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HOMELESS VOTER REGISTRATION

House Bill 4530 (Substitute H-1)
First Analysis (6-9-93)

Sponsor: Rep. Maxine Berman
Committee: Local Government

THE APPARENT PROBLEM:

Michigan's election law has no provision specifically dealing with how homeless citizens are to register to vote. Generally, it is up to local clerks to determine how this matter is to be handled based on their interpretation of general statutory voter registration provisions. Reportedly, in several cities around the country representatives of the homeless have won lawsuits against local election officials who denied homeless citizens the right to vote because they lacked a residential mailing address. According to information provided by the secretary of state's office, suits were resolved in favor of homeless persons in Washington, D.C., Philadelphia, New York, and Santa Barbara, on the grounds that disenfranchising the homeless is a violation of the equal protection clause of the fourteenth amendment to the U.S. Constitution. While this may not become a problem in Michigan, it makes sense for the state to have a specific policy of permitting the homeless to register to vote, one that lays out for citizens and election officials alike what constitutes a homeless person's place of residence for voter registration purposes.

THE CONTENT OF THE BILL:

The bill would amend the election law to allow a person who is homeless to declare on a voter registration affidavit or application the place where he or she resides and the address of a shelter with which he or she has an established relationship and that accepts first class nonforwardable mail for the homeless person. The homeless person would be considered to be a resident of the township, city, or village that he or she declares as the place of residence. The forms for registration affidavits and applications would have to accommodate a homeless person's place of residence and a shelter address. The term "shelter" would apply only to a nonprofit shelter that operates residential programs, that allows homeless people to establish a relationship making the shelter their primary

residential address, and that accepts first class nonforwardable mail for them.

The act currently requires a municipal clerk to compile lists of absentee voters and, upon request, to make them available for inspection by the public at all reasonable hours. The bill specifies that an elector who applied for an absent voter ballot under the act who was temporarily lodged in a shelter program for victims of domestic violence as provided under Public Act 389 of 1978 could request, if the absent voter ballots were being sent to the shelter, that the shelter's address be withheld from public inspection. Under the bill, a clerk would have to, at the elector's request, conceal from public inspection the address where the absent voter ballots were sent if the address was a shelter program established for victims of domestic violence.

The bill also would strike obsolete language from the act that required each person who registered to vote to declare a party preference and meet certain other criteria in order to be qualified to vote in the last presidential primary election.

MCL 168.942

BACKGROUND INFORMATION:

The Michigan Election Law defines the term "residence" for registration and voting purposes as "that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging." (MCL 168.11) The election law says that to register to vote, a person "shall be a citizen of the United States; not less than 18 years of age; a resident of the state for not less than 30 days; and a resident of the township, city, or village on or before the thirtieth day before the next regular or special election or primary election." (MCL 168.492)

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FISCAL IMPLICATIONS:

The Elections Bureau within the Department of State says the bill would not affect state or local budget expenditures. (6-8-93)

ARGUMENTS:**For:**

The bill aims to protect the voting rights of homeless citizens. The homeless are already among the weakest, least influential, and most disenfranchised people in our society. Their right to vote ought to be protected and not endangered simply because they do not have traditional homes or addresses. The bill would allow a homeless person to declare his or her place of residence and then be eligible to vote in the municipality in which it was located. It would also allow a homeless person to use as a mailing address the address of a shelter with which he or she had a relationship and where he or she received mail. (A person could have "a place of residence" in one municipality, for example a park, and a mailing address at a shelter in a neighboring municipality and vote in the first municipality. Some types of shelters have been set up that allow homeless persons to receive mail and keep personal effects there, even though there are no sleeping accommodations. Also, a shelter that does provide overnight accommodations could be a place of residence for voter registration purposes.) Reportedly, social service agencies have been supporting efforts to increase voter registration among the homeless, and this bill will assist those efforts. If homeless people do register, furthermore, they will have a piece of identification that might be useful for other purposes.

For:

The House Committee on Local Government adopted a substitute for the bill that would provide protection for persons (generally, women) who voted by absentee ballot from a domestic violence shelter. Currently, the election law requires municipal clerks to keep lists of people who vote by absentee ballot and requires this information to be open for public inspection upon request. Under the bill, a woman who was a resident of a domestic violence shelter who applied for an absent voter ballot could request the clerk to withhold the shelter's address from public inspection, and the clerk would have to comply. Thus, such a person would be able to vote without having to fear that a

former abusive domestic partner would be able to locate her.

Against:

Arguments can be made against the bill on several grounds. For example, it would permit a person who sleeps on a park bench in a town to declare that as his or her place of residence and then register to vote in the town while listing his or her mailing address as a shelter elsewhere. People may habitually sleep on park benches or heating grates, but those are not typically thought of as residences. Usually, the address contained on registration forms is the address of the residence in the locality where the person is registered to vote. There is also the question of whether and how a homeless voter would be removed from registration rolls if he or she changed places of residence or changed mailing addresses from one shelter to another. (Some shelters have time limits on how long a person can stay.) There may be numerous unanticipated procedural complications.

POSITIONS:

The Department of State supports the bill. (6-9-93)

The City Clerk of Grand Rapids supports the bill. (6-8-93)

Common Cause in Michigan supports the bill. (6-8-93)

The Michigan Townships Association is not opposed to the bill. (6-8-93)

The Michigan Municipal League has not yet taken a position on the bill. (6-8-93)

The Michigan Municipal Clerks Association has not yet taken a position on the bill. (6-8-93)