

STATE BOARD OF ELECTION SUPERVISORS  
HELP AMERICA VOTE ACT COMPLAINT 1-2004

COMPLAINANT: LARRY R. GLASCOCK

RESPONDENT: EVELYN ARRANT

DECISION

The record of Help America Vote Act Complaint 1-2004 was reviewed by the State Board of Election Supervisors ("Board") on January 6, 2005. The Board unanimously determines that a violation of Section 303(a) of the Help America Vote Act, 42 U.S.C. 15482(a) occurred when the Complainant was not permitted to cast a provisional ballot for the 5th Congressional District in the November 2, 2004 election. The Board further finds that the violation was not intentional and was the result of the need for additional training in the procedures for provisional voting.

42 U.S.C. 15482(a) provides that if an individual declares that he is a registered voter in the jurisdiction and an election official asserts that the individual is not eligible to vote, the individual shall be permitted to cast a provisional ballot upon signing an affirmation before an election official at the polling place stating that he is a registered voter in the jurisdiction and he is eligible to vote in that election. The Complainant asserted that he was a registered voter in Ouachita Parish and he signed the affirmation on the provisional ballot envelope flap on November 2, 2004 attesting that he was a registered voter in Ouachita Parish and that he was eligible to vote in the election for federal office. The Respondent signed the Complainant's provisional ballot envelope flap and acknowledged that the Complainant signed the provisional ballot envelope flap in the presence of the Respondent. The Complainant stated in his complaint that he was given the ballot with the President on it and that there was not a space or name for Rodney Alexander and the other two candidates, and he wrote Rodney Alexander's name on the ballot. The Complainant also indicated that he brought the situation to the poll commissioner's attention and that the poll commissioner did not know what to tell him to do. There is nothing in the record to dispute the Complainant's assertion

that he was not given the provisional ballot for the 5th Congressional District in the November 2, 2004 election. Therefore, pursuant to 42 U.S.C. 15482(a), upon the Complainant's execution of the provisional ballot envelope flap, he should have been given the opportunity to cast a provisional ballot for the 5th Congressional District in the November 2, 2004 election.

The Board finds that additional training in the procedures for provisional voting in federal elections is necessary. Accordingly, the Board orders the following remedy:

The Louisiana Department of State will develop a training video for election officials in the procedures for provisional voting in federal elections; and

The Respondent and the Clerk of Court, 4th Judicial District Court, Ouachita Parish, will be given additional training in the procedures for provisional voting in federal elections as the Louisiana Department of State deems necessary.

Signed this 17th day of February, 2005.

Signed by Fox McKeithen  
Fox McKeithen, Chairman  
State Board of Election Supervisors