Isolation from Community and Political Structure

Lower-income Americans engage in the political process less than their wealthier counterparts. Exit data from the Wall Street Journal indicates that in the 2014 midterm elections, those making under $50,000 per year account for 48% of the population but made up only 36% of the voters. In comparison, those making over $100,000 per year accounted for only 22% of the population but account for over 30% of voters. Further, according to the United States Census Bureau, in 2012 only 8.9 million of the 14.3 million U.S. citizens with incomes under $20,000 were registered to vote and of those 8.9 million registered, only 47% of those actually voted. Comparatively, those with annual earnings of $100,000 or more turned out at rates around 80%. These numbers confirm longstanding income based voting trends: a study of 40 years of state-level data found no instance in which poorer people in general turned out in greater numbers than the rich.

Poor voters face significantly more obstacles to political participation than their wealthier counterparts. Some of these obstacles include:

- Workday voting
- Weaker civic ties
- Registration rules
- Felony disenfranchisement
- Lack of discretionary income for political contributions
- Civic groups have significantly decreased

During this same time frame, income inequality has been exacerbated and poverty has become more geographically concentrated. Between 1973 and 2000, the richest one-fifth of Americans saw their family income grow by 66.9%, while the poorest one-fifth saw their income increase by only 12.1%. In 1970, the average poor family inhabited a census tract where only 13.6% of the other families were poor. By 1990 the level of concentration of poor families in certain census tracts rose to 27.9% and by 2007 this level increased further to roughly 31%.

These statistics on the increasing concentration of poverty are particularly telling when analyzed for its impact on isolating poor neighborhoods from the political process. Two professors from the University of Minnesota examined these impacts and found that patterns of electoral participation matter because of the preferences they convey, and the way in which they make groups more or less visible to elected officials—for instance, an elected official seeking election or reelection is more likely to spend less time and resources in geographical areas of low voter turnout and instead focus constituent support and campaign resources on an area with high voter turnout. Moreover, an individual can become significantly more or less likely to participate in politics depending on interactions he or she has in families.
neighborhoods, workplaces, religious organizations and community groups, thus community contexts function as force multipliers in political life. In affluent neighborhoods, the advantages flow from individual resources and are compounded for the benefit of the community. However, living in deeply disadvantaged communities both imposes harsh conditions and removes critical communities and networks that might bolster skills and opportunity for enterprising individuals. Further, Soss and Jacobs determined that in the most disadvantaged neighborhoods, the voting process is more likely to be viewed by residents as a sham.

The American Bar Association has worked for decades to promulgate policies that enhance the participation of low-income and disabled voters. These policies and positions are based on the knowledge and intellectual work product of lawyers who could be in a unique position to strengthen community-based efforts to address isolation from community and political structures. Lawyers can work shoulder-to-shoulder with stakeholders including community-based entities, providers/advocates, academic communities, foundations/funders, politicians, program users/beneficiaries and the general public to use the law and justice system to tackle systemic barriers and obstacles to community and political participation.

In 1993, the ABA recommended that election laws, regulations and policies regarding residency determinations and the methods by which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote. The ABA also encouraged election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures. In 2007, the ABA urged federal, state, local, and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments that increase in frequency with age. Most recently, in 2014, the ABA urged governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities, by monitoring elections and urging officials to ensure that election personnel and volunteers receive accessibility training. See policy here.

The ABA Commission on Homelessness & Poverty has compiled for informational purposes only--and without any intended endorsement--several common issues and strategies for communities across the country to increase the involvement of lower-income citizens by creating their own unique action plans to eliminate policies, practices, and procedures that worsen the effects of poverty. The Commission is focused on helping low-income and disabled citizens engage in the political process. The Commission is equipped to offer technical assistance in identifying methods to apply in different communities and to coordinate roundtable discussions to generate ideas and steps for developing strategic plans to address issues that the local community has deemed important.

**ISSUE: REGISTERING LOW-INCOME INDIVIDUALS TO VOTE**

Voter registration is supposed to be a fraud prevention method. Voter fraud is an ineligible vote that is counted. Unfortunately, many voter registration laws also have the effect of
disenfranchising eligible voters. An estimated 222 million Americans were eligible to vote in 2012; of those eligible voters, 51 million (roughly 25%) were not registered and could not have voted except in states that allow voters to register or update their registration on Election Day.

Voter registration is especially difficult for lower-income individuals because many lack stable housing and are required to move frequently. The frequent changes in their home address often adds extra paperwork before lower-income individuals can gather required proof to demonstrate their eligibility to register. Voter registration is even more difficult for individuals experiencing homelessness because the laws in all 50 states that provide that homeless individuals with a right to vote, generally also require that homeless individuals prove that they have resided in the voting district for 30 or more days prior to election day. Because they do not have a home or other common proofs of residency, individuals experiencing homelessness are often unable to meet this ostensibly low burden of proof.

**STRATEGIES:**

- Develop and participate in outreach programs that encourage individuals experiencing homelessness list a shelter address or denote a park in lieu of a traditional home address.
- Encourage government social service agencies, NGOs and legal service offices to incorporate voter registration into intake processes. The National Voter Registration Act encourages all nongovernmental entities to register their clients. This includes homeless shelters, drop-in centers, food pantries, soup kitchens, day care centers, child welfare agencies, and community health centers. Registering people to vote during the intake process is convenient because the individual is already filling out forms and providing the necessary information to receive services. For more information, see Voting Rights: Registration Manual, You Don’t Need a Home to Vote, p. 14.

- Encourage bar associations and other civic and community groups to consider incorporating voter registration drives into other outreach programs aimed at providing services to low income communities and individuals experiencing homelessness. Following best practices from successful voter registration drives in other communities, lawyers can help specifically with such voter registration efforts by volunteering to research local voting laws, including consulting with county election officials, and being available on-site to answer questions and ensure that those registering individuals are completing paperwork in compliance those laws.

“And over time, all of this feeds on itself. As poor people in poor neighborhoods vote less, politicians become even less responsive to them, paying attention instead to the concerns of their wealthier constituencies, who vote more reliably and attend fundraisers. The better-off get money for schools and other institutions to help them develop civic skills. The worse-off just get more cause for cynicism.” –Joe Soss and Lawrence Jacobs (How the Poorest Americans Dropped Out of Politics).
• Encourage lawyers and other community stakeholders to collaborate in hosting voter registration parties where candidates, clients and staff are invited to an ice cream social or a cookout. During this party impress upon the crowd the importance of voting to bipartisan principles of representational democracy and Rule of Law and offer registration forms to those who are not registered to vote.

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures modify the burdens of proof for establishing that an individual is a resident of a particular voting district. Should the legislature reconsider how much time an individual must reside in a voting district before registering to vote?; Should the legislature provide for alternative forms of proof of residency such a homeless shelter or other support agency’s verification of support in that voting district for a period time before registration?; Should the legislature provide for an alternative to post office addresses such as a county clerk’s office, a shelter, or another common location?

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change voting registration laws to allow same-day registration on Election Day. Of the states with voter registration laws, only 9 allowed so called “election day registration” in 2012. Election Day registration laws allow voters to register or update their registration on the day of the election and then cast a regular ballot. In 2012, the 9 jurisdictions that allowed Election Day registration had an average turnout of 71.3% compared to 58.8% in the states without Election Day registration.

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change voting laws to allow online registration. In 2002, Arizona pioneered online registration, and in 2012, over 70% of the voter registrations in the state were performed online. By the 2012 election, 15 other states had implemented or passed legislation allowing online paperless voter registration, and as of February 2013, at least nine more states had proposed bills to adopt online registration. During the 2012 election California implemented online registration for the first time, and in the five weeks leading up to the registration deadline more than one million voters had submitted online registration applications or updates. These examples suggest that online registration is not only convenient for the voter and the state, but also a cost-effective alternative to the traditional voter registration process. In Arizona in 2010, the costs associated with a paper registration were 83 cents, while the cost of online registration was only 3 cents. Although not every eligible low-income voter will be able to benefit from online registration, many public libraries have free Internet and free computer use, and many shelters have a limited number of computers for use as well.
• Encourage bar associations and other civic and community groups to consider incorporating messages that encourage young people to pre-register before they turn 18 into existing civic education and other outreach to students and youth. Research indicates that pre-registration can have a huge impact, because, “when they are registered, young people do vote.”

ISSUE: VOTER ID LAWS

Voter ID laws have been in place since the 1950s. Voter ID requirements vary from no ID required, to non-strict non-photo, to non-strict with a photo, to strict non-photo, to strict photo. In 2011, 2012, and 2013, the pace of adoption accelerated—states without ID requirements began adopting them and states that already had them began adopting stricter requirements. For the 2016 election, more states are requiring strict photo IDs than ever before. This is important because getting an ID can cost anywhere between $5 and $58.50 in states that require them. Most states do have an option to get a free ID for those who cannot afford it, but the documentation required often costs money, too.

STRATEGIES:

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change or maintain voting laws that allow registration without strict voter ID requirements that would present financial and other barriers to otherwise eligible voters to register.
• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures provide means for lower income individuals to get a free ID.

ISSUE: ACCESS TO VOTING FACILITIES

Elections are held on workdays; this can be a huge problem for an individual who gets paid by the hour with limited time off. Being ‘too busy’ or encountering transportation problems were the reasons why 28% of people making less than $20,000 did not vote in 2012. 32 states and D.C. have some form of early voting in-person. 27 states and D.C. offer “no-excuse” absentee voting, and two states, Oregon and Washington, provide voters a mail ballot to send in or drop off. In a Gallup poll one week before the 2012 election, 55% of

Lobbying Tips

Organize a letter writing campaign to your local legislator, getting at least 10 participants to handwriting their support for the initiative.
✓ Schedule a meeting with a legislative aide at your legislator’s local office and voice your concerns and support for the initiative.
✓ Join forces with local homeless and civil rights organizations to raise public awareness.

-National Coalition for the Homeless
voters in western states reported having voted early or were planning to vote early. That compares to 9% in the east.

STRATEGIES:

• Collaborate with other community stakeholders to encourage local election officials to consider staying open later than normal working hours on Election Day and for later than normal hours during a period of early voting.

• Collaborate with other community stakeholders to encourage local election officials consider ensuring that at least one or more of the early voting locations are on a public transit route and heightened public transit routes on Election Day.

ISSUE: RESTORING VOTING RIGHTS FOR EX-OFFENDERS

The United States is one of the only democracies that does not automatically restore the right to vote to people leaving prison. An estimated 4.4 million Americans in 35 states are barred from voting even after completing their prison term and returning to their communities. 15 states and D.C. allow citizens to vote immediately upon release. The Florida Parole Commission found that ex-offenders whose civil rights were restored were three times less likely to return to prison than others in the prisoner population.

STRATEGIES:

• Encourage community stakeholders to develop consensus on whether to advocate that your state legislature adopt the standard already used in 15 states and many other democracies, especially for federal elections; i.e., allow and encourage citizens to register and vote after leaving prison and upon reentry into society or alternatively, allow for an individual offender to have his or her civil rights restored based on certain conditions being met.

ABA POLICIES

The ABA House of Delegates establishes Association policy. This policy-making body is comprised of approximately 550 delegates who represent various groups within the ABA and the legal profession as a whole. ABA policy statements have successfully been used as the foundation for legislative advocacy campaigns on the federal, state and local levels with advocates highlighting the policy as the statement of the organized bar.

The Commission on Homelessness & Poverty has developed a comprehensive body of policy positions that have been approved by the ABA House of Delegates; these policy statements are available online here, and the Commission is equipped to provide free technical assistance to advocates. A searchable database of all policy resolutions adopted by the ABA may be accessed here.
The following ABA policies address issues related to isolation from community and political structure:

**Election Law Recommendation** (August 1993) RESOLVED, That the American Bar Association supports efforts to insure that participation of homeless persons in the electoral process.

FURTHER RESOLVED, That the American Bar Association recommends that federal, state, territorial and local election laws, regulations and policies regarding residency determinations and the methods by which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote.

FURTHER RESOLVED, That the American Bar Association recommends, and supports legislation to assure, that no voting qualification or prerequisite to voting, standard, practice or procedure, shall be imposed or applied by any state or political subdivision to deny or abridge the right to vote of any citizen who resides at or in a nontraditional abode, which shall be read to include among other things (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); and (2) a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial and local election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures.

**Disability Voting Resolution** (August 2014)

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments and the courts to ensure that the electoral process and voting methods are accessible to persons with disabilities and that polling places are free of physical, technological, and administrative barriers.

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities.

FURTHER RESOLVED, That the American Bar Association urges all election officials to ensure that election personnel and volunteers receive accessibility training and that persons with disabilities are actively encouraged to serve as election officials and volunteers.

**RESOURCES:**

• http://www.nonprofitvote.org/documents/2013/03/americagoesto-the-polls-2012.pdf
• http://money.cnn.com/2015/08/05/news/economy/poor-people-voting-rights/
• http://www.nationalhomeless.org/projects/vote/index.html
• http://www.demos.org/news/income-gap-polls
• http://www.demos.org/publication/why-voting-gap-matters
• http://www.demos.org/blog/11/5/14/class-bias-2014-midterms
• http://www.demos.org/blog/10/30/14/how-reduce-voting-gap
• http://www.politico.com/magazine/story/2015/01/income-gap-at-the-polls-113997
• http://www.people-press.org/2012/11/01/nonvoters-who-they-are-what-they-think/