

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

In the Matter of a Complaint by Linda Szyrkowicz,  
Middletown

File No. 2021-087B

**FINDINGS AND CONCLUSIONS**

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. Further, Complainant alleged that the municipal election officials that allowed these ineligible individuals to vote violated election laws. The following are the Commission's findings of fact and conclusions of law:

1. Complainant alleged that Mr. Courtney Green was permitted to vote in the November 3, 2020 state election despite being ineligible to do so because he was an incarcerated felon and therefore he violated election laws.
2. Further, Complainant alleged that the municipal election officials who allowed an ineligible individual to vote at the November 3, 2020 state election violated election laws.
3. The Commission identified the Stamford Registrars of Voters Luci F. Corelli and Ron Malloy as Respondents in this matter. Mr. Courtney Green who allegedly registered to vote and then voted when ineligible at the November 3, 2020 election when he was ineligible to do so was also identified as a Respondent in the companion matter File No. 2021-087A. Any settlement with Respondent Green is treated under a separate disposition.<sup>1</sup>
4. By way of background and at all relevant times, the election of November 3, 2020 was conducted during the historic Covid 19 pandemic and at a time when there was an unprecedented demand for, and use of, absentee ballot applications and absentee ballots. These circumstances are duly noted as the intense environment in which municipal election officials throughout Connecticut, and including Respondents Corelli and Malloy, were tasked with administering a statewide election.

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<sup>1</sup> This complaint was split into matters File No. 2021-087A and File No. 2021-087B. File No. 2021-087A was settled with Mr. Green his agreement to henceforth strictly comply with General Statutes § 9-20a and pay a civil penalty of \$500.00 for violating that section. The settlement with Mr. Green was adopted by vote of the Commission on March 2, 2022.

5. 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.]

6. General Statutes § 9-45 provides, in pertinent part:

(a) The Commissioner of Correction shall, on or before the fifteenth day of each month, *transmit to the Secretary of the State a list of all persons who*, during the preceding calendar month, *have been convicted in the Superior Court of a felony and committed to the* custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their conviction and the crimes of which such persons have been convicted. *The Secretary of the State shall transmit such lists to the registrars of the towns in which such convicted persons resided at the time of their conviction and to the registrars of any towns where the secretary believes such persons may be electors. The registrars of such towns shall compare the same with the list of electors upon their registry lists* and, after written notice mailed by certified mail to each of the persons named at the last-known place of address of such person, shall erase such names from the registry lists in their respective towns or voting districts.  
[Emphasis added.]

7. Regarding voter registration applications, General Statutes § 9-20 (a) provides:

Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, *whether his privileges as an elector are forfeited by reason of conviction of crime*, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.

#### Legal Background

8. 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 a candidate for public office.
9. 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.
10. 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>2</sup>
11. Pursuant to General Statutes § 9-140, applications for absentee ballots are made to the appropriate office of the town clerk, based on an applicant's residence. That office processes such applications against the most recent voter registry list. Such lists are updated and provided by the registrars of voters and the most recent lists are utilized for the respective election.

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<sup>2</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.



### Facts After Investigation

12. On or about July 20, 2009 Mr. Green was convicted and sentenced to a term of incarceration after conviction for a felony.
13. On or about July 2009, Mr. Green's name was therefore included on the list of names of newly disenfranchised individuals transmitted from the Department of Corrections ("DOC") to the Office of the Secretary of the State ("SOTS").
14. On or about September 21, 2020, Mr. Green signed and submitted a voter registration application and an absentee ballot application regarding the November 3, 2020 election to the Stamford Town Clerk's office.
15. On or about October 6, 2020, the Stamford Town Clerk's office issued an absentee ballot set to Mr. Green.
16. Mr. Green did not vote the absentee ballot set for the November 3, 2020, general election.

### Legal Analysis

17. The Commission finds that because Mr. Green was incarcerated for a felony at the time of the November 3, 2020 general election he was not eligible to vote pursuant to General Statutes § 9-46 (a).
18. The Commission further finds that in fact Mr. Green did not vote at the November 3, 2020 election while ineligible to do so.
19. The Commission therefore concludes that there was no violation by Mr. Green of General Statutes § 9-46 (a) as alleged and this allegation is dismissed as it pertains to Respondents Corelli and Malloy as municipal election officials in Stamford.
20. The Commission finds that on or about September 21, 2020, Respondent Green signed and submitted a voter registration application and an absentee ballot application regarding the November 3, 2020 election to the Stamford Town Clerk's office.
21. The Commission further finds that Mr. Green failed to disclose on the aforementioned voter registration application that his privileges as an elector were forfeited by reason of conviction as required by General Statutes § 9-20 (a).

22. The Commission concludes therefore that Mr. Green was prohibited from making the voter registration application pursuant to General Statutes § 9-20 (a) because his privileges were forfeited by reasons of conviction of a felony. Moreover, Mr. Green had a duty to disclose such circumstances on his voter registration application. *See* General Statutes § 9-20 (a).
23. Regarding registering and issuing an absentee ballot to Respondent Green, the Commission notes that the Stamford Registrars' of Voters office registered Mr. Green as an elector in error as he remained ineligible at the time his September 21, 2020 voter registration application was received, pursuant to § 9-46.
24. Further, the Commission finds that Respondent Green had been incarcerated since 2009 and that the DOC published and updated his status in its July 2009 list of ineligible electors, pursuant to General Statutes § 9-45 (a).
25. The Commission finds that such lists are not cumulative and therefore Mr. Green would not have appeared on the most recent list produced by the DOC and disseminated by the SOTS to Registrars of Voters offices at the time of his September 21, 2020 voter registration application.
26. In response to this complaint and investigation, the Stamford Registrars of Voters office asserts that they rely on the signed declaration of the person filling out the voter registration application to attest to the fact they are eligible to register to vote.<sup>3</sup>
27. Further, in the course of this investigation the Stamford Registrars of Voters office asserted that upon receipt of the DOC list, they review their active voter lists and remove anyone on the list created by the DOC and provided to them pursuant to General Statutes § 9-45.<sup>4</sup>
28. The Commission finds that based on record retention schedules the Stamford Registrars of Voters office would no longer have had the monthly list from the DOC of individuals ineligible to be electors from July 2009, upon which Mr. Green appeared pursuant to General Statutes § 9-45, in their possession at the time they received his September 21, 2020 voter registration application.

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<sup>3</sup> The Commission notes that such reliance by registrars' of voters offices is consistent with publicly available advice by the SOTS; as well as with the interpretation and treatment of such reliance by this Commission.

<sup>4</sup> More specifically, according to that office the voter registration cards of individual appearing on the ineligible voters list are then physically removed from where the active voter VRAs are kept, notated on the back with "felon" and stored in a different area for five years, after which time they are destroyed. The Commission finds this explanation of the process for the treatment of such VRAs to be reasonable.

29. The Commission, under these narrow and specific circumstances pertaining to the processing of Mr. Green's voter registration application, and in light of the unprecedented historic context of the November 3, 2020 election, declines to take further action against Respondents Corelli and Malloy; and determines that this matter should be dismissed.
30. As a recommended practice, election officials should take notice and exercise particular care in assessing requests from individuals whose addresses are known to be from DOC or other inmate facilities.

**ORDER**

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

That the Commission takes no further action pertaining to Respondent Corelli and Respondent Malloy; and that this matter is dismissed.

Adopted this 8<sup>th</sup> day of May 2022 at Hartford, Connecticut by vote of the Commission.



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Stephen T. Penny, Chairman  
By Order of the Commission