

ACT No. 277

2023 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVES WILLARD, BOYD, BRYANT, CARPENTER, ROBBY CARTER, WILFORD CARTER, COX, FISHER, FREEMAN, GLOVER, HUGHES, JEFFERSON, JENKINS, KNOX, LAFLEUR, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PHELPS, AND PIERRE

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 * * *

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

1 (i) a A copy of the informational pamphlet provided by the secretary of state,
2 and

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

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

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

13 * * *

14 §431.1. Examinations for courses of instruction

15 * * *

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

18 * * *

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

23 * * *

24 §523. Americans with Disabilities Act compliance officer

25 A. The secretary of state shall appoint an Americans with Disabilities Act
26 compliance officer to serve at the pleasure of the secretary. The secretary shall fix
27 the salary of the compliance officer.

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

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

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

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

6 (4) To perform any additional responsibilities and duties assigned by the
7 secretary.

8 §523.1. Voting Accessibility Advisory Group

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

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

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

18 (2) Improving accessibility in voting systems.

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

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

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

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

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

26 * * *

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____