

118TH CONGRESS  
1ST SESSION

# S. 2971

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. BOOKER (for himself, Ms. WARREN, Mr. PADILLA, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Unhoused Voter Opportunity Through Elections Act” or  
6 the “Unhoused VOTE Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 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.

1       **TITLE I—VOTING RIGHTS OF**  
 2               **UNHOUSED CITIZENS**

3   **SEC. 101. VOTING RIGHTS OF UNHOUSED CITIZENS.**

4       No voting qualification or prerequisite to voting, or  
 5 standard, practice, or procedure shall be imposed or ap-  
 6 plied by any State or political subdivision to deny or  
 7 abridge the right of any citizen of the United States to  
 8 vote because that citizen resides at or in a nontraditional  
 9 abode.

10 **SEC. 102. ENFORCEMENT.**

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

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

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

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

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

11 **SEC. 104. DEFINITIONS.**

12 As used in this title, the term “nontraditional abode”  
13 includes—

14 (1) a supervised publicly or privately operated  
15 shelter designed to provide temporary living accom-  
16 modations (including welfare hotels, congregate shel-  
17 ters, transitional housing, substance abuse treatment  
18 facilities);

19 (2) a public or private place not designated for,  
20 or ordinarily used as, regular sleeping accommoda-  
21 tion for human beings;

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

1 103 of the McKinney-Vento Homeless Assistance  
 2 Act (42 U.S.C. 11302); and

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

6 **TITLE II—PROTECTIONS AND**  
 7 **BEST PRACTICES FOR PRO-**  
 8 **TECTING ACCESS TO VOTING**  
 9 **AND VOTER REGISTRATION**  
 10 **FOR UNHOUSED INDIVIDUALS**

11 **SEC. 201. DESCRIPTION OF PROTECTIONS.**

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

15 **“Subtitle C—Access to Voting for**  
 16 **Unhoused Individuals**

17 **“SEC. 321. PROMOTING USE OF DROP BOXES BY UNHOUSED**  
 18 **INDIVIDUALS.**

19 “(a) DROP BOX ACCESSIBILITY.—If a jurisdiction re-  
 20 sponsible for the administration of an election for Federal  
 21 office in a State permits individuals to drop off voted bal-  
 22 lots in the election in drop boxes, the jurisdiction shall en-  
 23 sure that the drop boxes are available for in-person use  
 24 and are accessible and clearly labeled.

1       “(b) APPLYING CRITERIA BASED ON GREATEST AC-  
2 CESS BY UNHOUSED INDIVIDUALS.—In establishing the  
3 location, number, and time of operation of the drop boxes  
4 described in subsection (a), the appropriate election offi-  
5 cial of a jurisdiction which is subject to such subsection  
6 shall take into account the need to provide access to such  
7 drop boxes by unhoused individuals, based on consultation  
8 with persons who provide services for unhoused individuals  
9 and other relevant stakeholders.

10 **“SEC. 322. ACCEPTANCE OF CERTAIN DOCUMENTATION OF**  
11 **RESIDENCE AND IDENTIFICATION.**

12       “(a) RESIDENCE.—

13           “(1) ATTESTATION.—If a State imposes a re-  
14 quirement that an individual who desires to vote in  
15 an election for Federal office in the State provide  
16 the appropriate election official with documentation  
17 of the individual’s residence, the State shall consider  
18 the individual to meet that requirement if the indi-  
19 vidual provides the official with a written attestation  
20 of the individual’s residence, signed under penalty of  
21 perjury.

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

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

4 “(b) IDENTIFICATION ISSUED BY ENTITIES OF  
5 CRIMINAL JUSTICE SYSTEM.—If a State imposes a re-  
6 quirement that an individual who desires to vote in an  
7 election for Federal office in the State provide the appro-  
8 priate election official with documentation of the individ-  
9 ual’s identification, the State shall consider the individual  
10 to meet the requirement if the individual provides the offi-  
11 cial with a document containing the individual’s name  
12 which is issued by an entity of the criminal justice system,  
13 including a correctional facility, court, probation officer,  
14 or parole officer.

15 **“SEC. 323. OUTREACH TO UNHOUSED INDIVIDUALS.**

16 “(a) INFORMATION ON WEBSITES OF ELECTION OF-  
17 FICIALS.—

18 “(1) INFORMATION REQUIRED.—The chief  
19 State election official shall ensure that the official  
20 public website of each election official of the State  
21 includes an accessible, clear, and separate hyperlink  
22 to simple information on how unhoused individuals  
23 may register to vote and vote in elections for Fed-  
24 eral office held in the State.

1           “(2) AVAILABILITY IN LANGUAGE OTHER THAN  
2 ENGLISH.—If a State or political subdivision is re-  
3 quired under section 203 of the Voting Rights Act  
4 of 1965 (52 U.S.C. 10503) to provide voting mate-  
5 rials in a language other than English, the appro-  
6 priate election official shall ensure that the informa-  
7 tion provided under paragraph (1) is provided in  
8 that language as well as English.

9           “(b) NOTIFICATION.—

10           “(1) VOTER REGISTRATION DEADLINES.—Not  
11 later than 60 days prior to the deadline for reg-  
12 istering to vote in an election for Federal office held  
13 in a State, the chief State election official shall send  
14 a notification of the deadline to each homeless shel-  
15 ter in a jurisdiction of the State in which the elec-  
16 tion will be held, local social services agencies which  
17 commonly serve unhoused individuals, and other en-  
18 tities which provide services to a significant popu-  
19 lation of unhoused individuals in the jurisdiction.

20           “(2) DATES OF ELECTIONS.—Not later than 30  
21 days prior to the date of an election for Federal of-  
22 fice, the chief State election official shall send a no-  
23 tification of the election to each homeless shelter in  
24 a jurisdiction of the State in which the election will  
25 be held, along with the other agencies and entities

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

3 **“SEC. 324. DEVELOPMENT OF BEST PRACTICES.**

4 “(a) DEVELOPMENT AND PUBLICATION.—In con-  
5 sultation with the United States Interagency Council on  
6 Homelessness, the Commission shall develop and regularly  
7 update recommendations for the best practices for State  
8 and local election officials to follow to protect and promote  
9 the access of unhoused individuals to voter registration  
10 and voting in elections for Federal office.

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

14 “(1) methods to ensure that unhoused individ-  
15 uals are aware of the procedures and locations for  
16 registering to vote and voting;

17 “(2) methods to help election officials comply  
18 with requirements for providing access to voter reg-  
19 istration and voting for people with disabilities, in-  
20 cluding requirements established and enforced by the  
21 Department of Justice;

22 “(3) methods to train election officials, includ-  
23 ing poll workers, in recognizing and responding to  
24 the challenges faced by unhoused individuals in reg-  
25 istering to vote and voting;

1           “(4) methods to ensure that individuals who are  
2           not eligible to register to vote, including individuals  
3           who are not citizens of the United States, and indi-  
4           viduals who are eligible but who do not wish to reg-  
5           ister to vote are not denied access to services pro-  
6           vided by homeless shelters and local social services  
7           agencies which commonly serve unhoused individ-  
8           uals; and

9           “(5) such other practices as the Commission  
10          considers appropriate.

11          “(c) CONSULTATION.—In developing and updating  
12          the best practices under this section, the Commission shall  
13          consult with individuals who have experience in being  
14          unhoused and with homeless shelters and local social serv-  
15          ices agencies which commonly serve unhoused individuals,  
16          including shelters and agencies with experience in serving  
17          unhoused individuals who are not citizens of the United  
18          States.

19          “(d) DEADLINE.—The Commission shall develop the  
20          first set of best practices under this section not later than  
21          180 days after the date of the enactment of the Unhoused  
22          VOTE Act.

23          **“SEC. 325. DEFINITIONS.**

24          “In this subtitle—

1           “(1) the term ‘homeless shelter’ means an  
2 emergency shelter under section 321 of the McKin-  
3 ney-Vento Homeless Assistance Act (42 U.S.C.  
4 11351); and

5           “(2) the term ‘unhoused individual’ means a  
6 homeless individual, as defined in section 103 of  
7 such Act (42 U.S.C. 11302).”.

8           (b) CONFORMING AMENDMENT RELATING TO EN-  
9 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
10 is amended by striking the period at the end and inserting  
11 “, and subtitle C of title III.”.

12           (c) CLERICAL AMENDMENT.—The table of contents  
13 of such Act is amended by adding at the end of the items  
14 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.”.

15 **SEC. 202. SPECIAL REQUIREMENTS FOR VOTER REGISTRA-**  
16 **TION.**

17           (a) TREATMENT OF SHELTERS AS VOTER REGISTRA-  
18 TION AGENCIES.—Section 7(a)(2) of the National Voter  
19 Registration Act of 1993 (52 U.S.C. 20506(a)(2)) is  
20 amended—

21           (1) by striking “and” at the end of subpara-  
22 graph (A);

1           (2) by striking the period at the end of sub-  
2 paragraph (B) and inserting “; and”; and

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

5           “(C) all emergency shelters in the State under  
6 section 321 of the McKinney-Vento Homeless Assist-  
7 ance Act (42 U.S.C. 11351).”.

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

13           (1) by striking “and” at the end of paragraph  
14 (3);

15           (2) by striking the period at the end of para-  
16 graph (4) and inserting “; and”; and

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

19           “(5) include a drawing of an intersection on  
20 which the applicant may mark by hand the location  
21 of the applicant’s residence, including by writing in  
22 the names of the crossroads on the drawing and in-  
23 dicating any nearby landmarks.”.

1 (c) PERMITTING UNHOUSED APPLICANTS TO USE  
2 UNSHELTERED STREET LOCATION AS ADDRESS.—Sec-  
3 tion 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

4 (1) by striking “and” at the end of paragraph  
5 (5);

6 (2) by striking the period at the end of para-  
7 graph (6) and inserting “; and”; and

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

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

17 **SEC. 203. INCLUSION OF INFORMATION ON VOTER REG-**  
18 **ISTRATION AND VOTING IN SURVEYS CON-**  
19 **DUCTED BY RECIPIENTS OF HUD HOMELESS**  
20 **ASSISTANCE.**

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

23 (1) by striking “and” at the end of subpara-  
24 graph (C);

1           (2) by redesignating subparagraph (D) as sub-  
2           paragraph (E); and

3           (3) by inserting after subparagraph (C) the fol-  
4           lowing new subparagraph:

5                     “(D) collects information on the extent to  
6                     which individuals experiencing homelessness are  
7                     able to register to vote and vote in elections for  
8                     Federal office; and”.

9     **TITLE III—GRANTS TO SUPPORT**  
10    **ACCESS TO VOTING FOR**  
11    **UNHOUSED INDIVIDUALS**

12   **SEC. 301. GRANT PROGRAM DESCRIBED.**

13       (a) **IN GENERAL.**—The Election Assistance Commis-  
14       sion shall make grants to eligible States and units of local  
15       government for programs and activities, such as operating  
16       mobile voting centers and providing direct outreach to  
17       unhoused individuals, to support the access of unhoused  
18       individuals to registering to vote and voting in elections  
19       for Federal office.

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

1 them in registering to vote and voting in elections for Fed-  
2 eral office.

3 **SEC. 302. ELIGIBILITY.**

4 (a) IN GENERAL.—A State or unit of local govern-  
5 ment is eligible to receive a grant under this title if the  
6 State or unit submits to the Election Assistance Commis-  
7 sion, at such time and in such form as the Commission  
8 may require, such information and assurances as the Com-  
9 mission may require, including assurances that the State  
10 or political subdivision has a plan to engage stakeholders  
11 with a demonstrated experience of serving unhoused indi-  
12 viduals.

13 (b) SPECIAL CONDITION REGARDING PROTECTION  
14 OF DOCUMENTS.—In order to be eligible to receive a grant  
15 under this title, a State or unit of local government shall  
16 include with the information and assurances required  
17 under subsection (a) specific information and assurances  
18 that if funds provided by the grant are used to produce  
19 documents for the use of unhoused individuals, including  
20 under a contract with a private entity as described in sec-  
21 tion 301(b), the documents will be produced in a manner  
22 which ensures that they will remain readable and usable  
23 even if they are subject to extended exposure to the ele-  
24 ments.

1 **SEC. 303. DEFINITION.**

2 In this title, the term “unhoused individual” means  
3 a homeless individual, as defined in section 103 of the  
4 McKinney–Vento Homeless Assistance Act (42 U.S.C.  
5 11302).

6 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out  
8 this title such sums as may be necessary for fiscal year  
9 2024 and each succeeding fiscal year.

10 **TITLE IV—GENERAL**  
11 **PROVISIONS**

12 **SEC. 401. STATE DEFINED.**

13 In this Act, the term “State” means each of the sev-  
14 eral States, the District of Columbia, the Commonwealth  
15 of Puerto Rico, Guam, American Samoa, the United  
16 States Virgin Islands, and the Commonwealth of the  
17 Northern Mariana Islands.

18 **SEC. 402. EFFECTIVE DATE.**

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

○