

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Franciszek Tylka, Hartford

File No. 2010-110

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleges the following: When voting in the August 10, 2010 primary, he mistakenly marked his ballot by placing an "X" mark next the candidate he did not support. Prior to placing the ballot in the optical scanner, the Complainant became aware of his error and expressed his concern to election officials. Unnamed election officials at the Parkville Community School polling place in Hartford directed him to place the incorrectly filled ballot in the optical scanner, thus depriving him of the right to cast his ballot according to his wishes.

After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. On August 10, 2010, Franciszek Tylka ("the Complainant") was present at the Parkville Community School polling place in Hartford to cast his ballot.
2. The Complainant incorrectly filled out his ballot by marking "X" next to a candidate for which he did not wish to cast his ballot.
3. The Complainant became aware of his error prior to placing his ballot in the optical scanner.
4. The Complainant sought the assistance of Gavan Meehan, his roommate, in communicating the issue to election officials.
5. The Complainant and Gavan Meehan state that they attempted to explain the situation to unidentified individuals at the polling place.
6. The Complainant and Gavan Meehan state that the unidentified individuals informed them that they should place the erroneously filled ballot into the optical scanner to see if the scanner accepted the ballot.
7. Neither the Complainant nor Gavan Meehan states that they expect to be able to identify such individuals as specific election officials.
8. The Complainant has identified no other witnesses or corroborating evidence.
9. Olga Conception, Democratic Official Checker and Vincent Hall, Democratic Ballot Clerk for the Parkville Community School polling place state that they have no recollection of the alleged incident.
10. General Statutes § 9-261 (e) provides, in relevant part:

If any elector, after entering the voting booth, asks for further instruction concerning the manner of voting, the election officials shall give such instructions or directions to the elector

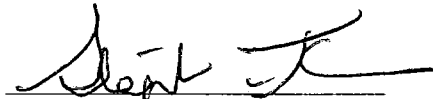
11. Section 9-242a-20 of the Regulations of Connecticut State Agencies provides, in relevant part, "Any elector may request a new ballot at any time prior to the acceptance of his ballot by the voting tabulator. No reason need be given."
12. Pursuant to General Statutes § 9-3, the Secretary of the State, through the *Moderator's Handbook for Elections and Primaries*, has instructed election officials to direct electors according to this regulation.
13. The Commission concludes that the investigation of this matter has not revealed adequate evidence to establish that election officials failed to instruct or direct and elector pursuant to by § 9-261 (e).

ORDER

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

That the matter be dismissed without prejudice.

Adopted this 15th day of December, 2010 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission