

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-066
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-069
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-071
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-072
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-074
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-077
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-078
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-079
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-080
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-083
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-084
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-085
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-086
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-088
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-090
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-092
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-094
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-096
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-097
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-101
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-102
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-103
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-104
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-106
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-107
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-109
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-110
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-112
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-114
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-115
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-117
In the Matter of a Complaint by Linda Szykowitz, Middletown	File No. 2021-124

FINDINGS AND CONCLUSIONS

Complainant, Linda Szykowitz, filed the instant complaints 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 at the time of the November 3, 2020 election, an individual that was being held in custody following a conviction for a felony or was on parole following a conviction for a felony was not permitted to vote in elections, primaries, or referenda.¹
2. Specifically, General Statutes § 9-46 provided at the time of the November 3, 2020 election:²
 - (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,³ such individual's rights to act as an elector and candidate for public office are restored. General Statutes § 9-46a.⁴
6. On or about April 13, 2021, Complainant filed more than 55 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). See *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File Nos. 2021-061 et. al.

¹ General Statutes 9-46 and 9-46a were amended by Public Acts, Spec. Sess., June, 2021, No. 21-2, § 96-98 to permit those on parole for a felony offense to have their voting rights restored. Those amendments, however, are inapplicable to the conduct at issue in the cases detailed herein, as the election in question predated those amendments and the amendments were not retroactive.

² See note 1.

³ The requirement to pay "all fines in conjunction with the conviction" before an individual may have his rights as an elector restored only applies to those "convicted of a felony and committed to confinement in a federal or other state correctional institution or facility or community residence[.]" General Statutes § 9-46a (a).

⁴ 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.

8. For the matters listed below, the Commission reviewed the evidence provided by Complainant in addition to records maintained by the Department of Corrections and the Judicial Branch. The evidence in these cases revealed that, for the Respondent inmates associated with the cases detailed below, the individuals were not prohibited from exercising their right to vote pursuant to General Statutes § 9-46 and thus the allegations associated with those matters should be dismissed.⁵
9. The investigation of this matter revealed no evidence that Respondent Brenden Huertas was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-066 should be dismissed.
10. The investigation of this matter revealed no evidence that Respondent Alan Stencil was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-069 should be dismissed.
11. The investigation of this matter revealed no evidence that Respondent Robert Simmons was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-071 should be dismissed.
12. The investigation of this matter revealed no evidence that Respondent Jose Vazquez was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-072 should be dismissed.
13. The investigation of this matter revealed no evidence that Respondent Timothy Bell was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-074 should be dismissed.
14. The investigation of this matter revealed no evidence that Respondent Anthony Waterman was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-077 should be dismissed.

⁵ The remaining three 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.

15. The investigation of this matter revealed no evidence that Respondent Hector Lopez was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-078 should be dismissed.
16. The investigation of this matter revealed no evidence that Respondent Russel Tyszka was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-079 should be dismissed.
17. The investigation of this matter revealed no evidence that Respondent Justin Brown was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-080 should be dismissed.
18. The investigation of this matter revealed no evidence that Respondent Jackson Harris was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-083 should be dismissed.
19. The investigation of this matter revealed no evidence that Respondent Jimmy McKinnon was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-084 should be dismissed.
20. The investigation of this matter revealed no evidence that Respondent Kyle Youmans was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-085 should be dismissed.
21. The investigation of this matter revealed no evidence that Respondent Gregory Blue was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-086 should be dismissed.
22. The investigation of this matter revealed no evidence that Respondent Tony Strother was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-088 should be dismissed.

23. The investigation of this matter revealed no evidence that Respondent Arthur Griffin was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-090 should be dismissed.
24. The investigation of this matter revealed no evidence that Respondent Kenneth Bingwell was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-092 should be dismissed.
25. The investigation of this matter revealed no evidence that Respondent Douglas McEwan was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-094 should be dismissed.
26. The investigation of this matter revealed no evidence that Respondent Francisco Santiago was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-096 should be dismissed.
27. The investigation of this matter revealed no evidence that Respondent Rodolfo Quinones was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-097 should be dismissed.
28. The investigation of this matter revealed no evidence that Respondent Alexander Edell was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-101 should be dismissed.
29. The investigation of this matter revealed no evidence that Respondent Anthony Reeves was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-102 should be dismissed.
30. The investigation of this matter revealed no evidence that Respondent Michael Demartino was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020

regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-103 should be dismissed.

31. The investigation of this matter revealed no evidence that Respondent Joseph Arroyo was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-104 should be dismissed.
32. The investigation of this matter revealed no evidence that Respondent Charles Lewis was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-106 should be dismissed.
33. The investigation of this matter revealed no evidence that Respondent Daniel Parker was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-107 should be dismissed.
34. The investigation of this matter revealed no evidence that Respondent Brian Gonzalez was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-109 should be dismissed.
35. The investigation of this matter revealed no evidence that Respondent Paul Poteat was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-110 should be dismissed.
36. The investigation of this matter revealed no evidence that Respondent Artay Drinks was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-112 should be dismissed.
37. The investigation of this matter revealed no evidence that Respondent Philip Murray was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-114 should be dismissed.
38. The investigation of this matter revealed no evidence that Respondent Brian Stewart was in the custody of any state or federal correctional institution after conviction for a felony

offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-115 should be dismissed.

39. The investigation of this matter revealed no evidence that Respondent Miguel Lopez was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-117 should be dismissed.
40. The investigation of this matter revealed no evidence that Respondent Jermaine Smith was in the custody of any state or federal correctional institution after conviction for a felony offence, or was otherwise ineligible to vote, at the time of the November 3, 2020 regular election, and thus *In the Matter of a Complaint by Linda Szykowitz, Middletown*, File No. 2021-124 should be dismissed.
41. 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.⁶

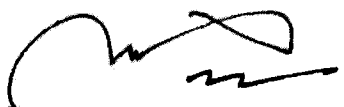
⁶ The Commission further notes that its law enforcement functions are dependent upon citizens filing complaints with the Commission when they believe a violation of Connecticut's Elections Law has taken place. The Commission also appreciates that the average citizen is not expected to be an expert on 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 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.

ORDER

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

That the allegations in SEEC File Nos. 2021-066, 2021-069, 2021-071, 2021-072, 2021-074, 2021-077, 2021-078, 2021-079, 2021-080, 2021-083, 2021-084, 021-085, 2021-086, 2021-088, 2021-090, 2021-092, 2021-094, 2021-096, 2021-097, 2021-101, 2021-102, 2021-103, 2021-104, 2021-106, 2021-107, 2021-109, 2021-110, 2021-112, 2021-114, 2021-115, 2021-117, 2021-124 be dismissed.

Adopted this 4th day of August, 2021 at Hartford, Connecticut.


STEPHEN F. PINSKY
By Order of the Commission