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**ELECTORAL INCLUSION AMONG SOUTH AUSTRALIAN PEOPLE
EXPERIENCING HOMELESSNESS: THE WORK AHEAD¹**

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Abstract

People experiencing homelessness are among the poorest and most marginalised people in our society yet very little is known about their electoral participation beyond the strong suspicion that their turnout levels are very low compared to the majority of the population. We regard the electoral participation of those experiencing homelessness as an issue urgently in need of investigation and set out a proposed program to research this topic to understand the real level of enrolment and turnout among this population, obstacles to voting and potential reforms to improve voter turnout among this population.

Democratic Inclusiveness

For democratic proceduralists, a political system cannot be legitimised unless the process that establishes it is itself legitimate. Obviously, within a representative (i.e. procedural) democracy, this requires that elections are properly managed and are free from corruption so that the result can be deemed legal. But it means more than this: in procedural democracies, such as those under consideration in this paper, voting in elections - the primary mechanism for making decisions binding on members of a *demos* - is central to legitimising the authority of the governing regime.

On this view, it is vitally important that electoral procedures are duly complied with for the result to be deemed legitimate and without distortions. According to Robert Dahl (1991), certain conditions must be met in evaluating the proposed procedures and he identifies five criteria: “political equality”, “effective participation”, “enlightened understanding”, “final control of the agenda by the *demos*” and “inclusiveness”. Political equality demands that the mechanism for “determining outcomes” takes “equally into account, the expressed preferences of each member of the *demos*”; further, because the claims of each member of the *demos* are equally valid, each individual is entitled to equal voting “shares” or an “equal vote”. “Inclusiveness” requires that the *demos* include “all adult members of the association except transients”. If a system can satisfy these five criteria it can be regarded as “a full procedural democracy” (Dahl 1991, 98-108). This universal inclusion criterion is intended to prevent any distribution of benefits that violates the principle that the “good interest of each human being is entitled to equal consideration” (Dahl 1991, 124-5).

Voting in elections is the primary mechanism by which individuals can hold their governments to account and communicate their consent and dissent to political leaders; it is also one of the key mechanisms by which legitimacy is conferred upon democratic states. Through voting we sign our name to the social contract and enter into political society, not only with government but with each other as equal partners in the democratic project. Therefore, the right to vote for democratic representation, without discrimination, is properly seen as a fundamental civil liberty in systems that purport to be both democratic and legitimate. But having the *formal right* to vote is not enough: not only should governments make voting an easily exercisable right, citizens should *actually* vote so that they can hold governments to account and exercise their interest in self-government and self-protection. In other words, they should exercise this right in order to protect their other rights. This is particularly important in Australia, the only Western democracy without a bill of rights (Chappell, Hill and Chesterman 2009; Charlesworth

2002, 14).² It is also particularly important that the poor vote. Because there are strong correlations between turnout and socio-economic status, turnout levels provide an indirect indicator of political equality (Lijphart 1999, 284). Of course, representative democracy will not simply disappear if citizens do not vote. While we argue for the importance of an inclusive *demos*, the system is quite capable of reproducing itself with a façade of legitimacy that will ultimately represent the interests of elites (Tormey 2014, 106) and the remaining few who do vote. Obviously, then, high turnout *and* inclusivity is vital for the preservation of the legitimacy and perceived *authenticity* of democracies.

People experiencing homelessness are among the poorest and most marginalised people in our society yet very little is known about their electoral participation beyond the strong suspicion that their turnout levels are very low compared to the majority of the population. This is at least partly a function of the social isolation that tends to accompany homelessness as it has consistently been shown that “having social interaction with others and being a settled member of a community” is an important precondition for inclination to vote (McAllister and Mughan 1986, 143; Eagles and Erfle 1989, 115-25).³ However, there are undoubtedly many other factors at play that need to be understood better in order to address the problem.

What we do know for sure at this point is that a democracy is not fully legitimate unless it is inclusive. If its most vulnerable members are excluded from elections, either formally or informally, this is a double whammy of illegitimacy. In terms of access to the vote Australian law and practice have been reasonably liberal, in line with the idea that every vote is precious - the flipside of the compulsion to vote. For Federal elections it is not compulsory for persons with no fixed address to either enrol or vote.⁴ The standard electoral form requires a residential address but homeless and peripatetic citizens can enrol as ‘no fixed address’ under s.96 of the *Commonwealth Electoral Act 1918* (Cwth)(Orr, Mercurio and Williams 2002, 389).

Nevertheless, the under-registration (and therefore low voting participation) of homeless people is a matter of concern in the Australian setting. For example, there are currently 470 people registered as itinerants on the South Australian electoral roll but only 32 are so classified on the basis of homelessness⁵; with over 150 known rough sleepers in the Adelaide city centre alone, this suggests many homeless people are not on the electoral roll (Martyn Hagan, personal communication, 5 November 2018). Despite the provision of no fixed address enrolment arrangements, evidently a significant proportion of those experiencing homelessness are not enrolled. Due to the fact that this problem has never been investigated systematically, authoritative figures on the civic exclusion of the homeless are elusive and figures produced by some previous studies vary wildly.

Homeless Turnout: An Under-Researched Problem

When looking at homelessness and electoral participation the gap in research cannot be overstated since the literature on the connection is almost non-existent. A compounding

² However, at the state/territory level Victoria and the ACT have introduced human rights Acts. Note that some advanced democracies enjoy rights protection by virtue of being members of the European Union. They are therefore protected by EU human rights laws and charters (thanks to an anonymous referee for the suggestion of this qualification).

³ Even the connectedness bestowed by marriage seems to be enough to stimulate turnout (Swaddle & Heath 1989, 548; McAllister & Mughan 1986, 146; Denver 1989, 119).

⁴ A person becomes an ordinary elector once s/he has established a permanent place of living and lived there for a period of at least 1 month.

⁵ The majority are assumed to be ‘grey nomads’ - older people who are long-term travellers.

problem relates to the difficulties of defining and then counting homelessness which is a contentious enough issue without adding levels of political participation into the mix.

By way of definition, homelessness does not just refer to being ‘unroofed’, it is a continuum of experiences that align with Anglo-American and European cultural understandings of ‘home’ (Chamberlain 2014; Australian Bureau of Statistics 2012). Table 1 presents a typology that is recognised across the homelessness sector, and by the Australian Bureau of Statistics (ABS) and the Australian Electoral Commission (AEC).

<i>Culturally recognised exceptions:</i> where it is inappropriate to apply the minimum standard, for example seminaries, gaols, student halls of residence.	<i>Marginally housed:</i> people in housing situations close to the minimum standard.
	<i>Tertiary homelessness:</i> people living in single rooms in private boarding houses without their own bathroom, kitchen or security of tenure.
	<i>Secondary homelessness:</i> people moving between various forms of temporary shelter including friends, emergency accommodation, youth refuges and hostels.
	<i>Primary homelessness:</i> people without conventional accommodation (living on the streets, in deserted buildings, improvised dwellings, under bridges, in parks, etc).

Table 1: Cultural definition of homelessness

(Source: Chamberlain & Mackenzie 2008, 3)

While the ABS does not measure homelessness as a formal ‘characteristic’ (Australian Bureau of Statistics 2016), there has been considerable effort recently to develop a definition. In 2012 the ABS released its first ever statistical definition of homelessness (Australian Bureau of Statistics 2012). The definition captures more than ‘rooflessness’, the characteristic most commonly associated with rough sleepers, with a focus on ‘‘home’lessness’. If an individual cannot access suitable alternative accommodation they will be categorised as homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to space for social relations’’ (Australian Bureau of Statistics 2012).

With the considerable effort that has been applied over the past five to ten years to better understand and define homelessness, we are only now in a position to start the process of definitively scoping the deficit in homeless voter participation. It is not a case of refining or taking a more nuanced approach to existing data or interpretations, but an opportunity to initiate the comprehensive study of the nexus between homelessness and electoral participation. We have made a start on understanding the magnitude of the voting participation deficit among the homeless and provide our initial findings below. Figure 1 presents rough estimations of the homeless voting age population and some speculative enrolment estimates.

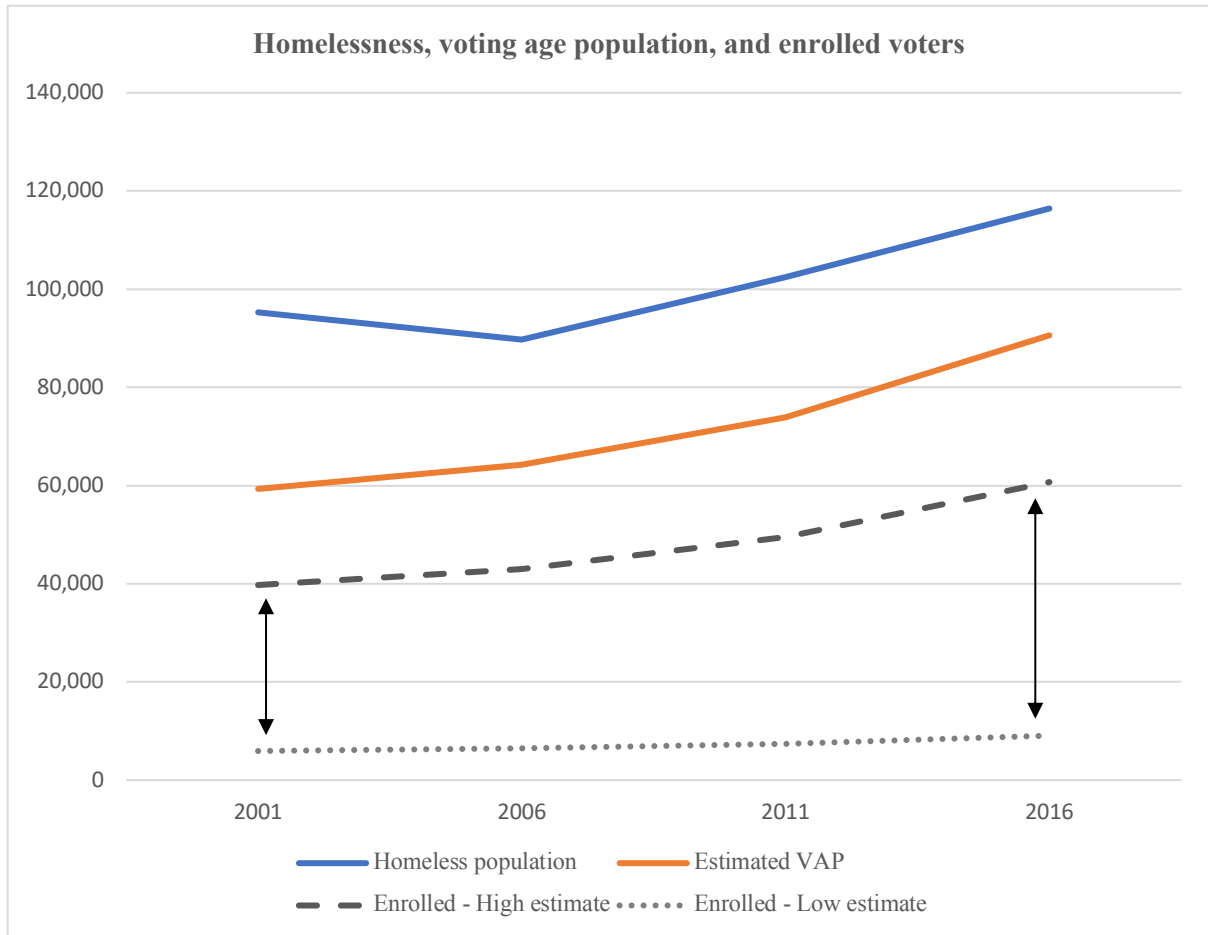


Figure 1: Estimates of the homeless population, voting age (homeless) population and enrolled voters among people experiencing homelessness, 2001-2016⁶

The poverty of research on the intersection between homelessness and electoral participation is telling and our initial search for published research on the topic turned up very few sources. Hence, there is a clear deficit in knowledge and research on voting engagement among those experiencing or transitioning through homelessness. Historic uncertainty around definitions of homelessness, incomplete and unreliable data on the voting age or eligible homeless voter population, and vagueness bordering on an absence of knowledge around enrolment rates among the homeless, all coalesce to illustrate that exclusion from the *demos* cannot be viewed as simple personal failing.

Indeed, given the complex social needs that many people experiencing homelessness contend with, their exclusion from political participation is deeply structural. Given that homelessness is not a category that exists in isolation but intersects with a range of other indicators (e.g. youth, disability, prisoners, Indigenous), the lack of engagement with political participation by

⁶ The data on which Figure 1 is based are drawn from Australian Bureau of Statistics 2018, Mundell 2003, Lynch 2004, Australian Electoral Commission 2005 and Chamberlain & Mackenzie 2003. These data are subject to several limitations. The voting age (homeless) population has been estimated by subtracting the two youth cohorts that are calculated by the ABS (under 12 and 12-18) from the total estimated homeless population. Unfortunately, this excludes 18-year olds from the calculation. There are no available data to work out eligible homeless voter population (i.e. there is no ability to exclude non-citizens). The 2001 data for homeless population and estimated VAP come from two separate datasets where there are discrepancies. Finally, the enrolled figures are estimates based on a limited number of dated small n studies.

those experiencing homelessness exacerbates the disenfranchisement of some of the most vulnerable people in Australian society. For this reason, we regard the electoral participation of those experiencing homelessness as an issue urgently in need of investigation. Indigenous citizens deserve special attention in this context given the data provided in Figure 5.

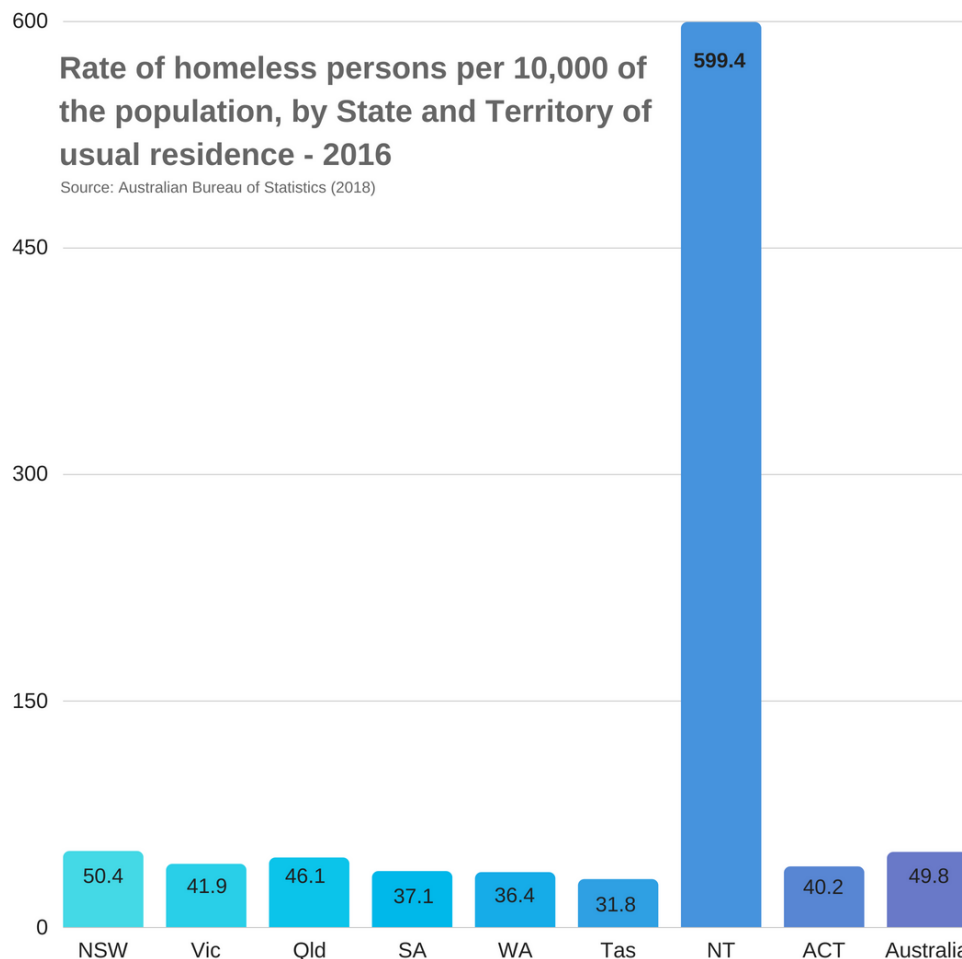


Figure 5: Rate of homelessness by state and territory (Source: Louth & Burns 2018, 51, based on data from the Australian Bureau of Statistics 2018)

While Indigenous Australians make up less than 3% of the population, they are represented disproportionately across a range of social indicators. Indigenous Australians make up 20% of all homeless persons in the country and 88% of the homeless population in the Northern Territory⁷ (Louth & Burns 2018). When looking at entrenched disadvantage across generations, political participation should not be seen as a secondary factor, but a primary consideration that contributes to social exclusion. Similarly, when looking at youth disenfranchisement, an area that receives a considerable amount of attention, the intersection with youth homelessness is key. The electoral enrolment process interrogates the very concept of ‘home’ among a highly mobile population, creating frustration about the political process and adding to a sense of futility (Edwards 2006).

⁷ Indigenous Australians comprise more than a quarter of the population in the Northern Territory (Louth & Goodwin-Smith 2018).

Homelessness and Obstacles to Voting

Non-existent and incorrect enrolment are major problems for those who have to contend with homelessness; many are unaware that they are even entitled to vote or that it is possible to register as a no fixed address voter. Others report being fearful of enrolling because their location may be publicised, information may be shared with other government agencies, or they may be fined for failure to vote. Because they do not have a stable address individuals who are homeless often have incorrect details recorded against their name and are more likely to have their name removed from the roll.

There are a number of other difficulties that inhibit the enrolment of people experiencing homelessness. They “are often outside the mainstream media loop” and may therefore be unaware that an election has been called (Lynch and Tsorbaris 2005, 20). This finding was corroborated by a 2004 University of Queensland study on the homeless in Brisbane, whereby lack of information was found to be one of the most important barriers to the political participation of homeless people (Guerra and Lester 2004). Many people who experience homelessness have “reduced literacy” which affects “their ability to complete the required AEC forms within a limited time frame” (Lynch and Tsorbaris 2005, 20). They are also less likely to be able to prove their identity with the stipulated identity documents. Lack of transport to polling stations and ignorance that third parties were allowed to assist them in voting were other cited reasons for failure to vote (Thompson 2004).

So far, through a review of the literature and preliminary consultation with stakeholders, we have identified the following as obstacles to voting among those experiencing homelessness:

1. Not knowing how to engage with the system and therefore finding it easier to stay off the electoral roll.
2. Use of hard copy and online enrolment forms and residential requirements.
3. Literacy and numeracy challenges.
4. Belief that they are ineligible.
5. Fear of having their whereabouts publicised.
6. Polling booth access issues (e.g. no booth nearby for people in remote communities, and prohibitions on some people with criminal records going onto school grounds).
7. (Unwarranted) fear of unaffordable fines once enrolled (even if fines do not actually need to be paid, the fact that non-voting is followed up at all can be a source of stress and anxiety).
8. Social isolation and even lack of awareness that an election is on.
9. Health problems.
10. Low levels of political efficacy.
11. Perceived stigma of identifying as homeless in order to enrol as an itinerant voter.
12. Distrust of government and concern about information on the electoral roll being shared with other government agencies (such as Centrelink and the Australian Taxation Office).
13. Belief that voting is not confidential and may result in repercussions (particularly amongst people who have migrated from countries where this may, in fact, be the case).

Given all of the above, we are interested in doing three things at this point:

1. Gathering reliable data on the electoral participation of people experiencing homelessness.
2. Determining the main impediments to the electoral participation of people experiencing homelessness (especially those we might have missed) in order to propose strategies for reducing these impediments.
3. Raising the electoral participation of people experiencing homelessness.

In concert with the Australian Electoral Commission (and other electoral commissions), the Adelaide Zero Project, homelessness and community sector organisations, individuals with lived experience of homelessness and other stakeholders we would like to run a pilot project ahead of the next Federal election to see what can be done to raise turnout among those at the most disadvantaged end of homelessness: people sleeping rough. This cohort can be more readily defined and contained than other groups on the insecure accommodation spectrum. We have identified a concentration of rough sleepers in the Adelaide city centre South Australia who could potentially be participants in our pilot.

It will be essential to draw heavily on the experience of case managers and frontline workers when designing the pilot study and identifying the best ways to engage with participants who are rough sleepers. Ethical issues relating to working with this group, and identifying ways the participants could benefit from the research, will be given careful consideration in the research design. As a result of the study, we would like to learn:

1. Among people experiencing homelessness, what is the real level of enrolment and turnout?
2. Are there other unrecognised obstacles to enrolling and voting?
3. What would make it easier/more attractive to vote?
4. Would an electoral participation outreach program/session help?

References

Australian Bureau of Statistics 2012, *Information paper - A statistical definition of homelessness*, cat. no. 4922.0, ABS, viewed 1 November 2018, <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/4922.0>>.

Australian Bureau of Statistics 2016, 'Homelessness factsheet', viewed 1 November 2018, <<http://www.abs.gov.au/websitedbs/censushome.nsf/home/factsheetsh?opendocument&n avpos=450>>.

Australian Bureau of Statistics 2018, *Census of population and housing: Estimating homelessness, 2016*, cat. no. 2049.0, ABS, viewed 1 November 2018, <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/ED457E1CF56EA15ECA257A7500148DB3?opendocument>>.

Australian Electoral Commission 2005, 'Electorally engaging the homeless', AEC research, Research Report no. 6, viewed 2 November 2018, <https://www.aec.gov.au/About_AEC/research/paper6/page03.htm>.

Bennett, S. E. & Resnick, D. 1990, 'The implications of nonvoting for democracy in the United States', *American Journal of Political Science*, vol. 34, no. 3, pp. 771-802.

Brennan, J. & Hill, L. 2014, *Compulsory voting: For and against*, Cambridge University Press, New York.

Bullock, C. S. 1981, 'Congressional voting and the mobilization of a black electorate in the South', *Journal of Politics*, vol. 43, no. 3, pp. 662-682.

Burnham, W. D. 1987, 'The turnout problem', in A. J. Richly (ed), *Elections American Style*, Brookings Institution, Washington D.C., pp. 97-133.

Chamberlain, C. 2014, *Homelessness: re-shaping the policy agenda?*, AHURI Final Report No. 221, Australian Housing and Urban Research Institute, Melbourne.

Chamberlain, C. & Mackenzie, D. 2008, *Counting the homeless, 2006*, cat. no. 2050.0, Australian Bureau of Statistics, Canberra.

Chamberlain, C. & Mackenzie, D. 2003, *Counting the homeless, 2001*, Australian Census Analytic Program, Australian Bureau of Statistics, Canberra.

Chappell, L., Hill, L. & Chesterman, J. 2009, *The politics of human rights in Australia*, Cambridge University Press, Cambridge.

Charlesworth, H. 2002, *Writing in rights: Australia and the protection of human rights*, UNSW Press, Sydney.

Dahl, R. 1991, *After the revolution? Authority in a good society*, Yale University Press, New Haven, CT.

- Demleitner, N. V. 2000, 'Continuing payment on one's debt to society: The German model of felon disenfranchisement as an alternative', *Minnesota Law Review*, vol. 84, no. 4, pp. 753-804.
- Denver, D. 1989, *Elections and voting behaviour in Britain*, Harvester Wheatsheaf, London.
- Eagles, M. & Erfle, S. 1989, 'Community cohesion and voter turnout in English parliamentary constituencies', *British Journal of Political Science*, vol. 19, no. 1, pp. 115-125.
- Edwards, K. 2006, 'Outside the mortgage belt: Homeless youth, voting and citizenship', in *2006 TASA Conference Proceedings*, TASA Conference 2006, University of Western Australia and Murdoch University, viewed 1 November 2018, <<https://tasa.org.au/tasa-conference/past-tasa-conferences/2006-conference/2006-conference-proceedings/>>.
- Estlund, D. 2007, *Democratic authority: A philosophical framework*, Princeton University Press, Princeton, NJ.
- Fowler, A. 2013, 'Electoral and policy consequences of voter turnout: Evidence from compulsory voting in Australia', *Quarterly Journal of Political Science*, vol. 8, pp. 159-182.
- Gallego, A. 2010, 'Understanding unequal turnout: Education and voting in comparative perspective', *Electoral Studies*, vol. 29, no. 2, pp. 239-248.
- Guerra, A. & Lester, N. 2004 *Improving access to voting rights amongst the homeless in Brisbane*, University of Queensland, Brisbane.
- Hamilton-Smith, G. P. & Vogel, M. 2012, 'The violence of voicelessness: the impact of felony disenfranchisement on recidivism', *Berkeley La Raza LJ*, vol. 22, no. 2, pp. 407-433.
- Hicks, A. M. & Swank, D. H. 1992, 'Politics, institutions, and welfare spending in industrialized democracies, 1960-82', *The American Political Science Review*, vol. 86, no. 3, pp. 658-674.
- Hill, K. Q. & Leighley, J. E. 1992, 'The policy consequences of class bias in state electorates', *American Journal of Political Science*, vol. 36, no. 2, pp. 351-365.
- Hill, K. Q., Leighley, J. E. & Hinton-Anderson, A. 1995, 'Lower class mobilization and policy linkage in the U.S. states', *American Journal of Political Science*, vol. 39, no. 1, pp. 75-86.
- Hill, L. 2011, 'Increasing turnout using compulsory voting', *Politics*, vol. 31, no. 1, pp. 27-36.
- Hill, L. 2017, 'Compulsory voting and the promotion of human rights in Australia', *Australian Journal of Human Rights*, vol. 22, no. 1, pp. 188-202.

Johnson-Parris, A. S. 2003, 'Felon disenfranchisement: The unconscionable social contract breached', *Virginia Law Review*, vol. 89, no. 1, pp. 109-138.

Lessnoff, M. 1986, *Social contract*, Macmillan, London.

Lijphart, A. 1999, *Patterns of democracy: Government forms and performance in thirty-six countries*, Yale University Press, New Haven, CT.

Louth, J. L. & Burns, K. 2018 'The financial exclusion and homelessness nexus: Lessons from the Northern Territory', *Parity*, vol. 31, no. 7, pp. 51-53.

Louth, J. L. & Goodwin-Smith, I. C. 2018, "You can't just come in like a fly and take off": *An evaluation report on client and staff experiences of the delivery of CatholicCare Northern Territory's Financial Wellbeing and Capability Program*, Flinders University, Adelaide.

Lynch, P. 2004, 'Giving voice to the homeless: Homelessness and the right to vote', *Parity*, vol. 17, no. 9, pp. 8-9.

Lynch, P. and Sorbaris, D. 2005, 'Homelessness and voting', submission made on behalf of the PILCH Homeless Person's Legal Clinic and the Council to Homeless Persons to the Joint Standing Committee on Electoral Matters Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto, March 2005.

Manza, J. & Uggen, C. 2008, *Locked out: Felon disenfranchisement and American democracy*, Oxford University Press, New York.

McAllister, I. & Mughan, A. 1986, 'Differential turnout and party advantage in British general elections, 1964-1983', *Electoral Studies*, vol. 5, pp. 143-152.

Misak, C. 2008, 'A culture of justification: The pragmatist's epistemic argument for democracy', *Episteme*, vol. 5, no.1, pp. 94-105.

Mueller, D. C. & Stratmann, T. 2003, 'The economic effects of democratic participation', *Journal of Public Economics*, vol. 87, no. 9, pp. 2129-2155.

Mundell, M. 2003, 'Giving voice to the voiceless: Improving access to the vote for people experiencing homelessness', *Alternative Law Journal*, vol. 28, pp. 269-272.

Orr, G., Mercurio, B. & Williams, G. 2002, 'Australian electoral law: A stocktake', *Election Law Journal*, vol. 2, no. 3, pp. 383-402.

Shineman, V. 2018, 'Restoring rights, restoring trust: Evidence that reversing felon disenfranchisement policies increases both trust and cooperation with government', publication forthcoming, viewed 2 November 2018, <<https://sites.google.com/a/nyu.edu/victoriashineman/research>>.

Swaddle, K. & Heath, A. 1989, 'Official and reported turnout in the British General Election of 1987', *British Journal of Political Science*, vol. 19, no. 4, pp.537-551.

Thompson, J. 2004, *Voting and homelessness in the Australian context: Qualitative research exploring homeless people's voting attitudes and behaviour*, Swinburne University of Technology, Melbourne.

Tormey, S. 2014, 'The contemporary crisis of representative democracy', *Democratic Theory*, vol. 1, no. 2, 104-112.

Uggen, C., Manza, J. & Thompson, M. 2006, 'Citizenship, democracy, and the civic reintegration of criminal offenders', *The Annals of the American Academy of Political and Social Science*, May 2006, vol. 605, pp. 281-310.

Verba, S. 2003, 'Would the dream of political equality turn out to be a nightmare?', *Perspectives on Politics 1*, no. 4, pp. 663-679.

Verba, S. & Nie, N. H. 1972, *Participation in America: Political democracy and social equality*, Harper & Row, New York.

Verba, S., Scholzman, S. L., Brady, H. & Nie, N. H. (1993), 'Citizen activity: Who participates? What do they say?', *American Political Science Review*, vol. 87, no. 2, pp. 303-318.

Wattenberg, M. P. 1998, 'Where have all the voters gone?', paper presented in the Political Science Seminar Series, RISSS, Australian National University, 13 May 1998.