118TH CONGRESS
1ST SESSION

S. _____

To remove barriers to the ability of unhoused individuals to register to vote and vote in elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To remove barriers to the ability of unhoused individuals to register to vote and vote in elections for Federal office, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Unhoused Voter Opportunity Through Elections Act'' or the ''Unhoused VOTE Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VOTING RIGHTS OF UNHOUSED CITIZENS

Sec. 101. Voting rights of unhoused citizens.
Sec. 102. Enforcement.
Sec. 103. Relationship to Voting Rights Act of 1965.
Sec. 104. Definitions.

TITLE II—PROTECTIONS AND BEST PRACTICES FOR PROTECTING ACCESS TO VOTING AND VOTER REGISTRATION FOR UNHOUSED INDIVIDUALS

Sec. 201. Description of protections.
Sec. 202. Special requirements for voter registration.
Sec. 203. Inclusion of information on voter registration and voting in surveys conducted by recipients of HUD homeless assistance.

TITLE III—GRANTS TO SUPPORT ACCESS TO VOTING FOR UNHOUSED INDIVIDUALS

Sec. 301. Grant program described.
Sec. 302. Eligibility.
Sec. 303. Definition.
Sec. 304. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. State defined.
Sec. 402. Effective date.

TITLE I—VOTING RIGHTS OF UNHOUSED CITIZENS

SEC. 101. VOTING RIGHTS OF UNHOUSED CITIZENS.

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because that citizen resides at or in a nontraditional abode.

SEC. 102. ENFORCEMENT.

(a) ACTION BY ATTORNEY GENERAL.—The Attorney General may commence in the name of the United States a civil action (including an action against a State or polit-

ical subdivision) for declaratory or injunctive relief against a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by an alleged violation of this title may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

SEC. 103. RELATIONSHIP TO VOTING RIGHTS ACT OF 1965.

Nothing in this title may be construed to impair any right guaranteed by the Voting Rights Act of 1965 (52 U.S.C. 10101 et seq.).

SEC. 104. DEFINITIONS.

As used in this title, the term ''nontraditional abode'' includes—

(1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, transitional housing, substance abuse treatment facilities);

(2) a public or private place not designated for, or ordinarily used as, regular sleeping accommodation for human beings;

(3) any location in which, because an individual resides in the location, the individual is considered to be a homeless individual for purposes of section

103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302); and

(4) in the case of a State in which an individual incarcerated in a prison is eligible to register to vote and vote in elections for public office, a prison.

TITLE II—PROTECTIONS AND BEST PRACTICES FOR PROTECTING ACCESS TO VOTING AND VOTER REGISTRATION FOR UNHOUSED INDIVIDUALS

SEC. 201. DESCRIPTION OF PROTECTIONS.

(a) DESCRIPTION.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle C—Access to Voting for Unhoused Individuals

"SEC. 321. PROMOTING USE OF DROP BOXES BY UNHOUSED INDIVIDUALS.

''(a) DROP BOX ACCESSIBILITY.—If a jurisdiction responsible for the administration of an election for Federal office in a State permits individuals to drop off voted ballots in the election in drop boxes, the jurisdiction shall ensure that the drop boxes are available for in-person use and are accessible and clearly labeled.

''(b) APPLYING CRITERIA BASED ON GREATEST ACCESS BY UNHOUSED INDIVIDUALS.—In establishing the location, number, and time of operation of the drop boxes described in subsection (a), the appropriate election official of a jurisdiction which is subject to such subsection shall take into account the need to provide access to such drop boxes by unhoused individuals, based on consultation with persons who provide services for unhoused individuals and other relevant stakeholders.

"SEC. 322. ACCEPTANCE OF CERTAIN DOCUMENTATION OF RESIDENCE AND IDENTIFICATION.

''(a) RESIDENCE.—

''(1) ATTESTATION.—If a State imposes a requirement that an individual who desires to vote in an election for Federal office in the State provide the appropriate election official with documentation of the individual's residence, the State shall consider the individual to meet that requirement if the individual provides the official with a written attestation of the individual's residence, signed under penalty of perjury.

''(2) USE OF SHELTER AS RESIDENCE FOR VOTING PURPOSES.—A State may not prohibit an individual who is residing in a homeless shelter from using the shelter as the individual's residence for

purposes of voting in an election for Federal office which is held in the jurisdiction in which the shelter is located.

''(b) IDENTIFICATION ISSUED BY ENTITIES OF CRIMINAL JUSTICE SYSTEM.—If a State imposes a requirement that an individual who desires to vote in an election for Federal office in the State provide the appropriate election official with documentation of the individual's identification, the State shall consider the individual to meet the requirement if the individual provides the official with a document containing the individual's name which is issued by an entity of the criminal justice system, including a correctional facility, court, probation officer, or parole officer.

''SEC. 323. OUTREACH TO UNHOUSED INDIVIDUALS.

''(a) INFORMATION ON WEBSITES OF ELECTION OFFICIALS.—

''(1) INFORMATION REQUIRED.—The chief State election official shall ensure that the official public website of each election official of the State includes an accessible, clear, and separate hyperlink to simple information on how unhoused individuals may register to vote and vote in elections for Federal office held in the State.

''(2) AVAILABILITY IN LANGUAGE OTHER THAN ENGLISH.—If a State or political subdivision is required under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503) to provide voting materials in a language other than English, the appropriate election official shall ensure that the information provided under paragraph (1) is provided in that language as well as English.

''(b) NOTIFICATION.—

''(1) VOTER REGISTRATION DEADLINES.—Not later than 60 days prior to the deadline for registering to vote in an election for Federal office held in a State, the chief State election official shall send a notification of the deadline to each homeless shelter in a jurisdiction of the State in which the election will be held, local social services agencies which commonly serve unhoused individuals, and other entities which provide services to a significant population of unhoused individuals in the jurisdiction.

''(2) DATES OF ELECTIONS.—Not later than 30 days prior to the date of an election for Federal office, the chief State election official shall send a notification of the election to each homeless shelter in a jurisdiction of the State in which the election will be held, along with the other agencies and entities

to whom the chief State election official sent notice of the registration deadline under paragraph (1).

"SEC. 324. DEVELOPMENT OF BEST PRACTICES.

"(a) DEVELOPMENT AND PUBLICATION.—In consultation with the United States Interagency Council on Homelessness, the Commission shall develop and regularly update recommendations for the best practices for State and local election officials to follow to protect and promote the access of unhoused individuals to voter registration and voting in elections for Federal office.

"(b) SPECIFIC ELEMENTS.—The Commission shall include in the best practices developed and updated under this section—

"(1) methods to ensure that unhoused individuals are aware of the procedures and locations for registering to vote and voting;

"(2) methods to help election officials comply with requirements for providing access to voter registration and voting for people with disabilities, including requirements established and enforced by the Department of Justice;

"(3) methods to train election officials, including poll workers, in recognizing and responding to the challenges faced by unhoused individuals in registering to vote and voting;

''(4) methods to ensure that individuals who are not eligible to register to vote, including individuals who are not citizens of the United States, and individuals who are eligible but who do not wish to register to vote are not denied access to services provided by homeless shelters and local social services agencies which commonly serve unhoused individuals; and

''(5) such other practices as the Commission considers appropriate.

''(c) CONSULTATION.—In developing and updating the best practices under this section, the Commission shall consult with individuals who have experience in being unhoused and with homeless shelters and local social services agencies which commonly serve unhoused individuals, including shelters and agencies with experience in serving unhoused individuals who are not citizens of the United States.

''(d) DEADLINE.—The Commission shall develop the first set of best practices under this section not later than 180 days after the date of the enactment of the Unhoused VOTE Act.

''SEC. 325. DEFINITIONS.

''In this subtitle—

''(1) the term 'homeless shelter' means an emergency shelter under section 321 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11351); and

''(2) the term 'unhoused individual' means a homeless individual, as defined in section 103 of such Act (42 U.S.C. 11302).''.

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking the period at the end and inserting '', and subtitle C of title III.''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to title III the following:

''Subtitle C—Access to Voting for Unhoused Individuals

''Sec. 321. Promoting use of drop boxes by unhoused individuals.
''Sec. 322. Acceptance of certain documentation of residence and identification.
''Sec. 323. Outreach to unhoused individuals.
''Sec. 324. Development of best practices.
''Sec. 325. Definitions.''.

SEC. 202. SPECIAL REQUIREMENTS FOR VOTER REGISTRATION.

(a) TREATMENT OF SHELTERS AS VOTER REGISTRATION AGENCIES.—Section 7(a)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) all emergency shelters in the State under section 321 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11351).''.

(b) PERMITTING APPLICANTS TO MARK LOCATION OF RESIDENCE ON FEDERAL VOTER REGISTRATION APPLICATION FORMS AND ALTERNATIVE FORMS USED BY STATES.—Section 9(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20508(b)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) include a drawing of an intersection on which the applicant may mark by hand the location of the applicant's residence, including by writing in the names of the crossroads on the drawing and indicating any nearby landmarks.''.

(c) PERMITTING UNHOUSED APPLICANTS TO USE UNSHELTERED STREET LOCATION AS ADDRESS.—Section 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(7) permit an applicant who is an unhoused individual (defined for purposes of this paragraph as a homeless individual under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) to use an unsheltered street location as the individual's place of residence for purposes of the application.''.

SEC. 203. INCLUSION OF INFORMATION ON VOTER REGISTRATION AND VOTING IN SURVEYS CONDUCTED BY RECIPIENTS OF HUD HOMELESS ASSISTANCE.

Section 402(f)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) collects information on the extent to which individuals experiencing homelessness are able to register to vote and vote in elections for Federal office; and''.

TITLE III—GRANTS TO SUPPORT ACCESS TO VOTING FOR UNHOUSED INDIVIDUALS

SEC. 301. GRANT PROGRAM DESCRIBED.

(a) IN GENERAL.—The Election Assistance Commission shall make grants to eligible States and units of local government for programs and activities, such as operating mobile voting centers and providing direct outreach to unhoused individuals, to support the access of unhoused individuals to registering to vote and voting in elections for Federal office.

(b) USE OF FUNDS FOR GRANTS TO PRIVATE ENTITIES.—A State or unit of local government which receives a grant under this title may use the funds provided by the grant to enter into contracts with private entities with experience in providing assistance to unhoused individuals to provide services to such individuals which will assist

them in registering to vote and voting in elections for Federal office.

SEC. 302. ELIGIBILITY.

(a) IN GENERAL.—A State or unit of local government is eligible to receive a grant under this title if the State or unit submits to the Election Assistance Commission, at such time and in such form as the Commission may require, such information and assurances as the Commission may require, including assurances that the State or political subdivision has a plan to engage stakeholders with a demonstrated experience of serving unhoused individuals.

(b) SPECIAL CONDITION REGARDING PROTECTION OF DOCUMENTS.—In order to be eligible to receive a grant under this title, a State or unit of local government shall include with the information and assurances required under subsection (a) specific information and assurances that if funds provided by the grant are used to produce documents for the use of unhoused individuals, including under a contract with a private entity as described in section 301(b), the documents will be produced in a manner which ensures that they will remain readable and usable even if they are subject to extended exposure to the elements.

SEC. 303. DEFINITION.

In this title, the term ''unhoused individual'' means a homeless individual, as defined in section 103 of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11302).

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2024 and each succeeding fiscal year.

TITLE IV—GENERAL PROVISIONS

SEC. 401. STATE DEFINED.

In this Act, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to elections for Federal office beginning 6 months after the date of the enactment of this Act.