

2023 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVE WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTERS/VOTING: Provides relative to the rights of voters with disabilities

1 AN ACT

2 To amend and reenact R.S. 18:431(A)(1)(b) and 431.1(C)(introductory paragraph) and to

3 enact R.S. 18:431.1(C)(7), 523, and 523.1 and R.S. 36:744(C)(5), relative to the

4 rights of voters with disabilities; to provide for instructions provided to election

5 commissioners relative to the rights of persons with disabilities; to provide for the

6 examinations taken by commissioners; to provide for an Americans with Disabilities

7 Act compliance officer within the Department of State; to provide for compensation;

8 to provide for duties and responsibilities of the officer; to create the Voting

9 Accessibility Advisory Group; to provide for membership; to provide for duties; to

10 provide an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:431(A)(1)(b) and 431.1(C)(introductory paragraph) are hereby

13 amended and reenacted and R.S. 18:431.1(C)(7), 523, and 523.1 are hereby enacted to read

14 as follows:

15 §431. Commissioners; courses of instruction; certificates; reports; list of certified

16 persons furnished by parish board of election supervisors

17 A.(1)

18 * * *

1 (b) The clerk shall ~~furnish~~ provide the following in accordance with
2 minimum standards issued by the secretary of state to the persons who attend the
3 course of instruction:

4 (i) ~~a~~ A copy of the informational pamphlet provided by the secretary of state,
5 ~~and~~

6 (ii) ~~he shall instruct them in~~ Instruction on the use of voting machines and the
7 duties of commissioners in conducting primary and general elections.

8 (iii) ~~The clerk shall instruct the commissioners that it is their~~ Instruction on
9 a commissioner's duty to offer any voter who does not have picture identification as
10 provided in R.S. 18:562(A) an affidavit to sign to that effect as provided in R.S.
11 18:562. All such instruction and materials shall be provided pursuant to minimum
12 standards issued by the secretary of state for the course of instruction.

13 (iv) Instruction on a commissioner's duty to comply with the provisions of
14 state and federal law pertaining to the rights of voters with disabilities, including the
15 Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.).

16 * * *

17 §431.1. Examinations for courses of instruction

18 * * *

19 C. Each examination shall include but shall not necessarily be limited to
20 questions relating to the following subject ~~matter~~ matters:

21 * * *

22 (7) Procedures for assisting voters with disabilities and requirements to
23 comply with provisions of state and federal law pertaining to the rights of voters with
24 disabilities, including the Americans with Disabilities Act of 1990, as amended (42
25 U.S.C. 12101 et seq.).

26 * * *

27 §523. Americans with Disabilities Act compliance officer

28 A. The secretary of state shall appoint an Americans with Disabilities Act
29 compliance officer to serve at the pleasure of the secretary. The secretary shall fix
30 the salary of the compliance officer.

1 B. The responsibilities and duties of the officer shall include:

2 (1) To serve as a primary point of contact for election day accessibility
3 issues.

4 (2) To conduct and issue a biannual accessibility audit; to issue a report of
5 his findings to the secretary, the commissioner of elections, and the Voting
6 Accessibility Advisory Group; and to make the report available on the department
7 website.

8 (3) To facilitate meetings of the Voting Accessibility Advisory Group.

9 (4) To perform any additional responsibilities and duties assigned by the
10 secretary.

11 §523.1. Voting Accessibility Advisory Group

12 A. The Voting Accessibility Advisory Group is created and established in
13 the Department of State. The group shall be comprised of at least seven members
14 selected by the secretary of state, a majority of which shall be disabled and represent
15 a diversity of accessibility needs.

16 B. The group shall consult on voting accessibility issues including but not
17 limited to:

18 (1) Improving election commissioner training, specifically related to
19 compliance with the Americans with Disabilities Act of 1990, as amended (42
20 U.S.C. 12101 et seq.) and assisting voters with disabilities.

21 (2) Improving accessibility in voting systems.

22 (3) Creating publications of best practices related to accessible voting for
23 local election officials.

24 (4) Revising and improving the department's publications and postings at
25 voting locations.

26 (5) Increasing accessibility of information on the department's website.

27 Section 2. R.S. 36:744(C)(5) is hereby enacted to read as follows:

28 §744. Transfer of boards, commissions, and agencies to the Department of State

29 * * *

1 C. The following agencies are placed within the Department of State in
2 accordance with the provisions of R.S. 36:901 et seq. except as otherwise provided
3 by this Subsection:

4 * * *

5 (5) Voting Accessibility Advisory Group (R.S. 18:523.1).

6 * * *

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 449 Engrossed 2023 Regular Session Willard

Abstract: Provides for an Americans with Disabilities Act (ADA) officer appointed by the secretary of state, a Voting Accessibility Advisory Group within the Dept. of State, and the instruction and examination of elections commissioners relative to the rights of voters with disabilities.

Present law (R.S. 18:431) requires the clerk of court to conduct a general course of instruction for election commissioners. Further requires the clerk to provide specific instruction during the course pursuant to minimum standards issued by the secretary of state.

Proposed law retains present law and further requires the clerk to provide instruction on the duty to comply with provisions of law pertaining to the rights of voters with disabilities, including the ADA.

Present law (R.S. 18:431.1) requires the secretary of state to prepare the examination to be used for the course of instruction for commissioners and commissioners-in-charge. Further requires that the examination include questions relating to certain matters.

Proposed law retains present law and further requires the secretary to include in the examination questions relating to procedures for assisting voters with disabilities and requirements to comply with provisions of law pertaining to the rights of voters with disabilities, including the ADA.

Proposed law (R.S. 18:523) requires the secretary of state to appoint an ADA compliance officer to serve at the pleasure of the secretary. Provides that the secretary shall fix the salary of the compliance officer and assigns responsibilities and duties to the officer.

Proposed law (R.S. 18:532.1) creates the Voting Accessibility Advisory Group within the Dept. of State. Provides that the group shall be comprised of at least seven members selected by the secretary of state, a majority of which shall be disabled and represent a diversity of accessibility needs. Further provides that the group shall consult on voting accessibility issues.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:431(A)(1)(b) and 431.1(C)(intro. para.); Adds R.S. 18:431.1(C)(7), 523, and 523.1 and R.S. 36:744(C)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide that the seven members of the Voting Accessibility Advisory Group are selected by the secretary of state.
2. Make technical changes.