and being elected to, the General Assembly as a member from the 145th District in Stamford at a special election on April 27, 2021.

“Bona Fide Residence” Analysis

17. The Commission for purposes of applying its bona fide residence standard to Respondent’s specific circumstances determines that Respondent’s exhibited the requisite intent to maintain his voter registration in Stamford. This includes updating his change of address information with the Stamford Registrars of Voters during the period of December 2019 through April 2021. The Commission finds that Respondent took such steps to maintain his residence in Stamford to constitute “illustrative relevant facts” of bona fide residence. *See Szyrkowicz, infra.*

18. The Commission determines that the following facts are illustrative indicia in support of Respondent’s claim that he manifested a genuine intent to reside in Stamford: (1) periodic and consistent overnight stays within Stamford throughout the period of December 2019 through April 2021; (2) continued social and occupational engagement within Stamford as a matter of employment and civic memberships; (3) seeking and qualifying to run for elected office in Stamford; and, (5) winning elected office as member of the General Assembly for the 145th District in Stamford at the April 27, 2021 special election.

19. After investigation, the Commission finds that Respondent has exhibited, cumulatively, the requisite elements to sufficiently establish that Stamford at all times relevant to this complaint was his intended bona fide residence. *See Szyrkowicz, infra.*

Conclusion

20. The Commission concludes after investigation and the application of its bona fide residence standard to the facts detailed herein that Respondent maintained an intent to reside in Stamford and was duly registered to vote in Stamford when he voted there on August 11, 2020, November 3, 2020 and March 2, 2021.

21. The Commission therefore dismisses Complainant’s allegation pertaining to Respondent voting in Stamford on three occasions when he was ineligible to do so, as it was not supported by the facts or the law after investigation.

22. The Commission determines that this matter should be dismissed.

ORDER

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

The complaint is dismissed.

Adopted this 2nd day of November 2022, at Hartford, Connecticut.



Stephen T. Penny, Chairman
By Order of the Commission