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February 5, 2016

Mr. Matthew W. Hart, Town Manager
Town of Mansfield
4 South Eagleville Road
Mansfield, Connecticut 06268-2599

Re: Students/Non-Property Owners Right to Vote

Dear Matt:

Following my letter of January 6, 2016, as I understand it, the following questions have been posed:

Does the Connecticut General Assembly have the authority under the federal and state constitutions to "limit the voting rights of electors who live in UConn Residence Halls to voting for candidates, and exclude them from voting on budget issues at town meetings and at budget referenda?"

The Constitution of the State of Connecticut (1965), as amended in 1974, provides that "every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector." (Article Sixth, Section 1, as amended) The 1974 amendment removed the durational residency requirement that had existed in the Connecticut Constitution since at least 1818. This followed the United States Supreme Court's ruling in Dunn v. Blumstein, 405 U.S. 330 (1972) (The durational residency requirement in Article VI, Section 9 was also repealed in 1980.)

Section 9-12 of the General Statutes provides in relevant 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.) If a student is a bona fide resident of Mansfield (i.e., his or her "dwelling unit is located within the geographic boundaries of such town"), he or

she is eligible to be admitted as an elector.

As a citizen qualified and admitted as an elector, the elector has the right to participate in all elections and referenda. Non-durational residency requirements (i.e., elector must be a resident in order to vote rather than a resident for a minimum amount of time) are constitutional.

The core right obtained when an individual is admitted as an elector is the fundamental right to vote. Any attempt to limit by type of vote (i.e., for office or a referendum) is likely to fail to pass constitutional scrutiny, as it will likely be found to be a violation of both the Fourteenth Amendment to the United States Constitution and Article First, Section 20 of the Connecticut Constitution.

The Connecticut Constitution guarantees all electors the right to vote in the election of members of the General Assembly and the Executive branch. (Article Third, Sections 8, 9; Article Fourth, Section 4). The Connecticut Constitution also guarantees the right of all electors to vote for Judges of Probate (Article Fifth, Section 4). Article Twelfth also guarantees the right of electors to vote regarding amendments to the Connecticut Constitution and Article Thirteen guarantees their right to vote to call a Constitutional Convention.

In summary, any person admitted as an elector in Mansfield is entitled to vote in all municipal elections, including any budget meetings or budget or bond referenda.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin M. Deneen". The signature is fluid and cursive, with a prominent initial "K" and "M".

Kevin M. Deneen

KMD/lc