

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown

File Nos. 2014-158F
2015-007F

FINDINGS AND CONCLUSIONS

The Complainant, the Linda Szykowitz of Middletown brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondent Joseph C. Serra Jr voted in the town of Middletown when he was not a *bona fide* resident.

1. An elector is eligible to register and vote in a particular town only if such voter is a *bona fide* resident of such town. 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.)

2. General Statutes § 9-172 further 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. It specifically provides, in relevant 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.)

3. Pursuant to General Statutes § 9-7b (a) (3) (E), the Commission is empowered:

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;

4. The Commission is further empowered to levy a civil penalty against anyone who votes in any election when not qualified to do so. General Statutes § 9-7b (a), provides in pertinent part:

The State Elections Enforcement Commission shall have the following duties and powers: (2) To levy a civil penalty not to exceed. . . (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum[.]

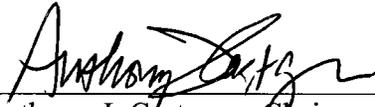
5. An independent investigation into this matter, including witness interviews and a review of the Connecticut Voter Registration System and all relevant election documentation and evidence, reveals that Joseph Serra, Jr. did not vote in the November 4, 2014 election in Middletown, or elsewhere.
6. Accordingly, this case should be dismissed.

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