

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Morris R. Patton,
Bristol

File No. 2022-013

FINDINGS AND CONCLUSIONS

Complainant, Morris R. Patton, made this complaint pursuant to General Statutes § 9-7b. Complainant alleged that State Representative Cara. C. Pavalock-D'Amato falsely signed her candidate committee registration statement with the Commission by providing an incorrect residence address on that form. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant alleged that State Representative Cara C. Pavalock-D'Amato (hereinafter "Respondent") completed and signed a Registration by Candidate (SEEC Form 1) and provided a false residences address.
2. Complainant also claimed that Respondent should be removed from the office of state representative in the 77th district because of her living in the 78th General Assembly district. Complainant asserted that "[p]er Connecticut Constitution Art. III §4, each member of the House of Representatives 'shall be an elector residing in the assembly district from which he is elected,'" and therefore Respondent was disqualified from holding office.
3. The Commission does not have jurisdiction to remove a member of the General Assembly or to determine whether a member remains qualified to serve in that body.
4. The Commission considers Complainant's allegations solely for the narrow purpose of determining whether Respondent provided a false residence address in completing her voter registration, pursuant to General Statues § 9-20 and thereby made a false statement when registering her candidate committee with the Commission.
5. The Commission notes that as a result of re-districting both addresses identified in the complaint pertaining to the question of Respondent's residence are now within the 77th General Assembly District where she is seeking re-election.
6. Respondent, at all times relevant to this complaint and investigation, was the incumbent member from the 77th General Assembly District and seeking re-election at the November 3, 2022 election. Respondent has no prior enforcement history with the Commission.

7. By way of background, Respondent registered the candidate committee "Cara 22" (hereinafter "Committee") with the Commission by filing an SEEC Form 1 on January 12, 2022. Respondent provided the "candidate residence address" of 467 Farmington Ave # 20 Bristol and her "candidate mailing address" as 1960 Perkins Street, Bristol when she completed that registration.
8. Respondent also completed SEEC Form 1A and registered the Committee for her re-election as member of the General Assembly from the 77th District campaign at the November 3, 2022 election. Respondent designated Dustin R. Bingham her treasurer.
9. Complainant's assertions and allegations are excerpted as follows:
Respondent Cara Pavalock-D'Amato has moved out of the 77th General Assembly District and is falsely representing the residents of the 77th District. The respondent has moved to a property purchased by her family, located at 1960 Perkins Street, Bristol, ... [Respondent claims]... to have moved into a new apartment in district to continue serving as the State Representative for the 77th district. The alleged apartment is located at 467 Farmington Ave, # 20, as shown on the respondent's SEEC Form 1, Registration by Candidate, The respondent has not been residing within this apartment and has been residing in the residence at 1960 Perkins St, which is listed as the respondent's mailing address per her SEEC Form 1 Campaign registration, She lives there with her young child and husband, Anthony D'Amato. Her husband, Anthony D'Amato, is currently registered to vote at 1960 Perkins St. ...
[Emphasis added.]

Applicable Law

10. General Statutes § 9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, no contributions may be made, solicited or received and no expenditures, ... may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. ...

11. General Statutes § 53a-157b, provides:

(a) A person is guilty of false statement in the second degree when he *intentionally makes a false written statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable*, which he does not believe to be true and *which statement is intended to mislead a public servant in the performance of his official function*.

(b) False statement in the second degree is a class A misdemeanor. [Emphasis added.]

12. General Statutes § 9-20, provides in pertinent part:

(a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State *and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number*, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.

(b) The applicant's statement shall be delivered to the registrars immediately and shall be kept by the registrars as a public record in a safe depository, ...

“Bona Fide” Residence Standard and Precedent

13. 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.

14. 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).
15. 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 (emphasis added).
16. 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.
17. 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.
18. 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.

Response to Complaint and Investigation

19. Respondent cooperated with this investigation and provided a detailed response to the complaint. Respondent denies by affidavit the allegations that she has moved out of the 77th General Assembly District and that she now resides in the 78th District.
20. Respondent provided various documents in denying Complainant's allegations and in support of her claims that she maintained a residence in an apartment on Farmington Avenue, Bristol in the 77th district.

21. After investigation, the Commission determines the following facts satisfy standards for indicia in support of Respondent's claim that the property at Farmington Avenue, Bristol is her residence: (1) a rental "checklist" and tenant application from the property manager; (2) an October 21, 2021 lease agreement for the property, Bristol; (3) a cancelled rent check for the property; a package receipt notice from the property; (4) mail to the Respondent at the property address; and, (5) a utility bill in Respondent's name for the property.
22. Additionally, the Commission in the course of its investigation determined that Respondent is registered to vote at the Farmington Avenue address in Bristol and has been since December 21, 2021; or approximately six months prior to the filing of this complaint.

"Bona Fide Residence" Analysis

23. The Commission, in order to address the allegations herein, determines that the application of its bona fide residence standard is warranted, in light of the Respondent's registering to vote at the Farmington Avenue address in Bristol and pursuant to General Statutes § 9-20.
24. The Commission for purposes of applying its bona fide residence standard to Respondent's specific circumstances determines that the records provided along with her sworn statement regarding her continuing belief that she took the requisite steps to maintain her residence at Farmington Avenue, Bristol constitute "illustrative relevant facts" of bona fide residence. *See Szykowitz, infra.*
25. The Commission finds that Respondent prior to and throughout this complaint and investigation asserted her manifest intent to reside at that address including on the change of voter address submitted to the Department of Motor Vehicles and processed by the Bristol Registrar of Voters on December 21, 2021.
26. After investigation, the Commission finds that Respondent has exhibited, cumulatively, the requisite elements to sufficiently establish that Farmington Avenue, Bristol is her bona fide residence. *See Szykowitz, infra.*

Conclusion

27. The Commission concludes after investigation and the application of its bona fide residence standard to the facts detailed herein that Respondent accurately provided her residence address when changing her voter registration address to the Farmington Avenue address in Bristol consistent with the Commission's bona fide residence standard as applied to these facts and pursuant to General Statutes § 9-20.
28. The Commission therefore dismisses Complainant's allegation pertaining to Respondent's falsely certifying her residence address to the Commission, as it was not supported by the facts or the law after investigation.
29. The Commission, for the reasons detailed herein, 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 6th day of July 2022, at Hartford, Connecticut.



Stephen T. Penny, Chairman
By Order of the Commission