

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown

File Nos. 2014-158E
2015-007E

FINDINGS AND CONCLUSIONS

The Complainant, the Linda Szykowitz of Middletown brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging Respondents Sandra Faraci and Joseph Gionfriddo, the Registrars of Voters in Middletown, failed to properly address the Complainant's challenge that certain voters were not entitled to vote by absentee ballot based upon their bona fide residence.

1. General Statutes § 9-159p provides, in pertinent part:

(a) Any elector may challenge the right of any person offering to vote by absentee ballot based upon false identity, disenfranchisement for conviction of a felony or lack of bona fide residence. The failure of an elector to challenge, pursuant to this section, the right of a person to vote by absentee ballot shall not bar such elector from bringing an action to contest the primary or election under section 9-323, 9-324, 9-328 or 9-329a, based on the alleged invalidity of the absentee ballot cast at such primary or election.

....

(f) The registrars of voters shall examine the challenge, any written response to the challenge and any other evidence or information they deem relevant to the challenge, including the inner envelope, which shall not be opened, and shall determine whether the challenge should be upheld. If the registrars fail to agree that the challenge should be upheld, it shall be deemed to have been denied.

(g) The registrars of voters shall make the determination not earlier than noon of the day of the election, primary or referendum at which the ballot is submitted and not later than the time when the counting of all other absentee ballots at the election, primary or referendum has been completed.

(h) The registrars of voters shall notify, in writing, the municipal clerk and the moderator, or the moderator of the central location if central counting of absentee ballots has been designated, of their determination. If the challenge is denied, the absentee ballot shall be delivered by the registrars to the appropriate location for counting pursuant to law. If the challenge is upheld, the registrars shall mark the word "rejected" on the serially-numbered outer envelope and note the reasons for

rejection, and shall return it together with all other evidence received in connection with the challenge to the municipal clerk who shall retain the same until delivered in accordance with section 9-140c, except that a challenge to a ballot which the municipal clerk has delivered to the registrars of voters for counting pursuant to sections 9-140c and 9-147a shall be returned to the moderator to whom the challenge was made.

2. On October 29, 2014, the Complainant delivered a letter to the Respondents alleging that Joseph C. Serra, Jr., Lauriann E. Serra, Lisa M. Serra, and Steven Serra were not bona fide residents of 1510 Randolph Road, and thus were not eligible to vote in the November 4, 2014 election in Middletown.¹
3. Upon receipt of this letter, the Respondents contacted the Secretary of the State's Office for guidance.
4. After a reviewing the allegations, supporting documentation, and opinions of the Secretary of the State's Office, the Respondents failed to agree on an outcome.
5. Accordingly, pursuant to General Statutes § 9-159p (f), Complainant's challenge was deemed denied.
6. Upon reaching that conclusion, the Respondents issued a memorandum on November 4, 2014 to the Town Clerk, advising her that they "have failed to agree" and, accordingly the challenge was "deemed to have been denied."
7. The Town Clerk advised the subjects of the challenge and the Complainant of the decision by letter and the votes were counted.
8. While the Complainant makes numerous assertions concerning the handling of her ballot challenge, it is clear that the Respondents abided by each requirement of General Statutes § 9-159p in the handling of the challenge. Accordingly, this allegation should be dismissed.

¹ Joseph C. Serra, Jr., Lauriann E. Serra, Lisa M. Serra, and Steven Serra were also named as Respondents in the instant Complaints. Allegations concerning them shall be addressed in separate documents.

ORDER

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

This matter is dismissed.

Adopted this 19th day of ~~February~~^{April}, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission