

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

In the Matter of a Complaint by Linda Szyrkowicz, Middletown

File No. 2021-076

**AGREEMENT CONTAINING CONSENT ORDER**

Complainant, Linda Szyrkowicz, filed a series of complaints with the Commission pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that individuals were permitted to vote in the November 3, 2020 state election despite their status as incarcerated felons in violation of Connecticut Elections Law. The following are the Commission's findings of fact and conclusions of law:

1. Complainant, Linda Szyrkowicz, filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that Mr. Stephen Doval (hereinafter "Respondent") was permitted to vote in the November 3, 2020 state election despite his status as an incarcerated felon in violation of Connecticut Elections Law.
2. Under Connecticut law, an individual that is being held in custody or is on parole due to a conviction for a felony is not permitted to vote for or stand as a candidate for public office.<sup>1</sup>
3. Specifically, General Statutes § 9-46 provides:
  - (a) *A person shall forfeit such person's right to become an elector and such person's privileges as an elector upon conviction of a felony and committal to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, committal to confinement in a federal correctional institution or facility, or committal to the custody of the chief correctional official of any other state or a county of any other state for confinement in a correctional institution or facility or a community residence in such state or county.*
  - (b) No person who has forfeited and not regained such person's privileges as an elector, as provided in section 9-46a, may be a candidate for or hold public office.  
[Emphasis added.]

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<sup>1</sup> See PA 21-2, Section 98 (b) (1), which has since changed the process by which electoral privileges are restored. Pursuant to that section, when an individual is released from confinement from a correctional institution or facility, and electoral privileges have previously been forfeited based on felony conviction and confinement, such privileges are now automatically restored upon release.

4. It is important to note that the forfeiture of one's rights as an elector after conviction is not permanent and can be restored in Connecticut.<sup>2</sup>
5. As detailed in the Agreement Containing a Consent Order for *In the Matter of a Complaint by Jeffrey Hall, Somers*, File No. 2015-003, individuals being held in custody for misdemeanors and those being held pretrial for felonies retain their rights as electors.
6. Similarly, once an individual has been released from confinement and parole and has paid all fines in conjunction with the conviction, such individual's rights to act as an elector and candidate for public office are restored. General Statutes § 9-46a.<sup>3</sup>

#### Facts After Investigation

7. Respondent entered the custody of the Department of Corrections ("DOC") on August 27, 2020 as a pretrial inmate. Respondent was released from custody on August 13, 2021.
8. On or about October 15, 2020, Respondent was convicted and sentenced to a term of incarceration after conviction for a felony.
9. On or about October 22, 2020, the Bridgeport Town Clerk received Respondent's application for an absentee ballot regarding the November 3, 2020 election and sent Respondent Doval an absentee ballot set.
10. On or about November 1, 2020, Respondent's name was included on the list of names of newly disenfranchised individuals transmitted from the DOC to the Secretary of the State.
11. On or about November 3, 2020, Respondent's absentee ballot set was received by the Bridgeport Town Clerk and was counted.

#### Legal Analysis

12. The Commission finds that Respondent was incarcerated for a felony at the time of the November 3, 2020 general election and consequently was not eligible to vote.
13. The Commission finds therefore that an analysis pursuant to General Statutes § 9-46 (a) would be necessary and appropriate to determine if Respondent voted in an election when ineligible to do so based on his incarceration for a felony conviction.

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<sup>2</sup> See footnote one, *infra*.

<sup>3</sup> The Connecticut legislature amended this provision in Public Acts 2001, No. 01-11 to eliminate the requirement that those that had lost their rights as an elector due to confinement for a felony conviction be discharged from probation before their electoral privileges could be restored.


14. The Commission at this time has confirmed that Respondent was released by the DOC on August 13, 2021, but his whereabouts remain unknown.
15. More specifically, the Commission Staff has attempted unsuccessfully to contact and identify the whereabouts of Respondent on various occasions by multiple means since his release from DOC custody. Attempts have included identifying possible addresses via internet and database searches, as well as field visits to the listed addresses. A visit was also paid to the last known residence provided by DOC. And finally, attempts were made to Respondent's Emergency Contact via various means, to no avail. To date, Respondent has not been located nor has his address been verified. His whereabouts remain unknown.
16. The Commission, therefore, without prejudice, takes no further action on this matter pertaining to Respondent.

### ORDER

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

That the Commission takes no further action on this matter, without prejudice pertaining to Respondent; such that the Commission reserves the right to further pursue this matter should the Respondent's whereabouts become known.

Adopted this 6<sup>th</sup> day of April, 2022 at Hartford, Connecticut by vote of the Commission.

  
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Stephen T. Penny, Chairman  
By Order of the Commission