

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Patricia Imperatore, Branford

File No. 2023-004

FINDINGS AND CONCLUSIONS

The Complainant alleges Respondent Daniel Hally, Democratic Registrar of Voters for the Town of Branford, Respondent Darren A. Lawler, Republican Registrar of Voters for the Town of Branford, and Rebecca DeAngelo, the First District Poll Moderator for the Town of Branford insisted that she was not allowed to vote without providing another address for her voter registration because her listed voter registration address is a U.S. Postal Service Post Office Box, located at the U.S. Postal Service office for the Town of Branford. Therefore, because she exited the polling place without casting a ballot, her right to vote was denied in the November 8, 2022, election.¹ After an investigation of this matter, the Commission makes the following findings and conclusions:

1. The complaint provides that on July 26, 2022, in an email chain with the subject line, “Re: Address Correction Needed” and in response to Respondent Lawler’s email informing her of the need to list a residential address, instead of the U.S. Postal Service Post Office Box, for her voter registration, Ms. Imperatore wrote to Respondent Lawler asking, “Please forward me a copy of Connecticut General Statute law (not a municipality code or ordinance) that states my address on the voter registration is not my legal address.”
2. The complaint provides that on July 27, 2022, in an email chain with the subject line, “Re: Address Correction Needed,” Respondent Lawler wrote to Ms. Imperatore and stated, “Pat, I forwarded your question to Ted Bromley, Director of Elections for the Secretary of States Office...Sec. 9- 12. Who may be admitted. (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...”

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 pursuant to General Statutes §9-7b. 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 pursuant to General Statutes §9-7b.

3. The complaint indicates that on October 18, 2022, in response to email from Respondent Hally to Secretary of State Staff Attorney Bernard Liu about how to handle electors whose listed voter registration address is a U.S. Postal Service Post Office Box, Theodore E. Bromley, Director of Elections at the Office of the Secretary of the State, stated a provisional ballot could be given to the individuals whose voter registration address is the U.S. Postal Service office for the Town of Branford, and this would give the Registrars of Voters more time to investigate the situation.
4. The complaint provides that on October 20, 2022, in a letter sent to Ms. Imperatore, the Registrars of Voters for the Town of Branford stated, "We received information that your address is inaccurate from the Town Clerk. We do not want you to lose your right to vote. Please fill out the enclosed Voter Registration Form with all the current information. You can use the prepaid envelope to mail it to our office." A handwrite notation, "Read 10/21/22," marked on the upper righthand corner of the letter attached to the complaint indicates that Ms. Imperatore read the letter on October 21, 2022.
5. The complaint indicates that on November 4, 2022, in response to an inquiry for help with verifying the address of Ms. Imperatore from the Registrars of Voters for the Town of Branford, Deputy Chief Alves of the Branford Police Department wrote an email to Respondent Hally and Lawler explaining that Ms. Imperatore refused the voter registration assistance offered by the police department social worker, and that Ms. Imperatore was informed that Respondent Hally was able to assist her with voter registration. Also, the email noted the police department was ending its involvement in the matter.
6. According to the Connecticut Voter Registration System, Ms. Imperatore's listed voter registration address is a U.S. Postal Service Post Office Box, located at the U.S. Postal Service office for the Town of Branford.
7. The complaint alleges on November 8, 2022, Ms. Imperatore arrived at the First District Voting Poll, the Branford Community Center located at 46 Church Street, Branford, CT 06405, to vote in the election. At the checkers' table, an unidentified polling place official told Ms. Imperatore to speak with Respondent DeAngelo, who informed Ms. Imperatore that a valid address for the place in which she lives was needed to verify her eligibility to vote. Afterwards, Respondent Hally and Lawler arrived on the scene and restated the position taken by Respondent DeAngelo. According to the complainant, "[a]t approximately, 12:00-12:10 pm, I had had [SIC] enough. I stated to both registrars that you are both refusing me the privilege to vote. Neither of you have any supporting legislated laws to enforce this obstruction of my progress to the voting booth, and I walked out of the gym and the building."
8. On February 24, 2023, in response to the Commission's inquiry into the events of November 8, 2022, Respondent Lawler stated, "At no time did myself, Mr. Hally or Miss DeAngelo ever tell

Miss Imperatore that she could not vote. After several minutes of trying to explain the process and why to Miss Imperatore, she walked out of the polling place without voting.”

9. On February 27, 2023, in response to the Commission’s inquiry into the events of November 8, 2022, Respondent Hally stated, “November 8, 2022 11:12 a.m. – Received a call from District 1 Moderator Becky DeAngelo stating Patricia Imperatore had arrived at the polling place. I arrived a few minutes later... While waiting for the internet, both Registrar Lawler and myself told her she could vote without us doing a challenge ballot if she would provide us with evidence of a valid voting address.² She refused to comply. Both Registrar Lawler and I told her she could still vote but her vote would be challenged. She yelled at us and said we were denying her the right to vote and walked out of the polling place at approximately 11:30 a.m.”
10. On March 1, 2023, in response to the Commission’s inquiry into the events of November 8, 2022, Respondent DeAngelo stated, “Though the internet was slow, I continued to look for the law that indicated that you need to provide a place of residence in the voting district, and explained that a residential and mailing address were different. Dan and Darren arrived while I was searching. They sat at the moderator’s table and I was able to once again turn my attention to the smooth operation of the polling location. Throughout our interactions Ms. Imperatore was insistent that we were denying her the ability to vote, which was definitely not the case. She was not open to the solution I provided, and was firm in her position. I felt that there was nothing I could do but try to ameliorate the situation. I assured her that she was not being singled out, that we just needed a location where she lived that was in District 1.”
11. 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.]

² Pursuant to General Statutes § 9-232, Respondent Hally and Lawler had right to challenge Ms. Imperatore vote because Respondent Hally and Lawler know that Ms. Imperatore’s listed registration address was not valid; however, a challenged ballot was never casted by Ms. Imperatore because, while Respondent Hally and Lawler was trying to lookup General Statutes § 9-12, Ms. Imperatore voluntarily left the polling place.

12. Without dispute as to whether the residences in contention qualified as a “dwelling unit,” Commission “bona fide” residence precedent falls into four categories: (1) cases involving a determination of a person’s “bona fide” residence where there is one residence in Connecticut and another residence in a different state, (2) cases involving a determination of a person’s “bona fide” residence where at least two residences are located in Connecticut; however, one residence is inside the geographic boundaries of the town where the person wants to vote and the other residence is located in another town, which would disqualify said person as a “bona fide” resident of the town in which said person wants to vote pursuant to General Statutes § 9-12, (3) cases involving a determination of a person’s “bona fide” residence where the two residences in contention are located inside the same town and voting district or (4) cases involving a determination of which town a person may claim as their “bona fide resident” because the boundaries of said person’s residence is situated on or between two towns. *A Complaint by Daniel Borchers, Odenton, Maryland, File No. 2009-010; A Complaint by Julianne Ingham, Thomaston File No. 2021-120; in the Matter of a Referral by the Wilton Registrars of Voters File No. 2016-108; In re: Referral by Westport Registrars of Voters, File No. 2013-119.*
13. In *A Complaint by Julianne Ingham, Thomaston File No. 2021-120*, a “bona fide” residence case falling into the second category mentioned above, the Commission stated:

“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.’ The Commission determined in *Poricelli*...[i]n 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).*”
14. The Commission finds that the issue is whether, under General Statutes § 9-12, a U.S. Postal Service Post Office Box address qualifies as a “dwelling unit” for a person to be deemed “a bona fide resident of the town to which the citizen applies for admission as an elector.”
15. The Commission concludes that under Commission precedent, *In a Complaint by Julianne Ingham, Thomaston File No. 2021-120*, a “dwelling unit” is “a person’s ‘true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to

return,’ or, in other words, “where the individual rests his or her head at night” with a genuine intent to return.

16. The Commission concludes that because any U.S. Postal Service office is operated to “provide postal services”³ and not to provide residential rental housing units, the U.S. Postal Service office for the Town of Branford, located at 35 Park Pl, Branford, CT 06405, is not a location where a person can claim has their “true, fixed, and principal home” or “where the individual rests his or her head at night” with a genuine intent to return. *In a Complaint by Julianne Ingham, Thomaston File No. 2021-120.*
17. The Commission concludes that, because a U.S. Postal Service Post Office Box “is a secure, numbered box located at the Post Office where your mail is kept until you collect it”⁴ and too small for human habitation,⁵ any U.S. Postal Service Post Office Box is not a location where a person can claim as their “true, fixed, and principal home” or “where the individual rests his or her head at night” with a genuine intent to return.⁶ *Id.*
18. The Commission concludes that Ms. Imperatore’s U.S. Postal Service Post Office Box address is not a “dwelling unit” within the meaning of General Statutes § 9-12 because it is not a location where Ms. Imperatore can claim as her “true, fixed, and principal home” or “where [she] rests...her head at night” with a genuine intent to return.⁷ *Id.*
19. The Commission finds that on July 26, 2022, Respondent Lawler reached out to Ms. Imperatore by email informing her of the need to list a residential address, instead of the U.S. Postal Service Post Office Box, for her voter registration, on July 27, 2022, Respondent Lawler emailed Ms. Imperatore to provide her with a citation to General Statutes § 9-12, and on October 18, 2022, Respondent Hally received advice from the Secretary of State concerning voting and individuals with their listed voter registration address as a U.S. Postal Service Post Office Box.

³ 39 USCS § 101 (“The Postal Service shall have as its basic function the obligation to provide postal services...”).

⁴ United States Postal Service, “What is a PO Box,” available at <https://www.usps.com/manage/po-boxes.htm> (last visited July 13, 2023).

⁵ The largest size available for a U.S. Postal Service Post Office Box is 12 inches by 22.5 inches. United States Postal Service, “PO Box Size Options,” available at <https://www.usps.com/manage/po-boxes.htm> (last visited July 13, 2023).

⁶ The fact that it is possible to have a U.S. Postal Service Post Office Box in a different state or city from where an individual resides raises another issue with the notation that a U.S. Postal Service Post Office Box could serve as “true, fixed, and principal home” or “where the individual rests his or her head at night” with a genuine intent to return. *In a Complaint by Julianne Ingham, Thomaston File No. 2021-120*; United States Postal Service, “Can I get a PO Box in a different city or state,” available at <https://www.usps.com/manage/po-boxes.htm> (last visited July 13, 2023).

⁷ Ms. Imperatore is not claiming to be without a temporary or permanent shelter or dwelling nor has she asserted the U.S. Postal Service office for the Town of Branford as the place where she lives or sleeps at during any period of the day or night.

20. The Commission finds that on October 20, 2022, Respondent Hally and Respondent Lawler, as the Registrars of Voters for the Town of Branford, sent Ms. Imperatore a letter notifying her of the need to change her voter registration address, and on November 4, 2022, Respondent Hally and Lawler received an email from Deputy Chief Alves explaining that Ms. Imperatore declined assistance regarding the voter registration process offered by the police department social worker and that Ms. Imperatore was informed that Respondent Hally was able to assist her with voter registration.
21. The Commission concludes that, pursuant to General Statutes § 9-12, on November 8, 2022, Respondent Hally, Lawler, and DeAngelo appropriately informed Ms. Imperatore that she needed to change her listed voter registration address because Ms. Imperatore's voter registration address needed to reflect a dwelling unit located within the Town of Branford for Ms. Imperatore to be deemed a bona fide resident of the Town of Branford and qualify as an elector able to vote in the Town of Branford.⁸
22. The Commission finds, after a thorough investigation, that the Complainant's allegations do not rise to the level of any elections law violations applicable under the Commission's jurisdiction pursuant to General Statutes §9-7b, and therefore, the complaint is dismissed as against Respondent Daniel Hally, Respondent Darren A. Lawler, and Respondent Rebecca DeAngelo.
23. The Commission concludes, pursuant to General Statutes § 9-7b (a) (3) (E) (ii),⁹ Registrars of Voters for the Town of Branford shall remove Ms. Patricia Imperatore name from the Town of Branford voter registration rolls until such time as Ms. Imperatore registers to vote using an address that qualifies as an "dwelling unit" within the meaning of General Statutes § 9-12 because Ms. Imperatore's listed voter registration address on the Town of Branford rolls is not a "dwelling unit" within the meaning of General Statutes § 9-12, and the importance of the Commission's responsibility in maintaining the efficacy of the voter registration rolls.¹⁰

⁸ The Commission does not have definitive evidence to confirm whether Ms. Imperatore has a residence.

⁹ General Statutes § 9-7b (a) (3) (E) (ii) provides, "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."

¹⁰ General Statutes § 9-23k provides, "The Secretary of the State shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, except that the State Elections Enforcement Commission shall be responsible for the investigation of any complaint alleging a violation of sections 9-7b and 9-12...and shall have the authority to enforce the provisions of said sections by use of its powers as prescribed in section 9-7b."

ORDER

The following Order is recommended based on the aforementioned findings:

- (1) The matter is dismissed, and
- (2) Registrars of Voters for the Town of Branford shall remove Ms. Patricia Imperatore name from the Town of Branford voter registration rolls until such time as Ms. Patricia Imperatore registers to vote using an address that qualifies as an “dwelling unit” within the meaning of General Statutes § 9-12.

Adopted this 19th day of July, 2023 at Hartford, Connecticut.



Stephen T. Penny, Chair
By Order of the Commission