

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

In the Matter of a Complaint by Alyssa Peterson,  
Hartford

File No. 2016-106

**FINDINGS AND CONCLUSIONS**

Complainant filed this complaint, pursuant to General Statutes §9-7b, alleging that Mr. William DiBella violated elections law by registering to vote where he was not a “*bona fide*” resident and related violations regarding his alleged fraudulent voter registration. Further, Complainant alleged that Mr. DiBella’s son Marc DiBella and his son’s spouse Jennifer DiBella assisted him in committing election law violations. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that William DiBella violated General Statutes § 9-357, § 9-359a, by fraudulently: (1) registering to vote, (2) signing a petition, (3) executing absentee ballots in primaries and elections and (4) voting in primaries and elections illegally. He allegedly did so by claiming a residence address where he does not have a residence.
2. Further, Complainant alleged that William Dibella’s son Marc DiBella and his son’s spouse Jennifer DiBella, who use the same address as William DiBella as their residence address, conspired with William DiBella to commit elections law violations.
3. Complainant provided, as exhibits, copies of pleadings filed with a federal court by the United States Securities and Exchange Commission as plaintiff against William DiBella that identified his address in Old Saybrook, Connecticut as well as municipal records from the City of Hartford containing various different Hartford residences for William DiBella in support of her allegations that Respondents violated election laws. Further, Complainant provided, as exhibits, various state and municipal records pertaining to vehicle registration and land records in support of allegations against all three Respondents.
4. As an initial matter, the Commission notes that none of the exhibits provided by Complainant were dispositive as to the legal conclusion regarding the matters herein or pertain to the application of General Statutes, Title 9, to those facts that gave rise to Complainant’s allegations.

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

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, . . . For the purposes of this section... ***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.]

6. General Statutes § 9-172, provides in pertinent part:

At any regular or special town election any person may vote who is registered as an elector on the last-completed registry list of the town in which he offers to vote, and he shall vote in the district in which he is so registered, . . . ***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 . . .***”

[Emphasis added.]

7. General Statutes § 9-360 provides:

Any person not legally qualified ***who fraudulently votes in any*** town meeting, primary, ***election*** or referendum ***in which the person is not qualified to vote***, and any legally qualified person who, at such meeting, primary, election or referendum, fraudulently votes more than once at the same meeting, primary, election or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised.

[Emphasis added.]

8. By way of background, the Centralized Voter Registration System (“CVRS”) has the following “Address History” for Mr. William DiBella at the following Hartford, Connecticut addresses: (1) 1 Gold Street, Unit 24K (Change Date 07/17/13); (2) 1 Gold Street, Unit 7D (Change Date 02/05/02); and 72 Otis Street (Change Date 08/06/98). His current voter registration address according to CVRS is 1 Gold Street. His “Registration Effective Date” dates back to 10/06/64. CVRS indicates that he last voted on November 8, 2016.
9. The gravamen of Complainant’s allegations is that Respondent William DiBella is not a *bona fide* resident at his current voter registration address and therefore violated various elections laws. In response to Complainant’s allegation, Respondent denied a lack of *bona fide* residence and asserted that he has only registered to vote and voted in Hartford for over the past fifty years.
10. The Commission finds that the four voter registration addresses for Respondent William DiBella on record with CVRS in Hartford date back to 1998 and the “Election History” dates back to 2007. It indicates that he has voted in the past 19 elections and primaries in Hartford. Finally, CVRS indicates that he voted by absentee ballot in 7 of those elections and primaries and in-person 12 times since 11/06/07.
11. Upon investigation, the Commission finds that, at the time of this disposition, Respondent Mr. William DiBella, claimed various connections pertaining to maintaining a residence at 1 Gold Street, Apt. 27J, Hartford, Connecticut. In response to this complaint and investigation, he provided copies of documents with that address in the name of Mr. DiBella as follows:
  - (1) Cell phone bill and bank statement;
  - (2) CT DMV Driver’s License with 1 Gold Street address (Apt. 24K);
  - (3) CT DMV Motor Vehicle Registration with 1 Gold Street address (Apt. 24K); and,
  - (4) City of Hartford motor vehicle tax bill with 1 Gold Street address;
12. Further, William DiBella indicated that he used to live at Unit 24K, which he no longer owns and claimed that he has resided at 1 Gold Street, in various units, for approximately 40 years. Respondent Marc DiBella agreed that, to the best of his knowledge, his father has lived in the apartment building at 1 Gold Street for at least 40 years. Marc DiBella also testified that his father currently lived at 1 Gold Street in Hartford at various times throughout the year and, notably, for several months at a time when there is a legislative session.

13. Additionally, in response to this complaint and investigation William DiBella indicated that he resides at 1 Gold Street for days or weeks at a time and returns to Old Saybrook only on the weekends for activities and church services. Respondent William DiBella indicated that 1 Gold Street was his “permanent address” and that since 1966 (with the exception of his service in the Marines during which he voted by absentee ballot in Hartford) he has only registered and voted in Hartford.
14. On April 3, 2017, Commission investigators met with Attorney John B. Kennelly and his clients William and Marc DiBella for an on sight inspection of the apartment(s) at 1 Gold Street.
15. The Commission finds that the on-sight inspection by Commission staff revealed the following: (1) The residence was on the 27th Floor of 1 Gold Street and had its front door access at Unit 27J; (2) The interior of the residence was a large contiguous single unit that were previously two units that were converted into a single units by the prior owner; and, (3) Unit 27H ceased to exist as a separate unit with the renovations made prior to his purchase of the apartment in 2014, but remained an address and an exit to the apartment for safety and fire code reasons.
16. The Commission further finds that City of Hartford property records indicate that 1 Gold Street, “Unit HJ” was owned by Marc and Jennifer DiBella as of April 17, 2013 and that the total square footage of the units were 2266 square feet; had a total of 4 bedrooms; a total of 7 rooms; and contained 2 full baths. Since the conversion of the units, there is a single main entrance, kitchen, dining and living space. The Commission finds that William DiBella did not appear on the property records at 1 Gold Street or at the residence address of his wife at 91 North Cove Road, Old Saybrook, Connecticut. Attorney Kennelly represented that his client W. DiBella does not own real property in Connecticut.
17. The Commission considers, when weighing the facts to determine whether 1 Gold Street in Hartford is the *bona fide* residence of William DiBella, the following factors as pertinent:
  - (1) Respondent William DiBella identified a personal bathroom with full bath that was across from what he claimed as his bedroom and identified his toiletries and personal effects;
  - (2) Respondent William DiBella identified the bedroom, which he claims is exclusively used by him at 1 Gold Street;

- (3) The aforementioned bedroom included a closet with personal items, personal photographs, a stack of mail addressed to W. DiBella at 1 Gold Street; and various other personal effects within the room;
  - (4) William DiBella's testimony that the common areas were used by him when he resided at 1 Gold Street address for everyday activities and routines, was corroborated by his son Marc DiBella, who also testified that he and his wife Jennifer share these common areas, including living area, kitchen, dining area and a balcony, with his father.
  - (5) There are two assigned parking spaces to the 27<sup>th</sup> floor apartment claimed by William DiBella as a residence. William DiBella and Marc DiBella explained that they and Jennifer DiBella alternate in these parking spaces.
18. Throughout the inspection, and in the presence of his attorney, William DiBella answered questions from Commission staff and offered explanations for his claim of bona fide residence. Mr. William DiBella stressed that he always considered Hartford his "hometown."
19. Specifically, he pointed out that he was elected as State Senator representing portions of Hartford, served as a Commissioner for MDC in Hartford, had previously owned homes in Hartford, served as Deputy Mayor of Hartford and shared homes with his son in Hartford. He also pointed out that he has attended church and schools in Hartford. He explained that he "travels most weekends to Old Saybrook," but other times, his wife of 49 years "...makes the trip to Hartford to be with him."
20. The Commission notes that Respondents, through their Counsel, cooperated with the Commission staff's request to permit an on-sight inspection that was scheduled within a week of this request. Further, the Commission notes that Respondents William DiBella and Marc DiBella voluntarily made themselves available for this inspection and cooperated freely with the inspection and staff inquiries throughout.
21. An elector is eligible to register and vote in a particular town only if such voter is a bona fide resident of such town. See General Statutes § 9-12. Further, General Statutes § 9-172 provides that only individuals who are bona fide residents of the town in which they are offering to vote will be permitted to vote in the election held in such town.

22. The Commission has previously determined 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). 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)." *Complaint of James Cropsey*, Tilton, New Hampshire, File No. 2008-047. *See also, Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (stating that under certain circumstances domicile rule for voting residency can create administrative difficulties); *Sims v. Vernon*, 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.")
23. The Commission has further held that, where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that individual can choose either one of those residences to be their *bona fide* residence for the purposes of election law so long as they possess the requisite intent. *See Cropsey. See also Wit*, 306 F.3d at 1262 (quoting *People v. O'Hara*, 96 N.Y.2d 378, 385 (2001), for delineation of this proposition.
24. Moreover, the Commission has concluded that if an individual has established residency at a location, "only the Respondent's abandonment of the residence . . . will extinguish [his or] her right as an elector in that town." *Complaint of Carole Dmytryshak*, Salisbury, File No. 2012-197. *See also, Gold v. Gold*, 100 Conn. 607 (Conn. 1924) (holding that for personal jurisdiction purposes "the essentials upon which the conclusion of a change of domicile must rest are an intention to abandon the old domicile and to acquire a new one in another place where a residence has been established") (citing *Roxbury v. Bridgewater*, 85 Conn. 196; *Hoskins v. Matthews*, 57 Eng. Ch. 12); *Maksym v. Board of Education Com'rs of City of Chicago*, Illinois Supreme Court, Docket No. 111773 (Jan. 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. . . .”).

25. Most recently, the Commission in *Complaint by Linda Szyrkowicz*, File Nos. 2014-158 and 2015-007, considered the following elements relevant in determining whether a Respondent 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 Respondent and/or Respondent’s spouse or children lived; (5) state where Respondent had regular continuing employment over the consecutive years; and, whether Respondent had registered in a state other than the state in which a “bona fide” residence is claimed or in dispute. The Commission stresses 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.
26. Assuming for sake of argument, as Complainant seems to press in support of her allegations, that Mr. William DiBella had residences in both Old Saybrook and Hartford the Commission has held that “...where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that individual can choose either one of those residences to be their bona fide residence for the purposes of election law so long as they possess the requisite intent. See *Cropsey* and *Wit* above. Having two residences in Connecticut would not prevent an individual from choosing one over the other for purposes of establishing and maintaining a “bona fide” residence to meet the requirements of General Statutes § 9-12 for voter registration purposes.
27. In light of the Commission’s recent restatement of a bona fide residence standard, and consistent with many of the factual elements it has weighed in the past for determining the same, the Commission finds that Respondent William DiBella has manifested, for all times relevant to this complaint, an intent to reside at 1 Gold Street, Unit 27J, Hartford, Connecticut for purposes of establishing a *bona fide* residence for satisfying the requirements for being an elector pursuant to General Statutes § 9-12.

28. Further, Respondent William DiBella credibly asserts that he has sustained a decades long attachment to Hartford as a community which he believes to be his home town and where he has maintained an unbroken history of civic, social and personal relations. Additionally, his physical presence in Hartford is documented by a thorough field investigation of the dwelling, evidence of his state and municipal registrations to the address at 1 Gold Street, Unit 27J, and credible testimony to corroborate his claim to reside in Hartford.
29. Additionally, while admitting to maintaining a second home in Old Saybrook, where his wife of over forty years more frequently resides, the Commission finds that Respondent William DiBella nevertheless has not taken affirmative steps, such as registering to vote or voting in that municipality. In fact, the Commission finds a lack of record evidence that Respondent William DiBella in over 50 years ever voted or registered to vote in elections, primaries and referenda, *other* than in Hartford.
30. The Commission finds, under these narrow and specific circumstances, that Respondent William DiBella provided substantial evidence of continuing contacts with 1 Gold Street, Apartment 27J in Hartford, for purposes of the eligibility requirements of maintaining a *bona fide* residence in the municipality for purpose of qualifying as an elector pursuant to General Statutes § 9-12.
31. The Commission, for the reasons detailed herein, confirms its fact based approach to determining *bona fide* residence, as recently affirmed in Szykowitz, and thereby dismisses the alleged allegations against Respondent Williams DiBella regarding a lack of *bona fide* residence at 1 Gold Street in Hartford, pursuant to General Statutes § 9-12.
32. Further, the Commission finds that the facts did not substantiate allegations of alleged election laws violations pursuant to General Statutes § 9-357 and § 9-359a by Respondent Marc DiBella and Respondent Jennifer DiBella, which necessarily depended on the conclusion that William DiBella was not a *bona fide* resident of Hartford, which was not supported by the facts after investigation.
33. The Commission therefore dismisses the allegations that served as the basis for this complaint and investigation against all three Respondent William DiBella, Marc DiBella and Jennifer DiBella because they were not substantiated by the application of the law to the facts in this instance.

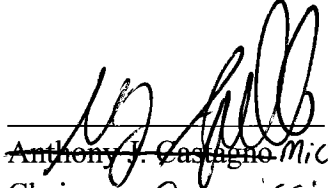


**ORDER**

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

That the matter is dismissed.

Adopted this 19<sup>th</sup> day of July 2017, Hartford, Connecticut.

  
~~Anthony J. Castagno~~ Michael J. Ajello  
~~Chairman~~ Commissioner  
By Order of the Commission