RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that allows for the following general descriptions to be used in lieu of a traditional residential address, if required, for purposes of voter registration and voter identification:

(1) post office box;
(2) tribally designated building address;
(3) general description of physical location where the person resides;
(4) shelter address; or
(5) local governmental building address; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation or promulgate regulations that assign the voter to the precinct in which the person can be found, whether that location is expressed by a traditional address or a description such as (1)-(5) above.
Summary

The Resolution urges federal, state, local, territorial and tribal governments to enact legislation to expand the forms of acceptable address identifiers in the voter registration process beyond the physical address requirement to include non-traditional identifiers, including post office boxes, tribal government buildings, general descriptions of physical residences, shelters, and governmental buildings. The Resolution is consistent with the American Bar Association’s commitment to increase voter participation and minimize voter suppression.

Introduction

Voting is a fundamental right and an integral responsibility of citizenship. Unfortunately, efforts to undermine that fundamental right have continued since the franchise was achieved in theory for African American men after the Civil War and for women with the passage of the 19th Amendment. The Indian Citizenship Act of 1924\(^1\) granted American citizenship to “Native” Americans less than 100 years ago, which presumes the encompassing right to vote. But, state law largely limited those privileges and suppressed Native American votes. This country’s ineffable violent history of lynching and Jim Crow laws necessitated the passage of the Voting Rights Act of 1965, which sought to remove state and local barriers for African Americans seeking to exercise their 15th Amendment right to vote by providing for broad federal oversight of state and local voting procedures.\(^2\) It was also the Voting Rights Act that finally protected voting access for this country’s Native citizens.\(^3\)

In its 2013 holding in *Shelby v. Holder*, the United States Supreme Court invalidated portions of the Voting Rights Act, specifically Section 4 of the Act – the “coverage formula.”\(^4\) The coverage formula was regarded by many as the most significant portion of the Voting Rights Act because it determined which jurisdictions, based on historical race-based voter discrimination, would be required to “pre-clear” any changes to voting procedures, as prescribed in Section 5 of the Act.\(^5\) The Voting Rights Act, and its pre-clearance provisions, is credited with closing the significant gap between registered white and black voters, particularly in the southern states.\(^6\)

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\(^5\) Id.

\(^6\) Id.
In its 5-4 decision, the Court determined that the coverage formula was unconstitutional as applied because it “is based on decades-old data and eradicated practices.” Citing its decision in *Northwest Austin Municipal Util. Dist. No. One v. Holder*, the Court states that the requirements of the Voting Rights Act must be “justified by current needs,” and that “departure from the fundamental principle of equal sovereignty requires a showing that a statute’s disparate geographic coverage is sufficiently related to the problem that it targets.” The Court stated that while “state legislation may not contravene federal law,” states “retain broad autonomy...in structuring their governments and pursuing legislative objectives,” and that the “fundamental principle of equal sovereignty among the states [is] highly pertinent in assessing disparate treatment of states.” The Court found that:

The Voting Rights Act sharply departs from these basic principles. It requires States to beseech the Federal Government for permission to implement laws that they would otherwise have the right to enact and execute on their own. And despite the tradition of equal sovereignty, the act applied to only nine States (and additional counties).” That is why, in 1966, this Court described the Act as ‘stringent’ and ‘potent.’ Katzenbach, 383 U.S., at 308

The Court notes that in *Katzenbach*, the Court upheld the Act because in 1966, “the ‘uncommon exercise of congressional power’ could be justified by ‘exceptional conditions’.” It rationalized that, at the time of the ruling, in five of the six jurisdictions covered by Section 4, African American voter turnout was higher than white voter turnout. The Court also noted the reduction in the number of changes objected to under Section 5 (14.2 percent in the first decade of the Act to 0.16 percent in the most recent decade) by the U.S. Attorney General. The Court acknowledges that these changes are due to the success of the Voting Rights Act, but also that those successes render the formula contained in Section 4 unconstitutional. While the Court stopped short of referencing a post-racial America, it does state that the kind of “pervasive,” “flagrant,” “widespread” and “rampant” discrimination that prompted the adoption of the Voting Rights Act generally, and Section 4 specifically, no longer existed.

**Post-Shelby Effect**

Despite the Court’s optimism, centuries of race-based discrimination cannot be overcome with 48 years of reformative legislation, and the effect of the *Shelby* decision was immediate. Within 24 hours of the decision, Texas implemented a strict photo ID law, with

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9 *Id.* at 543.
10 *Id.* at 530.
11 *Id.*
12 *Id.* at 535.
13 *Id.* at 548.
14 *Id.* at 531.
15 *Id.* at 554.
other previously covered states like Mississippi and Alabama, quickly following suit. The 2018 Brennan Center Study, *Purges: A Growing Threat to the Right to Vote*, found that not only are jurisdictions previously covered by the pre-clearance requirement improperly purging voters from the rolls (i.e. Texas purged an additional 363,000 voters post-*Shelby*; Georgia purged 1.4 million voters in the four years post-*Shelby*), but previously uncovered jurisdictions like New York, Maine, Indiana, and Arizona have either engaged in unlawful purges or implemented rules to allow for unlawful purges. The Brennan Center 2018 *Report on the State of Voting* found that the last decade “brought a wave of laws restricting voting.” At the time of the 2018 report, Arkansas, Iowa, Missouri, and North Dakota had enacted stricter voter ID laws following the 2016 elections; Texas passed another voter ID restriction; Georgia, Indiana, Iowa, and New Hampshire imposed tougher registration requirements; and Iowa limited the opportunity for early and absentee voting. In addition, Connecticut, Delaware, Florida, Illinois, Kansas, Kentucky, Maryland, Montana, Nebraska, New Hampshire, New York, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming now require a mailing address to register to vote.

Given the increased efforts to impact voting rights in previously uncovered jurisdictions since *Shelby*, it is reasonable to conclude that Section 4 of the Voting Rights Act had an overall prophylactic effect against restrictive voting laws. The *Shelby* decision “neutered the strongest legal protection against voting discrimination” and created a “flood of new barriers to voting that would have otherwise been blocked.”

### The Voter Fraud Myth and the Appearance of Neutrality

Legislation affecting voting often appears neutral with the stated goal of protecting the sacred institution from fraud. In the introduction to its report *The Truth About Voter Fraud*, the Brennan Center notes that allegations of widespread voter fraud are “frequently used to justify policies that do not solve the alleged wrongs, but that could well disenfranchise legitimate voters.” The report defines the term “voter fraud” as simply fraud by voters, and is often conflated with other forms of election misconduct or unintentional

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17 *Purges: A growing Threat to the Right to Vote*, available at: [https://www.brennancenter.org/publication/purges-growing-threat-right-vote](https://www.brennancenter.org/publication/purges-growing-threat-right-vote)
19 *Id.*
22 *Id.*
irregularities, when in fact, there are only a “handful of substantiated cases of individual ineligible voters attempting to defraud the election system.” The perpetuation of the voter fraud myth often leads to legislative attempts to address perceived fraud that does not exist with policies that have a disparate impact on distinct segments of potential voters, often persons of color or poor and indigent populations.

Fraudulent residential address claims are one of the oft cited claims. They arise from the belief that voters are using fraudulent addresses, like vacant lots, storage units, or government buildings, when registering to vote, when in fact, these allegations are unsupported, or the purportedly fraudulent address is legitimate. Note the North Dakota legislation and subsequent litigation, discussed fully below, as an example. In its appeal to the injunction staying implementation of more restrictive address requirements, the North Dakota Secretary of State argued that the “preliminary injunction issued by the district court ‘expressly enables’ fraudulent voting…” But as noted in the dissent, there was “no evidence of voter fraud in the past and no evidence of voter fraud in 2016.” In fact, the Heritage Foundation, which tracks and notes successful convictions of voter fraud on its website, listed only three convictions on voter fraud in North Dakota: a 2012 misdemeanor conviction of college students who forged signatures on a ballot petition; a 2017 misdemeanor conviction on voting in dual counties; and a 2018 misdemeanor conviction of a woman who voted in both North Dakota and Minnesota because she believed her Minnesota absentee ballot was invalid.

On its face, legislation like that in North Dakota appears neutral with equal application to all its citizens. In effect, however, these stricter voter ID laws create a disproportionate burden for distinct populations of voters, specifically Native American communities, persons experiencing or at-risk of homelessness or housing instability less persons, low income groups and people living in rural areas.

Native American Impact

Voter turnout by Native Americans is the lowest in the country, as compared to other ethnic groups. While a number of issues contribute to the low voter turnout, a recent study by the Native American Voting Rights Coalition found that low levels of trust in government, lack of information on how and where to register and to vote, long travel distances to register or to vote, low levels of access to the internet, hostility towards Native Americans, and intimidation are obstacles to Native American voter participation.

24 Id. at 4.
25 Id. at 7.
26 Id. at 15.
28 Id. at 685.
29 The Heritage Foundation, available at: https://www.heritage.org/voterfraud/search?combine=&state=ND&year=&case_type=All&fraud_type=All
The study also noted that “many Native American people do not have traditional street addresses.”31 American Indians living on reservations are much more likely to have no traditional street address. As noted in the brief submitted by the National Congress of American Indians in *Crawford v. Marion County*, most roads on the reservation are unimproved dirt or gravel roads, and “many miles of these roads are impassable after rain or snow. Because of the poor quality of the road systems on Indian reservations, many of the roads are unnamed and not serviced by the U.S. Postal Service... A significant number of these reservation residents have no traditional street addresses.”32 Many homes can only be identified by geographic location, reference to a BIA, state or county road mile marker and/or intersection. Mailboxes may be located on the opposite side of the road from the dwelling and may be associated with the route delivery number, Rural Route or box number.

This problem is not limited to one area of the country. For example, the Navajo Nation, the largest reservation in the United States, does not have an addressing program.33 In North Dakota, many voters living on rural reservations lack street addresses.34 In Arizona, where 27% of the land base is tribal lands (including three of the largest reservations in the U.S.), only 18% of reservation voters have physical addresses and receive mail at home.35

Due to the lack of traditional addresses, many Native American voters rely on post office boxes to receive their mail and may include a post office box on their state identification. “Most reservation residents do not receive mail at their homes and either pay to maintain a post office box in a nearby town or receive their mail by general delivery at a trading post or other location. Some reservation residents may have to travel up to seventy miles in one direction to receive mail.”36 “On the Navajo Reservation, most people live in remote communities, many communities have little to no vehicle access, only post office boxes, sometimes shared by multiple families.” Similarly, “[t]here is no home delivery in the Tohono O'odham Nation, where there are 1,900 post office boxes and some cluster mail boxes. The postmaster for the Tohono O'odham Nation . . . observes residents come to the post office every two or three weeks to get their mail. Due to the lack of transportation,

33 Carrie Jung, Home Addresses on Navajo Nation are Rare (Oct 8, 2015), , available at: https://kjzz.org/content/202564/home-addresses-navajo-nation-are-rare-officials-working-change.
35 Non-Hispanic white voters have home mail service at a rate 350% higher than for Native Americans. *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824, 869-70 (D. Ariz.), aff'd, 904 F.3d 686 (9th Cir. 2018), reh'g en banc granted, 911 F.3d 942 (9th Cir. 2019).
36 *Crawford v. Marion County*, Nos. 7-21, 7-25 (Brief of Amici Curiae National Congress of American Indians et al.) at 11-12.
the condition of the roads, and health issues, some go to post office only once per month.\textsuperscript{37}

The lack of formal addresses in Indian Country makes it especially hard for voters to comply with residential/physical address requirements to register to vote or to produce identification in order to vote on election day.\textsuperscript{38} Non-traditional addresses for reservation residents create additional registration problems.\textsuperscript{39} For example, in Arizona the lack of traditional addresses resulted in voters being placed on suspense list or their IDs being rejected at the polls.\textsuperscript{40}

In North Dakota, a physical address requirement was added in 2013, after the Native American vote was credited with securing Senator Heidi Heitkamp’s 2012 victory.\textsuperscript{41} Prior to 2013, voters could establish their eligibility to vote by either providing certain prescribed forms of identification or swear an affidavit, if prescribed identification was not available.\textsuperscript{42} In 2013, North Dakota passed HB 1332, a Voter ID law that limited the types of acceptable identification to a state-issued drivers license, non-driver ID, or tribal card.\textsuperscript{43} This law passed despite testimony that it would disproportionately impact Native American voters. The law was amended in 2015 to further reduce the types of ID acceptable at the polls.

As a result of the 2013 legislation and its subsequent amendments, a lawsuit was filed by members of the Turtle Mountain Band of Chippewa Indians in North Dakota asserting violations of both the U.S. Constitution and Section 2 of the Voting Rights Act.\textsuperscript{44} The district court agreed and issued a preliminary injunction based on evidence that the requirements were “excessively burdensome requirements on Native American voters in North Dakota.”\textsuperscript{45} While the injunction was in effect, the North Dakota Governor signed HB 1369, requiring a “valid form of identification” before receiving a ballot. Acceptable forms of identification “were required to include the legal name, current residential street address in North Dakota, and a date of birth,” essentially enacting a more restrictive law than was previously enjoined.\textsuperscript{46}

\textsuperscript{37} Id.
\textsuperscript{38} Native American Voting Rights Coalition, Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada, and South Dakota at 5 (Jan. 2018).
\textsuperscript{42} Brakebill at 674.
\textsuperscript{43} Id.
\textsuperscript{44} Id.
\textsuperscript{45} Id. at 674.
\textsuperscript{46} Id.
The same plaintiffs filed an amended complaint based on the 2017 legislation and the district court again granted the injunction. The second injunction prohibited enforcement of the current address requirements and instructed the Secretary of State to accept identification that includes either a “current residential street address or a current mailing address (P.O. Box or other address) in North Dakota.” On July 31, 2019, a divided Eighth Circuit overturned the district court injunction and allowed the legislation to take effect. The decision acknowledged the potential disenfranchisement of Native American voters but found the injunction overbroad. In its decision, the majority held that the plaintiffs’ “alleged burdens do not justify a statewide injunction…” Relying heavily on the U.S. Supreme Court’s decision in Crawford v. Marion County Election Bd, 553 U.S. 181 (2008), the majority reasoned that an “unjustified burden on some voters” does not justify invalidation of the statute, and that the plaintiffs did not present “evidence that the residential address requirement imposes a substantial burden on most North Dakota voters.” The majority reached this decision despite the fact that the "unrebutted statistical evidence demonstrated that 23.5% of Native Americans lack a valid form of identification [as defined in the statute], compared to only 12% of non-Native Americans.

North Dakota is unfortunately not alone in legislating barriers to indigenous people’s participation in voting. Arizona recently enacted S.B.1072 and S.B. 1090 which place new voter identification requirements on early and emergency voting. At a field hearing of the House of Representatives Committee on House Administration, Subcommittee on Elections testimony revealed that 13 of 15 Arizona counties had closed polling locations since 2013, reducing the number of polling locations from 403 locations to 60. According to the testimony of Navajo Nation President Jonathan Nez, “Tribal cards do not include addresses, do not have standard county addresses, and many tribal members do not receive mail at their homes.” “Sometimes up to five families have to share a single P.O. Box.” Testimony gathered by the Native American Voting Rights Coalition’s field hearings reflect similar difficulties in tribal communities in Oregon, Alaska, California and North Dakota.

An additional problem impacting many Native Americans is homelessness or near homelessness due to extreme poverty and lack of affordable housing on many

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47 Id. at 675.
48 Id. at 674.
49 Id. at 678.
50 Id. at 681-82 (Kelly, J. dissenting).
reservations. A study by Housing and Urban Development found that between 42,000 and 85,000 people in tribal areas are “couch surfers”, staying with friends or relatives only because they had no place of their own.\footnote{53 United States, Department of Housing and Urban Development, Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native and Native Hawaiian Housing Needs (Jan. 2017) available at \url{https://www.huduser.gov/portal/sites/default/files/pdf/HNAIHousingNeeds.pdf}.} This lack of permanent housing impacts the ability of these tribal members to have a permanent physical address, but should not impede their ability to exercise their right to vote.

Such laws also impact the ability of other non-Native communities to exercise their right to vote, specifically persons experiencing or at-risk of homelessness or housing instability and those living in some rural communities without a USPS addressing system.

**Impact on Persons Experiencing Homelessness and Poverty**

According to the United States Department of Housing and Urban Development (HUD)’s latest Point-In-Time Count, there were 552,830 people experiencing homelessness in 2018, which is an increase from 2017.\footnote{54 United States Department of Housing and Urban Development, Office of Community Planning and Development, The 2018 Annual Homeless Assessment Report to Congress (Dec. 2018), available at: \url{https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf}.} It is important to note that HUD’s definition of what constitutes homelessness does not include individuals who are “doubled up” or “couch surfing,” so the number of Americans experiencing housing instability is actually much larger. Without permanent housing, it is difficult to hold a steady job, attend school, stay healthy and exercise one’s right to vote. People experiencing homelessness, housing instability and poverty vote at a lower rate than individuals with stable housing and steady income.\footnote{55 National Coalition for the Homeless, “You Don’t Need a Home to Vote” Manual, (August 2018), available at: \url{https://nationalhomeless.org/wp-content/uploads/2018/08/2018-Manual_for-web.pdf}.} According to the Census Bureau’s most recent study on the last presidential election, “85% of people with incomes over $100,000 were registered to vote in 2016 and 74% voted, just 60% of people with incomes below $20,000 were registered and only 38% actually voted.”\footnote{56 United States Census Bureau, Voting and Registration in the Election of November 2016, (May 2017), available at: \url{https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html}.}

This disparity is not the result of apathy towards the electoral process. Rather, studies have shown that “70% of those registered to vote by volunteer efforts in welfare and food stamp offices actually go to the polls and vote in presidential elections.”\footnote{57 Supra note 55.} The disparity is due to special barriers this population faces when registering to vote that lead to lower registration and voter turn-out. As an example, many states allow individuals to list a shelter or service provider’s address at the time of voter registration, oftentimes homeless and low-income citizens are not connected with a shelter, live on the streets, or move frequently. Many homeless and low-income citizens do not have the requisite identification documents, like a driver’s license, utility bill, or official mail, often required by state laws. While some states only require identification at the time of voter registration,
others require identification documents at the polls. Furthermore, this population often struggles to take time off work, find transportation to the polls, and lacks the resources to educate themselves on their right to vote, candidates, or ballot measures.

International Law and the United Nations Declaration on the Rights of Indigenous Peoples

A growing body of international law grants additional protections to indigenous communities. The United Nations Declaration on the Rights of Indigenous People (“Declaration”), came into force in 2007 when 143 nations voted for the Declaration, with only Canada, New Zealand, Australia and the United States voting against it. New Zealand, Australia and Canada later reversed their position to support the Declaration.

Article 3 of the Declaration recognizes that indigenous peoples have the right to self-determination. Implicit in that right, indigenous people are free to determine their political status and pursue economic, social and cultural development free from state interference.

Article 18 of the Declaration recognizes "indigenous peoples have the right to participate in decision-making matters which affect their rights", through representatives of their own choosing. It also recognizes that indigenous communities may develop and retain their own governmental institutions and methods in accordance with their customs, traditions and beliefs.

Finally, Article 19 requires that state parties "consult and cooperate in good faith" with indigenous peoples and “obtain free, prior and informed” consent before adopting or implementing legislative changes that affect indigenous people and communities.

On January 12, 2011, the United States Department of State, under the Obama Administration, issued a qualified announcement of support claiming that the Declaration’s concept of “self-determination” was limited by existing United States laws and policies. While the Declaration has not been ratified by the Senate, it still creates standards and obligations to which the United States should adhere. As the Declaration has been adopted by 146 member states, the Declaration has become “jus cogens,” or customary international law. Once a rule has attained the status of customary international law, it can only be abrogated by a new norm of customary law. The United States is the only state party qualifying the applicability of the Declaration.

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Given the requirements of the Declaration and the accession to it by the United States, states, such as North Dakota, have an affirmative obligation to consult and obtain the consent of indigenous communities regarding legislation that impacts their community’s political participation.

Supportive ABA Policies

The American Bar Association has long encouraged and supported efforts to increase voter participation. During the 1974 Annual Meeting, the House of Delegates adopted the Special Committee on Election Reform’s resolution supporting the enactment of federal legislation facilitating the ability of all citizens to vote in federal elections; and, authorizing the ABA President to urge Congress to enact legislation to simplify the registration process by “providing for the registration by mail for federal elections, the use of federal resources to improve and simplify state and local registration procedures, to extend hours for registration, to provide more registration facilities located in places nearer to the people such as high schools, hospitals and factories and to encourage state and local governments to institute such other voter registration improvements as deemed appropriate.”

In August 1979, the House of Delegates adopted Resolution 79A127 supporting the enactment of legislation that encourages voter participation and urges the state and local bars to aid ABA in improving voter participation. The ABA also encourages lawyers' voter participation in Resolution 89M124B, as well as asks lawyers to assist employees of their offices to participate in the election process.

The ABA has consistently supported the rights of those who are governed to have the right to vote. First in August 1992, the House of Delegates adopted Resolution 92A10H, supporting an amendment to the United States Constitution to provide for participation of citizens in American territories to vote in national elections. And again in August 1999 when the House adopted Resolution 99A115 supporting the principle that citizens of the District of Columbia shall no longer be denied the fundamental right belonging to other American citizens to vote for voting members of the Congress, which governs them.

Especially pertinent to the goal of this resolution is Resolution 93A116, which supports efforts to ensure the participation of homeless persons in the electoral process. It states that election regulations regarding residency determination should not prevent registration and voting by homeless persons who are otherwise qualified to vote.

60 ABA Resolution 74A116.
61 ABA Resolution 79A127.
62 ABA Resolution 89A124B.
63 ABA Resolution 92A10H.
64 ABA Resolution 99A115.
65 ABA Resolution 93A116.
There are several ABA policies that work to improve the voter registration process. Resolution 99A104 urges the ABA to oppose legislation that would repeal the National Voter Registration Act.66 Resolution 11A121 urges 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.67 Resolution 90A300 supports efforts to increase voter registration through state and local agencies that have direct contact with the public and encourages efforts that make the opportunity to vote easy and convenient.68

**Conclusion**

We urge the American Bar Association, as the voice of the legal profession, to continue to take steps to ensure that all citizens have the ability to exercise their right to vote, if they so choose, and be free of any improper impediment to do so. In addition to combatting voter suppression, we ask the ABA to take affirmative steps to encourage citizens to choose to exercise their right, privilege and responsibility to vote. Legislative efforts to ease restrictions in voter ID and address requirements are critical to ensuring voting access and is consistent with previous ABA policies.

Respectfully submitted,

Lillian Moy
Chair, Coalition on Racial and Ethnic Justice
February 2020

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66 *Supra* note 2.
67 *Supra* note 1.
68 ABA, Resolution 90A300.
GENERAL INFORMATION FORM

Submitting Entity: Coalition on Racial and Ethnic Justice

Submitted By: Lillian Moy, Chair

1. Summary of Resolution(s)

   The American Bar Association urges federal, state, local, territorial, and tribal
governments to enact legislation that allows for an individual to use an address other
than a physical residential address for purposes of voter registration and urges the
enactment of legislation or regulations that assign the voter to the precinct in
which the person can be found, whether that location is expressed by a traditional
address or description.

2. Approval by Submitting Entity.

   The Coalition on Racial and Ethnic Justice approved sponsorship of the amended
resolution during its Fall Business Meeting on November 1, 2019.

3. Has this or a similar resolution been submitted to the House or Board previously?

   The Coalition on Racial and Ethnic Justice is not aware of a similar Resolution
submitted to the House or Board prior to this submission.

4. What existing Association policies are relevant to this Resolution and how would
   they be affected by its adoption?

   Over the last forty years the ABA has supported policy that promotes greater and more
equal access to voting, and this Resolution builds upon and strengthens existing
policy, including Resolution 79A127 (voter participation), Resolution 93A116
(homeless persons participation), Resolution 90A300 (voter registration), as well as
existing ABA resolutions concerning enhancing the Voting Rights Act, including
Resolution 05A108), BOG 2.3 (2006) and Resolution 13A10E.

5. If this is a late report, what urgency exists which requires action at this meeting of
   the House?

   N/A

6. Status of Legislation. (If applicable)

   N/A

7. Brief explanation regarding plans for implementation of the policy, if adopted by the
   House of Delegates.

   N/A
We will work with relevant stakeholders within and outside of the American Bar Association and the Governmental Affairs Office to implement the policy.

8. **Cost to the Association. (Both indirect and direct costs)**

   Adoption of this proposed resolution would result in only minor indirect costs associated with staff time devoted to the policy subject matter as part of the staff members’ overall substantive responsibilities.

9. **Disclosure of Interest. (If applicable)**

   N/A

10. **Referrals.**
    Standing Committee on Election Law
    Commission on Disability Rights
    Commission on Racial and Ethnic Diversity in the Profession
    Commission on Sexual Orientation and Gender Identify
    Commission on Disability Rights
    Council for Diversity in the Educational Pipeline
    Commission on Women
    National Native American Bar Association

11. **Name and Contact Information (Prior to the Meeting. Please include name, telephone number and e-mail address). Be aware that this information will be available to anyone who views the House of Delegates agenda online.)**

    Selina S. Thomas
    312.988.5736
    Selina.thomas@americanbar.org

12. **Name and Contact Information. (Who will present the Resolution with Report to the House?) Please include best contact information to use when on-site at the meeting. Be aware that this information will be available to anyone who views the House of Delegates agenda online.**

    Jared Hautemaki
    773.209.3627
    Email: jared.hautemaki@gmail.com
EXECUTIVE SUMMARY

1. Summary of the Resolution

The American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that allows for an individual to use an address other than a physical residential address for purposes of voter registration and urges the enactment of legislation or regulations that assign the voter to the precinct in which the person can be found, whether that location is expressed by a traditional address or description.

2. Summary of the Issue that the Resolution Addresses

The Resolution addresses physical address requirements in voter registration, and the disenfranchisement of otherwise qualified voters, particularly on Native American reservations, created by such requirements.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The Resolution asks the ABA to support legislation and regulations that expand what constitutes an acceptable physical address for the purpose of voter registration, in line with the ABA’s long history of supporting individual voting rights.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

To date, we are not aware of minority or opposing views.