



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
20 Trinity Street Hartford, Connecticut 06106—1628

DECLARATORY RULING 2007-04
Citizens' Election Program: "Residing in" for Purposes of
Qualifying Contributions

At its Regular Meeting on August 15, 2007, the State Elections Enforcement Commission (the "Commission") voted to initiate a declaratory ruling concerning the application of qualifying contribution provisions in section 9-704(a) of the Connecticut General Statutes.¹

This declaratory ruling clarifies the meaning of "residing in" for purposes of determining compliance with the qualifying contributor residency requirements, as included in section 9-704(a) of the Connecticut General Statutes.

Re: CONN. GEN. STAT. § 9-704(a).

To be eligible to receive a grant from the Citizens' Election Fund, a candidate must, among other things, demonstrate substantial public support by collecting qualifying contributions. A minimum amount of the aggregate qualifying contributions for statewide candidates must be received from individuals "residing in" the state of Connecticut (hereinafter "in-state" contributors or "in-state" requirement), and a minimum number of contributors making qualifying contributions for General Assembly candidates must be individuals "residing in" municipalities located in whole or in part in the district where the candidate seeks office (hereinafter "in-district" contributors or "in-district" requirement). CONN. GEN. STAT. §§ 9-704(a)(1) – (4).²

The Commission has received several informal inquiries about the meaning of "residing in" for purposes of making qualifying contributions.

Chapter 157 of the Connecticut General Statutes, which governs the Citizens' Election Program, does not define "residing in." Connecticut law recognizes that, in some contexts, an individual may reside in more than one place.³ See *e.g. Clegg v. Bishop*,

¹ A declaratory ruling has the same status and binding effect as an order issued in a contested case and shall be a final decision for purposes of appeal in accordance with the provisions of Conn. Gen. Stat. § 4-183, pursuant to Conn. Gen. Stat. § 4-176(h). No one is on file with the Commission as having requested notice of declaratory ruling petitions on this subject matter pursuant to Conn. Gen. Stat. § 4-176(c).

² Proposed Declaratory Ruling 2007-03, "Citizens' Election Program: Qualifying Contributions," sets forth the criteria for qualifying contributions.

³ Like most states, Connecticut law generally recognizes that the concept of residence may have different meanings in different contexts and within different statutory schemes. See *Hackett v. New Haven*, 103 Conn. 157 (1925) (meaning of term "resident" depends upon context in which term is used); see *e.g.*



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105 Conn. 564, 564 (1927) (concluding that for purposes of service of process, “[o]ne may have two or more places of residence”); *Taylor v. Taylor*, 168 Conn. 619, 621 (1975) (noting that individual may have more than one residence).

In the area of election law, an individual may only have one residence (called a “bona fide residence”) for purposes of *voting*. See CONN. GEN. STAT. § 9-12, as amended by section 41 of Public Act 07-194; § 9-21(a); § 9-23h; § 9-173. Even where an individual legitimately resides in more than one place (*i.e.* college students, migrant or seasonal workers, individuals who own multiple homes and spend substantial time dwelling at each home), such an individual can only be *qualified as an elector* at one location. *Id.*; see also *Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (individual who maintains multiple residences, to which the individual has “legitimate, significant and continuing attachments,” may only vote in one district) (quotation omitted).

However, in the context of the Citizens’ Election Program, the Connecticut legislature chose *not* to limit the source of qualifying contributions to registered voters or electors. Instead, the Citizens’ Election Program allows “*individuals*” to make qualifying contributions.⁴ CONN. GEN. STAT. § 9-704(a). This distinction instructs against reading “residing in” narrowly as synonymous with the elector concept that an individual may only have one “bona fide residence” for purposes of voting.⁵

Instead, for purposes of making a qualifying contribution, “residing in” means the place where the individual habitually and regularly maintains a principal living location, has legitimate, significant, and continuing attachments, and to which when the individual is absent for any period of time, she or he intends to return. An individual “resides in” a location which is the center of the individual’s life. An individual cannot reside at a post office box, a mail drop, or a business address.

An individual who genuinely and actually resides at multiple locations may make qualifying contributions, which satisfy the “in-state” or “in-district” requirement, from

CONN. GEN. STAT. § 10a-28 (for department of higher education purposes of determining tuition charges for state universities, “‘residence’ or ‘reside’ denotes continuous and permanent physical presence within this state, provided temporary absence for short periods of time shall not affect the establishment of a residence”).

⁴ As explained in Proposed Declaratory Ruling 2007-03, “Citizens’ Election Program: Qualifying Contributions,” only individual human beings are permitted to make qualifying contributions.

⁵ Connecticut courts have interpreted the term “bona fide” to mean “a thing done really, with good faith, without [fraud,] or deceit, or [collusion,] or trust . . . Bona fide means real, actual, genuine . . . not feigned.” *Webster Trust v. Roly*, 64 Conn. App. 233, 240-41 (2001), *reversed on other grounds*, 261 Conn. 278 (2002) (determining term’s meaning in context of contractual dispute).



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the individual's residence at each of the locations. Although an individual can only be a "bona fide resident" of one location for *voting* purposes, the same individual may "reside in" more than one location for purposes of *making qualifying contributions* that satisfy the "in-district" or "in-state" requirement. **Nothing in this ruling should be construed as determining what constitutes an individual's "bona fide residence" for purposes of qualifying as an elector or voting.**

For example, an individual rents an apartment in Sterling, Connecticut, where she lives during the week. On most weekends, and for a month during every summer, she lives at her home at the shore, located in Old Lyme, Connecticut. If she has legitimate, significant, and continuing attachments to both homes, and actually and regularly lives in both homes, she is "residing in" both Sterling and Old Lyme for purposes of making a qualifying contribution that counts towards a General Assembly candidate's "in-district" requirement.⁶ Thus, she could make a qualifying contribution between five dollars and one hundred dollars to a candidate seeking a covered office in the district of Sterling, and a separate qualifying contribution between five and one hundred dollars to another candidate seeking a covered office in the district of Old Lyme. She may also make a qualifying contribution that counts towards a statewide candidate's "in-state" requirement.⁷

For example, an individual lives in a house in Morris, Connecticut, where he has legitimate, significant and continuing attachments. For two weeks every year, he stays at a hotel in Fairfield, Connecticut, to attend a work-related conference. He is "residing in" Morris for purposes of making a qualifying contribution that counts towards a General Assembly candidate's "in-district" requirement. He is not "residing in" Fairfield, Connecticut for purposes of making an "in-district" qualifying contribution. However, he may make a qualifying contribution which counts towards the aggregate total (but not the "in-district" requirement) for a General Assembly candidate seeking to represent Fairfield's district. He may also make a qualifying contribution that counts towards a statewide candidate's "in-state" requirement.

For example, a college student attends the University of Connecticut at the Storrs, Connecticut campus and lives in a dormitory during the school semester. During

⁶ This individual may only qualify as an elector at one of these residences. Such individual's "bona fide residence" for purposes of voting is beyond the scope of this Declaratory Ruling, and *nothing in this Declaratory Ruling should be construed as establishing principles to determine an individual's "bona fide residence" for purposes of voting.*

⁷ However, such an individual who is "residing in" multiple locations cannot make qualifying contributions to the *same* candidate exceeding one hundred dollars in the aggregate.



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semester breaks, the student returns to her parents' home in Montana. Because she has legitimate, significant, and continuing attachments to Storrs, Connecticut, and actually and regularly lives in Storrs, she is "residing in" Storrs for purposes of making a qualifying contribution that counts towards the "in-district" requirement for a candidate seeking to represent Storrs' district, and is deemed as "residing in" Connecticut for making a qualifying contribution that counts towards a statewide candidate's "in-state" requirement.⁸

For example, an individual rents an apartment in Newark, New Jersey where he lives. He owns a car that is registered in Connecticut, but does not have any legitimate, significant, and continuing attachments to a residence in Connecticut. Since he is "residing in" New Jersey, he cannot make a qualifying contribution that counts towards the "in-district" requirement or the "in-state" requirements of a covered office. However, he may make a contribution which counts towards the aggregate total (but not the "in-district" or "in-state" requirements) for a covered office.

This constitutes a declaratory ruling pursuant to Conn. Gen. Stat. § 4-176, and provides guidance about the meaning of "residing in" for determining the amount of in-district or in-state qualifying contributions, as provided in section 9-704(a) of the Connecticut General Statutes.

This declaratory ruling is limited to addressing the specific issues raised. Any further questions regarding the issues discussed in this declaratory ruling may be raised to the staff of the State Elections Enforcement Commission.

Adopted this 12th day of September, 2007, by Order of the Commission.

Jeffrey B. Garfield
Executive Director and
General Counsel

⁸ As made clear in the body of this Declaratory Ruling, and in footnote 7, *nothing in this Declaratory Ruling should be construed as determining the location of individual's "bona fide residence" for purposes of voting.*