

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-061
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-062
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-063
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-064
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In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-067
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-068
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-070
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-073
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-075
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-081
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-089
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-091
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-093
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-095
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-098
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-100
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-105
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-108
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-111
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-113
In the Matter of a Complaint by Linda Szyrkowicz, Middletown	File No. 2021-116

FINDINGS AND CONCLUSIONS

Complainant, Linda Szyrkowicz, filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that 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. 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.
2. 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.

3. As that statute relates to this complaint, it is important to note that the forfeiture of one's rights as an elector after conviction is limited.
4. 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.
5. 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
6. On or about April 13, 2021, Complainant filed 57 separate complaints with the Commission alleging that individuals had been permitted to vote in the November 3, 2020 state election who were not eligible due to their criminal conviction status.
7. Of those alleged to have improperly voted due to their criminal conviction status, 22 had no record of a felony conviction and had never lost their right to vote (either before or after the November 3, 2020 state election). While some of these 22 individuals did have a history of misdemeanor convictions, a misdemeanor conviction, even one that results in incarceration, does not carry with it the consequence of disenfranchisement. Similarly, some of these individuals were being held pretrial on felony charges, but an arrest without conviction is not disenfranchising in the State of Connecticut.
8. Specifically, the Commission notes that after reviewing records maintained by the Department of Corrections and the Judicial Branch, there was no evidence of a felony conviction in the following cases, and thus the allegations associated with those matters should be dismissed.²

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.

² The remaining 35 cases filed by Complainant concerning possible impermissible incarcerated felon voting remain under investigation and nothing in this decision should be construed as an indication of the Commission's ultimate determination in those matters.

9. There was no evidence discovered that Respondent Shawn Delcastillo had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-061 should be dismissed.
10. There was no evidence discovered that Respondent Alvin Collins had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-062 should be dismissed.
11. There was no evidence discovered that Respondent Dayquan Hibbert had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-063 should be dismissed.
12. There was no evidence discovered that Respondent James Ireland had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-064 should be dismissed.
13. There was no evidence discovered that Respondent Michael Hollerbach had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-065 should be dismissed.
14. There was no evidence discovered that Respondent Anthony Falzone had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-067 should be dismissed.
15. There was no evidence discovered that Respondent Tynisha Hall had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-068 should be dismissed.
16. There was no evidence discovered that Respondent Lindon Shaw had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-070 should be dismissed.
17. There was no evidence discovered that Respondent John Helwig had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-073 should be dismissed.
18. There was no evidence discovered that Respondent Travis Richardson had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-075 should be dismissed.

19. There was no evidence discovered that Respondent Benjamin Morales had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-081 should be dismissed.
20. There was no evidence discovered that Respondent Travis Williams had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-089 should be dismissed.
21. There was no evidence discovered that Respondent Cristina Moreno had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-091 should be dismissed.
22. There was no evidence discovered that Respondent Tyrone Love had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-093 should be dismissed.
23. There was no evidence discovered that Respondent Dwayne Johnson had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-095 should be dismissed.
24. There was no evidence discovered that Respondent Ronald Daniel had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-098 should be dismissed.
25. There was no evidence discovered that Respondent Xavier Medel had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-100 should be dismissed.
26. There was no evidence discovered that Respondent James Collazo had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-105 should be dismissed.
27. There was no evidence discovered that Respondent Mercedes Martinez had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-108 should be dismissed.
28. There was no evidence discovered that Respondent Joseph Grimsley had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-111 should be dismissed.

29. There was no evidence discovered that Respondent Camal Barnes had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-113 should be dismissed.
30. There was no evidence discovered that Respondent Shante Branch had ever been convicted of a felony, and thus *In the Matter of a Complaint by Linda Szyrkowicz, Middletown*, File No. 2021-116 should be dismissed.
31. The Commission notes that, while significant Commission resources were required to process and definitively disprove the allegations contained in these complaints, Complainant could have avoided the waste of these resources if she had ascertained the requirements of the law and the meaning of the data she produced as evidence before filing the instant complaints.³

³ The Commission further notes that its law enforcement functions are dependent upon citizens filing complaints with the Commission when they believe a violation of Connecticut's Elections Law has taken place. The Commission also 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 inform themselves on both the facts and law of the complaints they file with the Commission to avoid the waste of the limited investigatory resources of the Commission.

ORDER

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

That the allegations in this matter be dismissed.

Adopted this 5th day of May, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission