The following is the National Coalition for the Homeless’ Model State Homeless Voter Registration Act. During the past two and a half decades, this model piece of legislation was used as a basis for homeless voting registration laws passed in several states. These enacted statutes dealt specifically with the registration of people who were experiencing homelessness. This Model Act is meant to give guidance as to the types of provisions that a state’s homeless voter registration law should include. The model will likely have to be tailored to fit the state’s existing registration procedures as well as to comply with any conflicting state laws. The provisions and accompanying notes, however, should provide you with general information and ideas as to how such an Act increases homeless voter participation in elections.

**Section 1 - “Scope of Act”**

The provisions of this Act cover only those persons living in non-traditional abodes who are attempting to register and vote.

**Note:** The purpose of this Act is intended merely to supplement, not supplant, existing state registration procedures. It may be necessary, however, that some provisions (e.g., Sections 6 through 10 of the model Act) apply to all voters, whether experiencing homelessness or not, so as not to violate equal protection principles. The provisions of this Act will help reduce the barriers that homeless persons face when attempting to register and vote. In addition, state legislators may be more willing to enact a supplement as opposed to revising the state’s entire registration process.

**Section 2 - “Definitions”**

a) “Domicile” - the place where a person’s habitation is fixed, and to which, whenever absent, the person has the present intent of returning.

(b) “Non-traditional Abode” - includes shelters, parks, shanties, underpasses, and cars.

(c) “Homeless Provider” - includes residential shelters, day centers, soup kitchens, and food pantries.

**Note:** The key to determining a person’s domicile, and thus her residence, is “present intent.” If a person has the present intent of returning to a shelter or a park whenever she is absent during the day, then that is her residence. It is not significant that at some unidentifiable time in the future the person intends to leave the shelter or park and live elsewhere. For now, the park or shelter is her residence.

**Section 3 - “Qualifications”**

A person who is 18 years or older, a resident of the state, who has not been adjudicated mentally incompetent, who is not currently in prison or on parole for a felony conviction (varies by state; check with local city/county election officials), and who has registered as described under this Act, can vote in the election district where she resides.

**Section 4- “Residency”**

A person living in a residential shelter may be considered a resident of the election district where the shelter is located. A person living in a non-traditional abode other than a residential shelter has the following choices as to her voting residence: her “geographic location” or the street address of a homeless provider with which she has a relationship.

**Note:** This section is the key to the Act. It signifies that a person living in a shelter is a resident of the election district in which the shelter is located, even though she does not live in a traditional house. In addition, a person who lives in a park, for example, can vote in the election district where her “geographic location” is situated (i.e., the park) or in the district where a shelter, with which she has a relationship, is located. Persons living in non-traditional abodes other than shelters may not want to use their “geographic location” because they may move frequently, and thus would have to re-register every time their “geographic location” changes. Instead, these people can use the address of a homeless provider, so that if they change their location, they do not have to keep re-registering.

**Section 5- “Equal Treatment”**

A person’s residency should not be challenged solely on the basis that the person lives in a non-traditional abode.

**Note:** The purpose of this section is that there should be no inference that a person is a non-resident solely on the basis of living in a shelter or in a park. People living in these locations should be treated the same as persons living in traditional residences with regard to determining residency. Therefore, a question about the true residence of a person cannot be raised solely on the basis that the person lives in a park instead of a house. A person who claims to live in a house in a particular election district is presumed to be a resident of that election district, therefore, a person who claims to live in a park or shelter in a particular election district should also be presumed to be a resident of that election district.

**Section 6 - “Registration Deadline”**

Registration for an election shall close at 8:00 p.m. on the 2nd Wednesday before the election.

**Note:** A significant number of states have registration deadlines of 30 days. While there are a few states that allow for same day registration, most state legislatures probably would not agree to enact this type of procedure. However, there is no reason for state legislatures not to reduce the deadline to about 14 days before the election. Registration deadlines are a major reason why people who are experiencing homelessness become disenfranchised. People are often unaware of the deadline to register. In addition, because people who are currently experiencing homelessness may be outside of the media loop, they are less likely to become involved in an election until right before it occurs, and thus are less likely to register before the deadline passes. There are states that have reduced their deadlines below 10 days; there is no reason why other states cannot do the same.

**Section 7 - “Late Registration In-Person”**

A person who has failed to register by the registration deadline for an election can still vote in the election if the person completes a registration form in person at the city/county registrar’s office by 5:00 p.m. on the day before the election. Once the registration form is completed, the registrar shall issue a certificate of registration to the person. The certificate can then be presented by the person on election day at the polling place, and she will then be entitled to vote.

**Note:** This provision prevents the registration deadline from being so final. As many people who are experiencing homelessness are unaware of registration deadlines, an exception to such deadlines should be made for such an important right as voting.

**Section 8 - “Mail Registration”**

A person may register by mail by filling out a registration card, and having the card mailed or delivered to the city/county registrar’s office. The registration card shall have postage pre-paid, with the address of the city/county registrar’s office already printed on the front. The card shall only require the person to provide the information listed in Section 11. For registration by mail to be considered timely, the registration card must be postmarked no later than the 2nd Wednesday before the election. Any person who is a registered voter in the state may help another person fill out a mail registration card.

**Note:** Mail registration would likely have the biggest impact on increasing the number of persons who are experiencing homelessness to register to vote. Such a provision will facilitate the registration of people who are experiencing homelessness by allowing the employees of the shelters and soup kitchens to assist their clients with filling out the cards and dropping them in the mail.

 **Section 8(a) - “Provision of Mail Registration Cards”**

The city/county registrar shall provide mail registration cards to all shelters and soup kitchens within the city/county.

**Section 9 - “In-Person Registration - Registrar’s Office”**

The city/county registrar shall provide for registration to take place at her office during normal business hours, and also for in-person registration to take place at additional sites as provided in Sections 9(a) - (b). An applicant may appear at the registrar’s office and fill out a registration form. The form shall only require that the applicant provide the information listed in Section 11. If the applicant cannot read or write, the registrar is required to assist such person in filling out the form.

 **Section 9(a) - “In-Person Registration - Shelters and Soup Kitchens”**

The director or an employee of a shelter or soup kitchen, or a client/shelter resident who uses the services of a shelter or soup kitchen, may apply to the city/county registrar to be appointed a deputy registrar. The city/county registrar is required to make such appointment if such director, employee, or person who is experiencing homelessness is a qualified voter in the city/county. The person shall be appointed as a deputy registrar for a period of two years. As a deputy registrar, the person will have the power to conduct in-person registration at that location during normal business hours. The city/county registrar shall provide registration forms to all deputy registrars.

**Note:** Having employees or clients/shelter residents who use the services of a shelter or soup kitchen act as deputy registrars will greatly increase registration among persons who are experiencing homelessness. Clients of the shelters and soup kitchens are much more likely to come forward and register with familiar deputy registrars as opposed to going to the city/county registrar’s office. There is no reason why the registration process should be limited to the city/county registrar’s office.

 **Section 9(b) - “In-Person Registration - Additional Sites”**

Any person may request in writing to the city/county registrar’s office that the registrar conduct additional registration at a specific site. Such site can be any place where more than 50 persons qualified to vote are located. If an additional site is requested, the registrar shall make a good faith attempt to conduct registration there.

**Note:** This provision would allow for an additional in-person registration site, upon request, at any encampment or in any park, where a large number of people who are currently experiencing homelessness live.

**Section 10 - “Registration by Absentee”**

A person may register in-person or by mail in a different city/county than the one in which that person resides. The city/county registrar who receives the registration form or mail registration card has the duty to forward the registration to the appropriate city/county registrar so that the person may be registered.

**Note:** This provision allows persons who are forced to live temporarily in a shelter located outside of the city/county of their residence, to register without having to travel back to their county/city of residence.

**Section 11 - “Registration Information Required**”

The mail registration card and registration form shall only require a person to provide her full name, date of birth, resident address, mailing address (if different), and location of previous registration.

Persons living in shelters may provide the shelter address as their resident address. Persons who live in non­traditional abodes other than shelters may use either the geographic location where they live, or the address of a homeless provider with whom they have a relationship, as their resident address. Persons using their geographic location as their resident address must give a description of the location with such specificity that the proper election district can be determined for such person. The person is not required to present identification to register. The person must sign an oath that she is qualified to vote in that election district. If the person cannot write, she can sign the registration form or mail registration card with her mark.

**Note:** Persons should not be required to present identification in order to register. A signed oath subject to criminal penalty is sufficient to deter voter fraud. Also, persons living on the streets should have a choice as to their resident address. If they are very transient, using their geographic location would be difficult because every time they moved they would have to re-register. However, if the person is not very transient, then he or she should be allowed to use his/her geographic location as the resident address. The geographic location (e.g., the northwest corner of a local park) is important so that the person is allowed to vote in the election district where he or she actually lives. It would not be difficult for the city/county registrar to determine the proper election district based on a specified geographic location.

**Section 11(a) - “Mailing Address”**

An applicant may provide any type of mailing address to which non-forwardable mail can be delivered, including a Post Office box, general delivery, a shelter, or a soup kitchen. The city/county registrar is required to maintain a list of shelters and soup kitchens that have agreed to allow registered voters to receive mail there. A person can then use one of these shelters or soup kitchens as her mailing address. In the absence of a mailing address, the city/county clerk’s office may be substituted.

**Note:** There is no reason to limit the types of mailing addresses that can be used. Requiring the registrar to maintain a list of shelters and soup kitchens that have agreed to accept mail will greatly help those persons who do not have a readily available mailing address. If enough shelters and soup kitchens participate, a person registering will likely have an available mailing address that is close to his or her residence.

**Section 12 - “Examination of Applicants for Registration”**

A person signing an oath that she is qualified to vote in an election district shall be presumed qualified to vote in that district. The city/county registrar shall refuse registration only if there is a preponderance of evidence that the person attempting to register is not so qualified. The city/county registrar cannot refuse registration, however, on the sole basis that the person attempting to register lives in a non-traditional abode. The registrar must rely on other evidence that indicates that the person is not qualified to vote in that election district. If a person is refused registration, that person must be given notice of the refusal within 10 days.

**Note:** The importance of this section is that a city/county registrar cannot refuse registration based solely on the assumption that a person who is currently experiencing homelessness is not a resident because s/he lives in a shelter or a park. The registrar must have other information to indicate that the person should not be considered a resident of the election district, before being allowed to refuse registration.

**Section 13 - “Right of Appeal”**

All applicants refused registration have the right to appeal the refusal to the county circuit court within 30 days. Appeals shall be heard in a timely fashion so as to enable those whose appeal is successful to vote in the upcoming election.

**Note:** Without this provision, those applicants who are experiencing homelessness who attempt to register to vote close to the registration deadline (as provided in Section 6 of this model Act) or who attempt to register the day before the election (as provided for in Section 7 of this model Act) and are refused registration, will effectively be denied their right to vote if an appeal is not heard in a timely fashion.

**Section 14 - “Voter Identification Card”**

Each person who is registered shall be sent by non-forwardable mail a voter identification card within 10 days of registration. The card shall contain the applicant’s name, residence, mailing location and polling place location.

However, those persons who register in-person with a registrar or deputy registrar, may arrange to have their voter identification card picked up from the registrar at a later time.

**Note:** This section provides a method by which people who are experiencing homelessness can pick up their voter identification card instead of having it mailed to them.

**Section 15 - “Verification Procedures”**

The city/county registrar shall conduct voter verification during the month of May each year. The verification shall be conducted both by mail and personal canvass. The city/county registrar shall first send by non­-forwardable mail a verification notice to all registered voters within that city/county. As long as the verification notice is not returned as non-deliverable, the voter shall continue to remain on the registration rolls.

If the notice is returned as non-deliverable, and if the voter’s resident address or mailing address is a shelter or soup kitchen, the city/county registrar shall request the employees of this shelter or soup kitchen to conduct a personal canvass during the month of June. If during that month, the registered voter uses the services of the shelter or soup kitchen, the employees shall report this fact to the city/county registrar, and the voter shall continue to remain on the registration rolls.

If the voter does not use these services during the month of June, or if the voter’s resident address or mailing address is not a shelter or soup kitchen, the city/county registrar shall send a notice by forwardable mail that the voter will be removed from the registration rolls unless a response is received within 30 days. The notice shall provide a return-address reply card, with postage pre-paid, signifying that the voter is still qualified to vote in that election district. The reply card shall provide a space for the voter’s new mailing and/or resident address in that election district. If a new address is provided in the reply card, the city/county registrar will then send a new voter identification card to that address within 10 days.

If no response is heard within 30 days, the voter shall then be purged from the registration rolls.

**Note:** The city/county registrar should take every step to accurately determine whether a registered voter is still a resident of that election district before purging such voter from the registration rolls. Moreover, it should not be difficult for the registrar to provide shelter and soup kitchen employees with a list of those voters who may be purged. The employees could then simply keep an eye out for those voters listed, and if such voters use their services during the month of June, to notify the registrar of this fact.

**Section 16 - “Re-identifying”**

A voter who is purged pursuant to Section 15 can still vote on election day if the voter goes to the polling place on election day, and signs an affidavit that she is still qualified to vote in that election district.

**Note:** An exception should be made to purging for such an important right as voting. The signing of an affidavit subject to criminal penalty is sufficient to deter voter fraud.

**Section 17 - “Challenge of Voters”**

Only election officials can challenge a registered voter at the polling place on Election Day. A registered voter is presumed to be qualified to vote. If challenged, such person can still vote if the voter signs an affidavit that she is still qualified to vote in that election district. Challenges cannot be made on the sole basis that the voter lives in a non-traditional abode.

**Note:** Only election officials should be allowed to challenge the qualifications of voters on Election Day. If other registered voters are allowed to challenge voters who are homeless, it could lead to the systematic intimidation of people who are experiencing homelessness on Election Day. In addition, challenges should not be allowed to be made on the assumption that if a person lives in a shelter or a soup kitchen, that person is not a resident of the election district. Finally, requiring voters who are challenged to sign an affidavit that is subject to criminal penalty is sufficient to deter voter fraud.

**Section 18 - “Voter Outreach”**

Any shelter or soup kitchen that has more than 50 registered voters using its services may apply to the city/county registrar to have voter education conducted at its location each year. The voter education shall cover the voting procedures that will take place on Election Day, and shall also cover the importance of voting in an election.

**Note:** Voter education is likely to increase voting by people who are experiencing homelessness in two ways -- persons will become more interested in the election, and they will feel less intimidated by the process.

**Section 19 - “Location of Polling Place”**

Any shelter or soup kitchen that has more than 50 registered voters using its services may apply to the city/county registrar to have a polling place located there on Election Day. The city/county registrar must make a good faith effort to comply with these requests.

**Note:** Increasing access to polling places will likely increase the electoral participation of people experiencing homelessness.

1) You may want to consult an attorney in your particular state to determine to what extent, if any, the provisions of the model Act would impose additional requirements on your state registrars, and, if so, how the additional requirements would interact with your state’s unfunded mandate act, if any. In addition, constitutional problems may arise if a state implements the Model Act with respect to state elections only, resulting in a two-tiered system.

For a detailed legal memorandum that contains a discussion of legal issues and case law concerning a person’s right to register to vote, contact the National Law Center on Homelessness & Poverty at (202) 638-2535.