



May 16, 2023

*Sent via email*

Louisiana Committee on House and Governmental Affairs  
 Box 94062  
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 Baton Rouge, LA 70804  
 h&ga@legis.la.gov

**RE: Support for HB449 and HB553**

Dear Chairman Stefanski and Members of the Committee on House and Governmental Affairs:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“Legal Defense Fund” or “LDF”), American Civil Liberties Union of Louisiana (“ACLU Louisiana”), Anti-Defamation League South Central, Arc of Louisiana, Crescent City Media Group Center for Civic Action, Disability Rights Louisiana, Fair Elections Center, Jeremiah Group, Governor’s Office of Disability Affairs, League of Women Voters of Louisiana, Louisiana Developmental Disabilities Council, National Council of Jewish Women Greater New Orleans Section, National Federation of the Blind of Louisiana, Power Coalition for Equity and Justice, Resources for Independent Living, Southern Poverty Law Center Action

Fund (“SPLC Action Fund”), Statewide Independent Living Council, and Voice of the Experienced (VOTE), we write in support of HB449 and HB553. Together, these bills would provide important safeguards to ensure all Louisianians with disabilities are able to effectively cast their ballots.

We commend this Committee and the Louisiana Legislature for passing HCR14 last year, which created the “Disability Voting Task Force” (the “Task Force”) that was convened in anticipation of this legislative session.<sup>1</sup> The Task Force, comprised of a majority of people with disabilities, united experts in election administration, accessibility, and civic engagement to “study the voting rights of persons with disabilities and the procedures available to assist voters with disabilities to cast their votes” in order to report policy recommendations to the Legislature.<sup>2</sup> Both HB449 and HB553 are direct products of Task Force recommendations.<sup>3</sup>

### **I. HB449 and HB553 Provide Election Accessibility Leadership, Training, Oversight, and Fairness**

HB449 calls for the appointment of an Americans with Disabilities Act (“ADA”) Compliance Officer in the Office of the Secretary of State, the creation of a “Voting Accessibility Advisory Group,” also in the Department of State, and increased training and testing regarding accessibility laws and best practices for poll commissioners.<sup>4</sup> Each of the ideas embraced by HB449 was supported unanimously by the membership of the Task Force.<sup>5</sup>

HB553 calls for the appointment of a voter with disabilities to the State Board of Election Supervisors.<sup>6</sup> The appointee would be selected by the Governor from a list of nominees from leading organizations representing and serving people with disabilities, and confirmed by the Senate.<sup>7</sup> HB553 was endorsed by every member of the Task Force appointed by an organization working on behalf of people with disabilities.<sup>8</sup>

Both HB449 and HB553 present opportunities for Louisiana to gain critical insights from the lived experience, expertise, and skills of voters with disabilities to ensure elections are accessible to all.

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<sup>1</sup> La. HCR 14 (2021), <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1282299>.

<sup>2</sup> *Id.*

<sup>3</sup> HCR 14 La. Disability Voting Task Force, Adopted Recommendations of the HCR 14 Disability Voting Task Force (Feb. 10, 2023), [adobe.ly/3NEneLq](https://adobe.ly/3NEneLq) (hereinafter “Task Force Report”).

<sup>4</sup> La. HB449 (2023), <https://www.legis.la.gov/legis/BillInfo.aspx?s=23RS&b=HB449&sbi=y> (hereinafter “HB449”).

<sup>5</sup> See Task Force Report.

<sup>6</sup> La. HB553 (2023), <https://www.legis.la.gov/legis/BillInfo.aspx?s=23RS&b=HB553&sbi=y>.

<sup>7</sup> *Id.*

<sup>8</sup> See Task Force Report.

**i. Leadership: Voters with Disabilities Have the Lived Experience and Expertise to Ensure Louisiana’s Elections Are Accessible**

People with disabilities represent over one-third of Louisiana’s adult population and a significant portion of the state’s eligible voting population.<sup>9</sup> The State loses out on critical insights on how elections can be administered in inclusive and accessible ways when affected parties are not actively included in decision-making around election administration. Dr. Ashley Volion, a member of the HCR14 Task Force representing Disability Rights Louisiana, cited a common and pertinent phrase from within the disability community during the final Task Force meeting: “Nothing about us, without us.”<sup>10</sup>

Recent U.S. Census Bureau data revealed that over 10% of the national voting-age population cited “illness/disability” as a reason for not registering to vote from 2018-2022.<sup>11</sup> In the same survey, respondents reported that “illness/disability” was the third-most common reason for not voting in recent elections.<sup>12</sup> Louisianians with disabilities have the most direct insights on how to encourage community members with similar lived experiences to participate in elections and may best generate ideas on ways to support and defend their right to vote.

While there are strong accessibility protections in federal and state law,<sup>13</sup> there is a disconnect with enforcement when people with the greatest insights into accessibility barriers are not empowered within election leadership and administration. Both HB449 and HB553 allow for the appointment of an individual with a disability to the administrative leadership of elections in Louisiana. Whether it is the size and style of font included on registration forms or the etiquette poll commissioners are trained on to best support voters at the polls, almost any election administration decision can implicate accessibility. Centering the lived experience and expertise of voters with disabilities is crucial to successful election administration because voters with disabilities can provide insight, understanding, and solutions for accessibility concerns that might otherwise be unnoticed by someone who does not have a disability.

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<sup>9</sup> U.S. Ctrs. for Disease Control and Prevention, *Adults with Disabilities: Ethnicity and Race* (Sept. 16, 2020), <https://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html>.

<sup>10</sup> La. Sec. of State, February 10, 2023 HCR 14 Disability Voting Task Force Meeting, YouTube.com (Feb. 10, 2023) at 50:00, [https://www.youtube.com/watch?v=D5\\_PlfCJxfQ](https://www.youtube.com/watch?v=D5_PlfCJxfQ).

<sup>11</sup> Jacob Fabina, *High Registration and Early Voting in 2022 Midterm Elections*, U.S. Census Bureau (May 2, 2023), <https://www.census.gov/library/stories/2023/05/high-registration-and-early-voting-in-2022-midterm-elections.html>.

<sup>12</sup> *Id.*

<sup>13</sup> *See, e.g.*, U.S. Dept. of Justice, Civil Rights Div., Disability Rights Sec., *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities* (Sept. 2014), [https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.htm](https://www.ada.gov/ada_voting/ada_voting_ta.htm); La. Sec. of State, *Election Day La. Voters’ Bill of Rights and Voting Info.*, <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/BillOfRights.pdf>.

## **ii. Training: Ensuring Compliance with Election Accessibility Protections and Best Practices Starts with Education**

As detailed above, HB449 requires poll commissioner instruction and examination regarding the rights of voters with disabilities.<sup>14</sup> Increased poll commissioner training is a critical, proactive measure to ensure accessibility laws and best practices are exercised at polling places. For example, laws including the Voting Rights Act of 1965 (“VRA”) and the Americans with Disabilities Act (“ADA”) require specific accessibility features at polling places, like designated parking spaces, accessible entrances, and opportunities for voters with disabilities to receive assistance from the person of their choice.<sup>15</sup> Still, many of these requirements may be neglected or ineffectively provided in practice without thorough training, in addition to compliance checks and holistic oversight.<sup>16</sup> Trainings and examinations for poll commissioners regarding the rights of people with disabilities is an important first measure in improving the voting experience for Louisianians with disabilities.

As one example, Members of the Task Force cited a recent election in New Orleans where poll commissioners used a piece of plywood as a temporary ramp at the entrance of a polling place.<sup>17</sup> While the temporary ramp may have, in theory, provided for greater accessibility than having no ramp or curb cut at all, the weak wood ended up with hole in the center that prevented voters with disabilities from safely utilizing it as a ramp.<sup>18</sup> Through training and oversight of both accessibility laws and best practices, solvable problems like this could be better anticipated and avoided.

## **iii. Oversight: Engaging Experts in Accessibility at Every Stage of Election Administration is a Proactive Way to Eradicate Barriers to Voting Before Harm is Done**

Accessibility issues are inherent in all levels of election administration—not simply voting, but each of the “nuts and bolts” of executing the election process.<sup>19</sup> Laws and election practices established at the federal level make this connection clear, including

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<sup>14</sup> HB449.

<sup>15</sup> U.S. Dept. of Justice, Civil Rights Div., Disability Rights Sec., *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities* (Sept. 2014), [https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.htm](https://www.ada.gov/ada_voting/ada_voting_ta.htm).

<sup>16</sup> U.S. Dept. of Justice, Civil Rights Div., Disability Rights Sec., *ADA Checklist for Polling Places*, <https://www.ada.gov/votingck.htm>.

<sup>17</sup> La. Sec. of State, February 10, 2023 HCR 14 Disability Voting Task Force Meeting, YouTube.com (Feb. 10, 2023) at 1:26, [https://www.youtube.com/watch?v=D5\\_PlfCJxfQ](https://www.youtube.com/watch?v=D5_PlfCJxfQ); see also Ashley Shelton, Memo to the HCR 14 Disability Voting Task Force RE: Accessible Voting Supplemental Research and Recommendations (Jan. 23, 2023) at Appendix A, <https://adobe.ly/419v6HZ>.

<sup>18</sup> *Id.*

<sup>19</sup> La. Sec. of State, February 10, 2023 HCR 14 Disability Voting Task Force Meeting, YouTube.com (Feb. 10, 2023) at 40:36, [https://www.youtube.com/watch?v=D5\\_PlfCJxfQ](https://www.youtube.com/watch?v=D5_PlfCJxfQ).

key provisions of the Help America Vote Act (“HAVA”) and the creation of and resources provided by the Election Assistance Commission (“EAC”).<sup>20</sup> In Louisiana, the Election Code (the “Code”) establishes the intrinsic relationship between accessibility and election administration with the Help Louisiana Vote Fund (“HLVF”).<sup>21</sup> The Code provides for the specific division and allocation of HLVF dollars, focusing on improving polling places to adhere to accessibility standards.<sup>22</sup> This safeguard, while important, aims to improve issues related to accessibility in a reactive manner, whereas the committees and groups outlined in HB449 and HB553 could help identify and eliminate barriers to entry before voters are disenfranchised. Louisiana can more effectively eradicate hurdles to voting for people with disabilities by providing voters with disabilities representation in all aspects of election administration.

HB553 calls for the appointment of a voter with disabilities to the State Board of Election Supervisors (“SBES” or the “Board”), which has important oversight, administrative, and advisory functions.<sup>23</sup> Any administrative decisions made by the SBES can greatly impact voters with disabilities, and a member of the disability community on this team could provide valuable guidance. For example, small decisions such as the paper or envelope requirements for absentee ballots may impose barriers to accessibility.<sup>24</sup> A member from the disability community would be an astute addition to the Board, who may best identify whether accessibility considerations come into play at *all* stages of election administration, in addition to helping shape pertinent election administration policy recommendations for the Legislature during the SBES annual meeting.<sup>25</sup> While it would be impossible to have a representative who has directly or indirectly experienced every type of disability, having someone with more focused insights on accessibility would

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<sup>20</sup> See, e.g., U.S. Elections Assist. Comm’n, *Help America Vote Act*, [https://www.eac.gov/about\\_the\\_eac/help\\_america\\_vote\\_act.aspx](https://www.eac.gov/about_the_eac/help_america_vote_act.aspx) (“The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election . . . HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states.”) (last visited May 5, 2023).

<sup>21</sup> La. R.S. 18§1400.21.

<sup>22</sup> *Id.*

<sup>23</sup> See, e.g., State of La. Div. of Admin. Bd. & Comm’s: State Bd. Of Election Supervisors, <https://wwwcfprd.doa.louisiana.gov/boardsAndCommissions/viewBoard.cfm?board=195> (“[The Board] [c]onducts hearings for complaints under the administrative complaint procedure for federal elections and for the removal of registrars of voters; appoints registrars of voters temporarily when parish governing authorities fail to fill the vacancies; and reviews election laws and procedures and reports annually to the legislature.”) (last visited May 9, 2023).

<sup>24</sup> See, e.g., U.S. Ctrs. for Disease Control and Prevention, *Disability and Health Inclusion Strategies* (Sept. 15, 2020), <https://www.cdc.gov/ncbddd/disabilityandhealth/disability-strategies.html> (citing “Universal Design” features, etc.).

<sup>25</sup> La. R.S. 18§23.

provide an invaluable perspective to enhance the administrative and leadership functions of the Board.

**iv. Fairness: All Voters Deserve a Fair and Accessible Voting Process**

As cited above, people with disabilities represent over one-third of Louisiana’s adult population—a significant portion of the state’s eligible voting population.<sup>26</sup> This population represents a diversity of accessibility needs and lived experiences. For example, “disability types,” as defined by the U.S. Centers for Disease Control (“CDC”),<sup>27</sup> include the below categories:

<b>Disability Type</b>	<b>Definition</b>	<b>% of La. Adults</b>
Mobility	Serious difficulty walking or climbing stairs	15%
Cognition	Serious difficulty concentrating, remembering, or making decisions	16%
Independent living	Serious difficulty doing errands alone, such as visiting a doctor's office	9%
Hearing	Deafness or serious difficulty hearing	8%
Vision	Blind or serious difficulty seeing, even when wearing glasses	8%
Self-care	Difficulty dressing or bathing	4%

Each voter with disabilities can provide unique perspectives, experiences, and insights on how the voting process can be made more inclusive. Actively recruiting the expertise of members of this diverse community is critical to ensure voting in Louisiana is fair rather than exclusionary. Both HB449 and HB553 critically define that the appointment process and selection of leaders in election oversight should include representation from a “diversity of accessibility needs,” or range of accessibility organizations.<sup>28</sup>

Enforcement of voting rights and accessibility laws under HB449 and HB553 also acutely impacts overlapping demographic communities based on age, race, and other indicators. For example, many Louisianians may develop accessibility needs in older age, and the State already acknowledges the unique needs of senior voters by providing automatic qualification to vote by mail at the age of 65.<sup>29</sup> According to studies cited by the Louisiana Department of Health, Black Louisianians consistently report higher instances of poor physical and mental health days compared to white Louisianians.<sup>30</sup> Black people

<sup>26</sup> U.S. Ctrs. for Disease Control and Prevention, *Adults with Disabilities: Ethnicity and Race* (Sept. 16, 2020), <https://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html>.

<sup>27</sup> *Id.*

<sup>28</sup> See HB449 and HB553.

<sup>29</sup> La. R.S. § 1303(J).

<sup>30</sup> La. Dep’t of Health, *Community Partnerships & Health Equity: Louisiana Health Profiles*, <https://ldh.la.gov/page/670> (last visited May 5, 2023) (citing Univ. of Wisc. Population Health Inst., *County Health Rankings & Roadmap Reports* (2015-2019)).

with disabilities thus also represent a substantial portion of Louisiana’s population as the state’s total population includes roughly one-third Black Louisianians.<sup>31</sup> Accessibility in Louisiana is a racial justice and equity issue, and HB449 and HB553 provide just some of many necessary solutions.

It is critical that leaders charged with crafting voting policy and administering elections at all levels in Louisiana continue to learn from the expertise of voters with disabilities when crafting election policies and administrative procedures. Accessible voting solutions like HB449 and HB553 honor and enforce the rights of voters with disabilities. While these bills focus primarily on ameliorating barriers to voting for voters with disabilities, improving the voting experience for a historically disenfranchised group can help *all* voters. Indeed, these bills epitomize the “curb-cut effect,” a term coined by Angela Glover Blackwell that describes how the removal of obstacles to access for one group can benefit everyone.<sup>8</sup> “When we create the circumstances that allow those who have been left behind to participate and contribute fully,” she writes, “everyone wins.”<sup>9</sup>

Thank you, again, for your work to improve voting accessibility in Louisiana through the passage of HCR14 last year. We now strongly encourage you to heed the recommendations of the Task Force by passing both HB449 and HB553. Please reach out if we can provide further research or support by contacting Victoria Wenger at [vwenger@naacpldf.org](mailto:vwenger@naacpldf.org).

Sincerely,

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<sup>31</sup> U.S. Census Bureau, Quick Facts: La., <https://www.census.gov/quickfacts/fact/table/LA/PST045221> (last visited May 5, 2023).

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### **Legal Defense Fund (LDF)**

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression.

### **American Civil Liberties Union of Louisiana (ACLU Louisiana)**

The ACLU of Louisiana has worked to advance and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States and the State of Louisiana since 1956. The organization is part of a nationwide network of ACLU affiliates that fight tirelessly in all 50 states, Puerto Rico, and Washington, D.C.

### **Anti-Defamation League South Central (ADL South Central)**

ADL is the leading anti-hate organization in the world. Founded in 1913, its timeless mission is “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, ADL continues to fight all forms of antisemitism and bias, using innovation and partnerships to drive impact. A global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens, ADL works to protect democracy and ensure a just and inclusive society for all.

### **Arc of Louisiana**

The Arc of Louisiana’s mission is to advocate with and for all people with intellectual and related developmental disabilities and their families so that they shall live to their fullest potential.

The Arc of Louisiana is the oldest and largest grassroots organization of and for people with intellectual and developmental disabilities and their families. We are devoted to promoting and improving supports and services for people with disabilities and their families through our 22 local chapters of The Arc, serving almost 10,000 families.

### **Crescent City Media Group Center for Civic Action**

Crescent City Media Group is a civil rights – media & advocacy agency serving at the nexus of public interest and policy advocacy in communities of color across the state of Louisiana and the US South.

### **Disability Rights Louisiana (DRLA)**

Disability Rights Louisiana (DRLA) is a 501(c)(3) not-for-profit organization that protects and advocates for the human and legal rights of people with disabilities of all ages across our state. We work to empower the disability community to live an integrated life, free from abuse, neglect and exploitation.

### **Fair Elections Center**

The Fair Elections Center is a nonpartisan, nonprofit organization that uses impact litigation and advocacy to remove barriers to voting and registration, particularly those that disenfranchise underrepresented and marginalized communities.

## **Governor's Office of Disability Affairs (GODA)**

The Governor's Office of Disability Affairs (GODA) strives to serve as an informational resource for people with disabilities, their families and the agencies that serve them. GODA was established and designed by the Governor's Office to adequately educate, address and resolve issues relative to the disability community. It is our goal to promote, encourage and support citizens with disabilities so they may have an equal opportunity to actively participate in all aspects of life.

## **The Jeremiah Group**

The Jeremiah Group is a broad-based community organization working with congregations, schools, unions, neighborhood associations and other community networks in Jefferson Parish. The organization gets its name from scripture. In the Book of Jeremiah, Chapter 29, verse 7, the prophet Jeremiah tells the people to "seek the welfare of the city... for in its welfare, you will find your own." It is this principle of mutual self-interest that is the basis of our mission which is to transform the practice of politics in this region from local government to the federal level.

## **League of Women Voters of Louisiana**

The League of Women Voters of Louisiana is a nonpartisan political organization encouraging informed and active participation in government. It influences public policy through education and advocacy.

## **Louisiana Developmental Disabilities Council**

The Louisiana Developmental Disabilities Council's mission is to increase independence, self-determination, productivity, integration, and inclusion for Louisianans with developmental disabilities by engaging in advocacy, capacity building, and systems change.

The Louisiana Developmental Disabilities Council engages in advocacy, systems change, and capacity building activities that contribute to a coordinated, individual and family-centered, individual and family-directed comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

## **National Council of Jewish Women Greater New Orleans Section**

The National Council of Jewish Women (NCJW) is a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms.

## **National Federation of the Blind of Louisiana**

The National Federation of the Blind of Louisiana provides a network of support and encouragement and promotes an understanding of the real problems of blindness... the attitudes and misconceptions which we and the general public have about blindness. We believe that with training and opportunity (and these are important) the average blind or visually impaired person can lead a perfectly normal life--not just dream about it.

## **Power Coalition for Equity and Justice**

The Power Coalition for Equity and Justice works to build voice and power in traditionally ignored communities. We are a coalition of groups from across Louisiana whose mission is to organize in impacted communities, educate and turn out voters, and fight for policies that create a more equitable and just system in Louisiana.

## **Resources for Independent Living, Inc.**

Resources for Independent Living, Inc. focuses on inclusion. As a Center for Independent Living (CIL), our goals and services improves accessibility for our clients, and the community, as a whole. Our CIL provides education and guidance to ensure individuals achieve social, vocational, physical & mental health, and economic opportunities that enhance independent living and promotes personal choice. We have served the Southeast Louisiana area since 1988 and believe advocacy, compassion, and equity is required to truly provide quality services within the community.

## **Southern Poverty Law Center Action Fund**

SPLC Action is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.

## **Statewide Independent Living Council (SILC)**

The Louisiana Statewide Independent Living Council (SILC) was established by the Rehabilitation Act of 1973 to support the efforts of our citizens with disabilities to live independently in the community of their choice. SILC works to maximize the leadership, empowerment, independence and productivity of individuals with disabilities, facilitating integration and full inclusion into the mainstream of American society.

## **Voice of the Experience (VOTE)**

VOTE is a grassroots organization founded and run by formerly incarcerated people (FIP), our families and our allies. We build power through community organizing, policy advocacy, and civic engagement. We are dedicated to restoring the full human and civil rights of those most impacted by the criminal (in)justice system. Together we have the

experiences, expertise and power to improve public safety in Louisiana and beyond without relying on mass incarceration.