

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown

File No. 2021-082

AGREEMENT CONTAINING CONSENT ORDER

This Agreement by and between Lamar Fluker, City of Bridgeport, State of Connecticut, hereinafter referred to as “Respondent”, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Complainant, Linda Szykowitz, filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that 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.
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.]
4. It is important to note that the forfeiture of one’s rights as an elector after conviction is not permanent and such rights can be restored in Connecticut.

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.¹

Facts After Investigation

7. Respondent entered the custody of the Department of Corrections on January 23, 2019 as a pretrial inmate.
8. On or about September 14, 2020, Respondent completed and signed an absentee ballot application regarding the November 3, 2020 general election.
9. On or about September 16, 2020, Respondent was convicted and sentenced to a term of incarceration after conviction of a felony.
10. On or about September 21, 2020, the Montville Town Clerk received Respondent absentee ballot application regarding the November 3, 2020 general election.
11. On or about September 23, 2020, the Montville Town Clerk issued an absentee ballot set to Respondent regarding the November 3, 2020 general election.
12. On or about October 1, 2020, Respondent's name was included on the list of names of newly disenfranchised individuals transmitted from the Department of Corrections to the Secretary of the State.
13. Prior to November 3, 2020, Respondent's absentee ballot set for the November 3, 2020 general election was received by the Montville Town Clerk and was counted.

Legal Analysis

14. The Commission finds that Respondent was incarcerated for a felony at the time of the November 3, 2020 general election and was consequently not eligible to vote.
15. The Commission concludes therefore that Respondent voted in an election in which he was not eligible in violation of General Statutes § 9-46 (a).

¹ 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.

16. The Respondent admits all jurisdictional facts and concurs that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

17. The Respondent waives:

- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

25. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by either of the parties in any subsequent hearing, if the same becomes necessary.


ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-46.


IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty of \$500.00; and that such penalty is remitted due to the incarceration of the Respondent.

The Respondent

For the State of Connecticut

By: 

Lamar Fluker
986 Norwich New London Turnpike
Uncasville, Connecticut


By: 

Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 2-16-22

Dated: 3/1/22

Adopted this 2nd day of March, 2022 at Hartford, Connecticut by vote of the Commission.



Stephen T. Penny, Chairman
By Order of the Commission