

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown

File No. 2018-096

FINDINGS AND CONCLUSIONS

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint alleged numerous violations concerning absentee ballots and applications relating to the November 6, 2018 general election. The following are the Commission's findings of fact and conclusions of law:

1. The Complaint and attached documents supplied by the Complainant in this matter was substantial.
2. The Complainant alleged, among other things, that numerous absentee ballots cast in the November 6, 2018 general election were "invalid."
3. Among the allegations contained in the Complaint were that there was handwriting discrepancies on some absentee ballot applications, that the Town Clerk had added marks to absentee ballot applications after they had been signed by the elector, that there was no assistor listed on some applications, and that there were various other technical flaws with the absentee ballot applications.¹
4. Upon receipt of the Complaint, Commission investigators completed a review of the extensive documentation provided by the Complainant, including 410 individual absentee ballot applications the Complainant alleged were invalid. The vast majority of the issues the complainant noted on these applications were technical in nature and not of the sort that would prevent a town clerk from issuing an absentee ballot based upon that application.
5. For example, one application claimed that the reason for the application was for both "my illness" and "my physical disability." There is nothing in the statutes that prohibits a town clerk from issuing an absentee ballot when more than one reason for the request is made.
6. Other, similar technical issues flagged on the applications included an incorrect date of birth, incomplete date of election on some applications, and minor misspellings of the applicant's name. All of these suggest that there may have been someone assisting on an application that got something wrong, but none of these issues would prohibit the Town Clerk from issuing an absentee ballot.

¹ Any allegation contained within the Complaint that is not specifically addressed herein either failed to state violation within the jurisdiction of the Commission or could not be substantiated by Commission investigators.

7. Similarly, in reviewing the applications, the Town Clerk added several notes in red ink to the applications. Some of these marks were internal administrative marks, others were correcting the minor issues noted above. Such conduct is not only permissible, but appropriate in these specific circumstances.
8. With regard to the assistor not being listed on some applications, for most applications that failed to identify an assistor, there was no evidence to conclude that there was an assistor on that document. For others, while there was some evidence that the applicant may have had an assistor, Commission investigators were unable to identify a Respondent and there was no evidence that the application did not otherwise comply with the applicable provisions of the General Statutes.
9. With regard to the allegation that an individual other than the named applicant signed absentee ballot applications,² Commission investigators found no evidence to substantiate the vast majority of the allegations contained within the instant complaint. For the small number of applications in which authorship of the signature appeared to be in question, Commission investigators made efforts to confirm authorship – including, but not limited to contacting each voter individually. In all but one instance, Commission investigators were unable to obtain sufficient evidence to confirm authorship or to identify any potential respondents. In a single instance, Commission investigators did identify a potential respondent concerning the allegation of an absentee ballot that was signed in another name. While the Commission does take such allegations seriously, the evidence collected thus far indicates that this was an isolated incident and concerned only family members. Given the considerable resources invested in this investigation, the failure to find patterns of misconduct or wrong-doing and the fact that further investigatory actions would be required to resolve this one possibly confirmed allegation under the Commission’s usual procedures, the Commission will dismiss this complaint.³

² Signing the name of another person to the application for an absentee ballot is a violation of General Statutes § 9-359a.


³ This complaint was received November 1, 2018. Pursuant to Public Act 17-02, section 274 (currently codified as General Statutes 9-7a (g),(1)) the Commission is required to dismiss a complaint after one year absent certain statutory extensions of time. The Commission acknowledges that this complaint reached the deadline 5 days before this meeting. As opposed to calling a special meeting, and having the agency incur the associated cost, in order to dismiss the complaint on the merits, the complaint is dismissed at this time for the above listed considerations as well as for exceeding the statutory time limit.

ORDER

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

This matter is dismissed.

Adopted this 6 day of November, 2019 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission