

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

In the Matter of a Complaint by Julianne Ingham, Thomaston

File No. 2021-120

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that Thomaston electors Christine and Paul Yoos unlawfully registered and voted from an address of a property at which they were not bona fide residents.

**Law**

1. 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.)
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., *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.

3. 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.
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. 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 fide residency in the first instance. See *Farley*, above. Then, and only then, may the person choose between such multiple dwellings. *Id.*

7. In *Poricelli*, the Commission acknowledged that in determining whether a dwelling is a person's "true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return" the Commission acknowledged that Connecticut follows the common law "bedroom rule."

8. The Commission determined in *Poricelli* that:

In the absence of 'liner' statutes, which Connecticut does not have for voting purposes, the general rule under the common law had been *where the individual rests his or her head at night*, or the 'bedroom rule,' and not the square footage rule utilized by the Registrars. See *Abington v. North Bridgewater*, 40 Mass. 170, 179 (1830): '[I]f a man has a dwellinghouse, situated partly within one jurisdiction and partly in another . . . he shall be deemed an inhabitant within that jurisdiction, within the limits of which he usually sleeps.' See also *Whitehouse v. Commissioner of Internal Revenue*, 963 F.2d 1 (1st Cir. 1992), *Blaine v. Murphy*, 265 F. 324 (D. Mass 1920); 25 Am. Jur. 2d Domicil §29 (1996). (Emphasis added.)

*Poricelli* at ¶ 51

9. Falsely registering at an address at which a person lacks bona fide residence, is a potential violation of General Statutes § 9-19j, 9-19k, 9-20, 9-23g, and/or 9-23h, depending on the method by which such person submits their registration.

### **Allegation**

10. The Complainant here alleged that respondents Christine and Paul Yoos, who are registered electors at a residential apartment located on the grounds of their commercial business, Valley Welding Co, were not bona fide residents at this location. Her bases for this allegations were assertions that: they owned a residential property in Northfield; she or others she knew had never seen them there at night; and that the reported water usage at the address was approximately 30-35% of the residential average.

### **Investigation**

#### Registration and Voting History

11. As concerns the Yooses' history as electors in Connecticut, according to the Connecticut Voter Registration System ("CVRS") Paul Yoos appears to have first registered to vote in

2010 at 57 Reder Road in Litchfield and then changed his registration address to 164 South Main Street in Thomaston in January 2011.

12. Mr. Yoos cast a ballot under the 57 Reder Road registration 1 time in 2010.
13. Mr. Yoos cast ballots under the 164 South Main Street registration 14 times between January 2010 and December 2021.
14. Christine Yoos appears to have first registered to vote in 2005 at 57 Reder Road in Litchfield and then changed her registration address to 164 South Main Street in Thomaston in January 2011.
15. Mrs. Yoos cast ballots under the 57 Reder Road registration 5 times between 2005 and 2009.
16. Mrs. Yoos cast ballots under the 164 South Main Street registration 14 times between January 2011 and December 2021.
17. Mrs. Yoos is an appointed member of the Thomaston Zoning Board of Appeals.

164 South Main Street, Thomaston

18. The investigation here found that the records of the Town of Thomaston show that 164 South Main Street, at which the Yooses are currently registered, is owned by them personally and they pay property taxes to the town for this property.
19. The floor level is a commercial office space and garage. The second floor contains an approximately 770 square foot residential apartment.
20. The Yooses also own, through limited liability companies, the abutting residential property at 168 South Main Street on which a two-family home is located and the abutting commercial properties at 162 and 176 South Main Street, on which are located a tire repair shop and a service station, respectively.
21. The records of the Town of Thomaston show that 164 South Main Street has been owned by the Yooses since 1974.
22. In or about August 1975, Mr. Yoos applied for and appeared to receive a variance from the Zoning Board of Appeals to build an outdoor stairwell leading to the upstairs apartment.

23. In the application, Mr. Yoos stated the reason for his hardship as “I need a place to live.”
24. The records of the Town of Thomaston show that the town granted Mr. Yoos an occupancy permit for 164 South Main Street on or about February 10, 1976.
25. The zone in which 164 South Main Street is located is “General Commercial,” which allows, *inter alia*, “Mixed Use Residential Units.”<sup>1</sup>
26. The investigation also revealed that the records of the Town of Thomaston show that the Yooses have one non-commercial vehicle, a 2018 Subaru, that is registered at 164 South Main Street and for which the Yooses pay property taxes.
27. Additionally, the investigation revealed that the Yooses’ drivers’ license address and their domicile for the tax purposes is also 164 South Main Street.

57 Reder Rd, Litchfield, CT

28. The investigation here showed that the records of the Town of Litchfield show that 57 Reder Road is owned by them personally and they pay property taxes to the town for this property.
29. The property card for 57 Reder Road lists 164 South Main Street in Thomaston as the mailing address.
30. At this address stands an 1,884 square foot ranch-style single-family dwelling.
31. The records of the Town of Litchfield show that 57 Reder Road has been owned by the Yooses since at least 1986.
32. The zone in which 57 Reder Road is located is a “Rural Residences” zone, which is the most predominant in town and permits, largely, residential and agrarian uses.
33. The investigation also revealed that the records of the Town of Litchfield show that the Yooses have one non-commercial vehicle, a 1994 Lincoln, that is registered at 57 Reder Road and for which the Yooses pay property taxes.

---

<sup>1</sup> See Town of Thomaston Zoning Regulations, Article 21.9; although this particular use was approved prior to the enactment of Article 21.9, the apartment at 164 South Main Street would appear on its face to meet most if not all of the criteria in the new regulation if the Yooses were to make an application today.

Response

34. In multiple communications, the Respondents here asserted, in pertinent part:

In 1974 Paul Yoos purchased the property now known as 162 South Main Street in the small town called Thomaston. He converted the space above the office into living quarters for himself. The town officials issued an occupancy permit for that space. He began to use this South Main Street address for all mail deliveries provided by the US postal service. At that time Mr. Yoos contacted the DMV and changed his license over to the Thomaston address. A few years later when he married Christine she also moved into this apartment. Since those days neither Paul nor Christine Yoos have used any other mailing address.

Both Yooses have been actively involved in Thomaston's municipal affairs. They have attended many town meetings, such as monthly Finance Board meetings, Board of Selectmen semi-monthly meetings, Police Commission monthly meetings, Planning and Zoning Commission monthly meetings, and Zoning Board of Appeals meetings.

...

Christine Yoos has repeatedly been reappointed by the Board of Selectmen to membership on the ZBA. She has been voted to that Board by the First Selectman, Edmund Mone. The part time selectmen have also voted in favor of her appointment. These selectmen, along with other town officials, are aware that the Yooses own two homes.

...

The Yooses own four parcels of real property in Thomaston and thus have a substantial financial stake in that town. They travel between their two homes every day. The Yooses have never had a mailbox in Northfield. All their mail comes to Thomaston. The daily news paper is delivered to the Thomaston address. The four pieces of property represent a greater financial investment in Thomaston than the Yooses have in Northfield (Litchfield). They have added to their Thomaston investments over the years.

...

The Yooses do not attend Litchfield town meetings. They do not vote in Litchfield. Their significant financial and other interests lie

in Thomaston. Their hearts lie in Thomaston and the town's wellbeing is constantly on their minds.

### **Analysis**

35. Turning to the question here, based on the available evidence, the Commission finds that it is clear that the Yooses are the owners of two properties, both of which are capable of residential dwelling .
36. Moreover, the Commission finds that the available evidence establishes that the Yooses' interests in Thomaston and connection to this address are substantial.
37. The Yoos are longtime property owners and electors at the same residential dwelling unit in Thomaston, which they also claim for other purposes, such as tax domicile; they pay property taxes in Thomaston; and they participate in public service in that community.
38. Finally, the Commission finds that the evidence presented by the Complainants of reduced relative water consumption and anecdotal observations of nocturnal activity does not sufficiently establish in this instance, against the weight of the evidence to the contrary, that these Respondents cannot or do not "lay their heads to sleep" at this address for at least a portion of each year. "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." See, *In the Matter of a Complaint by Katherine Camara, Oakville*, File No. 2019-155, ¶29.
39. Accordingly, the Commission cannot determine with the available evidence that it is more likely than not that the Respondents have abandoned the dwelling for bona fide residence purposes.<sup>2</sup>
40. Accordingly, this matter should be dismissed

---

<sup>2</sup> However, as the question of one's residence is fluid and ongoing, the Commission is not precluded from considering the question of the Yoos', or any other elector's, bona fide residence at a given address at any point in time in the future.

ORDER

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

Dismissed

Adopted this 20<sup>th</sup> day of July, 2022 at Hartford, Connecticut.



---

Stephen T. Penny, Chairperson  
By Order of the Commission