

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by LeReine Frampton, Newtown File No. 2022-019

AGREEMENT CONTAINING CONSENT ORDER

This Agreement by and between Anderson S. Francis, Town of Newtown, 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. LeReine Frampton, Newtown Registrars of Voters made this referral pursuant to Connecticut General Statutes § 9-7ba. Ms. Frampton alleged that Respondent an incarcerated felon made an application to register to vote prior to the November 2, 2021 election when he was not eligible to do so.
2. Under Connecticut law, an individual that is being held in custody or is on parole due to a conviction for a felony must on a voter registration application affirm as an applicant: *I have not been convicted of a disenfranchising felony, or, if so, I am eligible to register to vote.*
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. 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.

5. 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.

6. 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.
7. 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.
8. 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.
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 awaiting 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.¹
11. 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.
12. 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 on felony charges, but an arrest without conviction is not disenfranchising in the State of Connecticut.
13. 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

Facts After Investigation

14. Respondent, at all times relevant to this matter, was incarcerated for a felony conviction and was originally sentenced on March 6, 2008.
15. Respondent is currently detained in a Federal facility and has an maximum release from incarceration date of February 5, 2023.
16. On or about October 10, 2021, Respondent completed and signed a voter registration application that was received by the Newtown Registrars of Voters.

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.

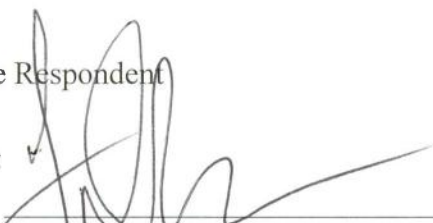
Legal Analysis

17. The Commission finds that on or about October 10, 2022, Respondent signed and submitted a voter registration that was submitted to and received by the Newtown Registrars of Voters.
18. The Commission further finds that Respondent affirmatively attested to being eligible to register to vote and not having “been convicted of a disenfranchising felony” and thereby 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).
19. The Commission concludes therefore that Respondent, by making an application to register to vote while his privileges were forfeited by reasons of conviction of a felony, violated General Statutes § 9-20 (a).
20. 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.
21. 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.
22. 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 § 9-20.


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

The Respondent
By: 

Francis S. Anderson
50 Nunnawauk Road
Newtown, Connecticut

Dated: 6-22-22

For the State of 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: 6/22/22

Adopted this ____ day of ____, 2022 at Hartford, Connecticut by vote of the Commission.

Stephen T. Penny, Chairman
By Order of the Commission


ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-20.

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

The Respondent

By:



Francis S. Anderson
50 Nunnawauk Road
Newtown, Connecticut

Dated:

6-22-22

For the State of Connecticut

By:


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

Dated:

6/22/22

Adopted this 6th day of July, 2022 at Hartford, Connecticut by vote of the Commission.



Stephen T. Penny, Chairman
By Order of the Commission