



**House
Legislative
Analysis
Section**

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VOTER REGISTRATION: HOMELESS PEOPLE

House Bill 5530 with committee amendments
First Analysis (3-26-90)

Sponsor: Rep. Maxine Berman
Committee: Elections

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. In several cities around the country, according to testimony before the House Elections Committee, 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 Michigan 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.

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)

FISCAL IMPLICATIONS:

There is no information at present.

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. A shelter that does provide overnight accommodations could, also, be a place of residence for voter registration purposes.) Reportedly, social service agencies, including the League for Human Services, 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.

Against:

Some people think that there are problems with the bill as written. 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.

Response: Voter registration regulations need to keep in balance the right of citizens to vote and the integrity of the election system. It is not the purpose of voter registration procedures to put hurdles in the way of citizens who want to exercise a fundamental right. What homeless people, who are otherwise a heterogeneous group, have in common is the lack of a home, and it is unrealistic to expect them to provide a typical residence address in order to register to vote. In practice, efforts are often made in some jurisdictions to register citizens whose lifestyles do not

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fit neatly into registration procedures, including homeless citizens. Even with the passage of this bill, the election law will have to be applied with flexibility and common sense. The bill would put in place a procedure that could be useful in many cases.

POSITIONS:

The secretary of state's office supports the bill. (3-22-90)

The Michigan League for Human Services supports the bill. (3-22-90)

The United County Officers Association supports the bill. (3-22-90)

The Michigan Townships Association does not oppose the bill but has questions about the registration procedure in the bill as written. (3-23-90)