

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

In the Matter of a Complaint by Linda Szyrkowicz, Middletown

File No. 2021-051

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that according to records obtained by her from the Office of the Secretary of the State, five individuals under the age of 18 impermissibly voted in the November 3, 2020 General Election, three from the Town of Griswold and two from the Town of Wolcott.<sup>1</sup>

**Law**

1. General Statutes § 9-12 sets out the criteria for who may be admitted as an elector. Subsection (b) permits the “preregistration” of individuals below the age of 18:

(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. No mentally incompetent person shall be admitted as an elector.

(b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as

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<sup>1</sup> The Complainant included a sixth name of an elector in Stonington with a birthdate in 2014 in the Complaint but did not allege that such individual impermissibly voted, rather that the birth year was an error. Commission staff sent notice to the Stonington Registrars concerning the erroneous birth year and the Stonington registrars confirmed that the 2014 birth date was a mistranscription from the elector’s Voter Registration Application into CVRS (the elector registered in 2014, but was actually born in 1996). They have since corrected the CVRS record.

an elector. *If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday.*

The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

2. General Statutes § 9-172 enumerates the eligibility for voting in state elections, as follows, in full:

At any regular or special state election any person may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he shall vote in the district in which he was so registered; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last weekday before a regular election under the provisions of section 9-17. 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 and has not lost his right by conviction of a disfranchising crime. Any person offering so to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in the town and political subdivision holding the election, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence as is acceptable to the moderator.

3. General Statutes § 9-7b (a) (2) (C) permits the Commission to issue a civil penalty to any individual who impermissibly casts a ballot and reads:

(a) 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,

4. Casting a ballot in an election for which one is not eligible has potential criminal liability as well. General Statutes § 9-360 reads:

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.

#### **Investigation**

5. The Complainant included evidence of records of five preregistered individuals taken from the Secretary of the State's official list in the Connecticut Voter Registration System ("CVRS").
6. Each CVRS record included with the Complaint concerned an individual with a birthdate after November 3, 2002 who was marked in the record as having cast a ballot at the November 3, 2020 General Election.
7. Each CVRS record included with the Complaint indicated that such 'preregistered individual's registration was entered into CVRS on or about November 9 and 10, 2020, after the General Election.
8. Commission investigators reviewed the records included with the Complaint against the CVRS system and confirmed that all five records matched the data submitted by the Complainant.
9. The investigation found that the dates of birth of the five preregistered individuals ranged from December 2002 through August 2003.
10. The investigation found that each preregistered individual's registration came through the Department of Motor Vehicles after their 17th birthday, but prior to their 18th birthday.

11. The investigation confirmed that each CVRS record was created after the November 3, 2020 General Election and had a “registration effective date” on the preregistered individual’s 18th birthday.
12. The investigation also obtained from the Griswold and Wolcott Registrars copies of the official checklists from each preregistered individual’s polling place for the November 3, 2020 General Election.
13. In no case did any of the five preregistered individuals appear on such checklists.

#### **Analysis and Conclusion**

14. Based on the above investigation, the Commission concludes that the five preregistered individuals did not cast ballots in the November 3, 2020 General Election. The investigation confirmed that their preregistrations were not created until after Election Day and their names did not appear on the official checklists for their respective polling places.
15. Accordingly, this matter should be dismissed.<sup>3</sup>

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<sup>3</sup> The Commission notes that its law enforcement functions are dependent upon citizens filing complaints with the Commission when they believe a violation of Connecticut election law has taken place. The Commission further appreciates that the average citizen is not expected to be an expert on election law or the mechanisms of election administration. However, the Commission would strongly encourage those who hold themselves out as authorities on election law investigations to educate themselves on both the facts and law of the complaints they file with the Commission to avoid the needless waste of the limited investigatory resources of the Commission in the pursuit of issues best submitted directly to the registrars themselves.

ORDER

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

*Dismissed.*

Adopted this 5<sup>th</sup> day of May, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson  
By Order of the Commission