



DEMOCRACY'S FUTURE

2022

Proposals to Expand
Access to Registration
and Voting for a New
Generation



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INTRODUCTION

The 2018 federal midterm election saw significant increases in youth voter participation compared to the 2014 midterm election. Yet a significant gap still exists between the youngest voters and their older counterparts. Systemic barriers and structural problems remain, and in some states are on the rise. Advocates and policymakers can address this participation gap and ensure that the new generation of young people becomes the next generation of voters by expanding access to registration and voting.

This resource identifies key barriers to youth registration and voting and opportunities to expand access. It provides best practices, useful background information, and concrete solutions including model legislation and policies to expand access to this new generation of voters. Its components span the civic engagement spectrum from voter registration and voter education to the ability to cast a valid ballot.



KEY POLICY AREAS INCLUDE:

Preregistration of 16- and 17-Year-Olds

Expanding voter registration to include preregistration for young voters prepares them for voting when they turn 18, automatically registers them as voters, gets them on the list to receive information from election officials, and makes updates more efficient.

On-Campus Voter Registration and Voter Information Opportunities

Through a variety of reforms connected to students' educational institutions, states can expand voter registration and voter information available to students to make student registration easier and more efficient.

Residency Rules Affecting Students

Residency rules can—but should not—interfere with students' rights to register and vote where they live, including on campus or in their campus communities.

Student ID as Voter ID

States with voter ID laws should always include student IDs in the acceptable forms of identification.

On-Campus Polling Places

Campus polling places during early voting and on Election Day offer students the same opportunity to vote in their community as other voters.

Students as Poll Workers

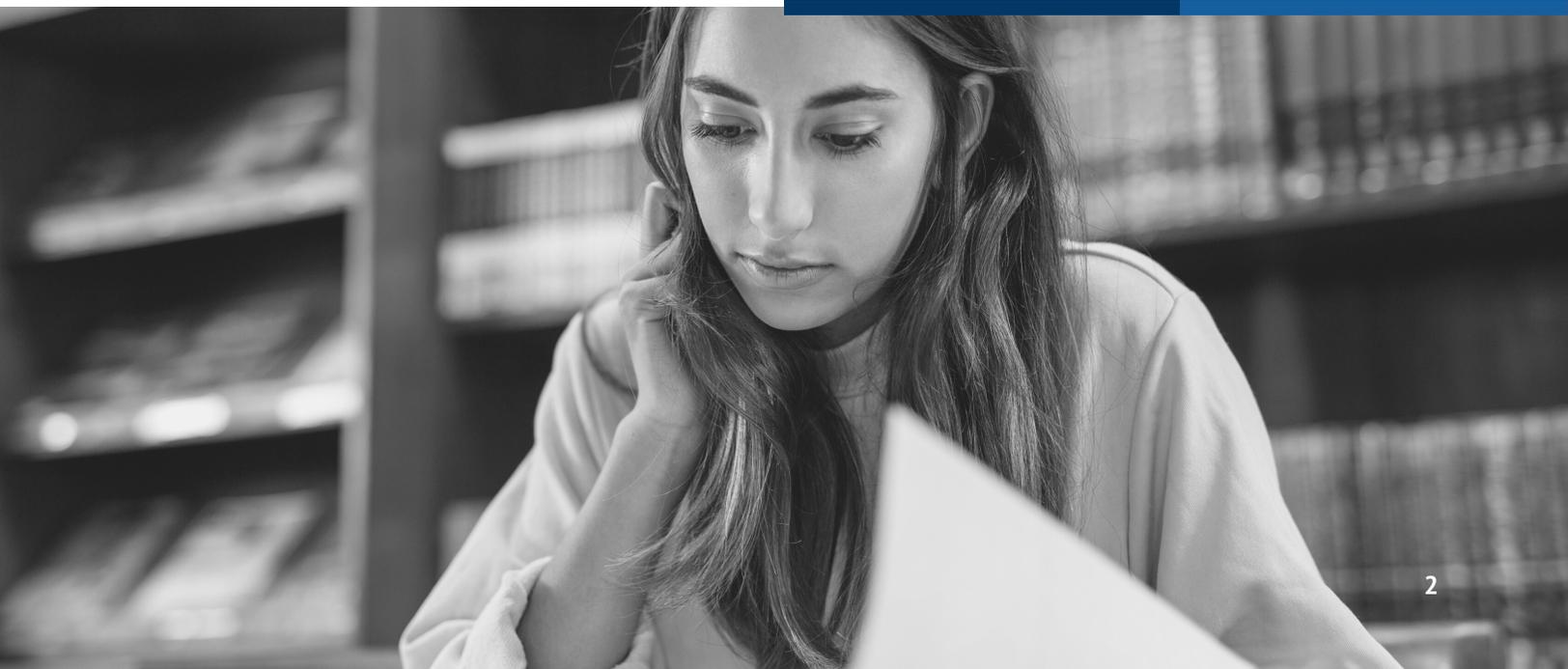
Student poll workers are a win-win for election officials. They are a pool of tech-savvy and, often, bilingual community members, and students can deepen their civic engagement connections and service.

Same Day Voter Registration

Allowing voters to register up to and including on Election Day is particularly important for citizens new to the process, including students.

Pre-Election Day Voting Opportunities

As a highly mobile population that is juggling family, work, and learning, students benefit from robust opportunities to vote before Election Day, including early in-person voting and voting by mail.



FORMAT OF EACH SECTION

Each section highlights a current issue and how it affects youth and students. It then outlines efforts by lawmakers to expand or limit the policy and the impact these actions have had. Each section provides model legislation and draws upon existing state statutes as examples.

Our goal is to arm state policymakers and advocates with policies, language, and rationales for promoting and adopting these ideas. Our hope is more policies will be enacted that will lead to a higher level of youth voting participation in our democracy.

The footnotes include many specific citations to election codes and examples of statutory language. They are there as a reference and can provide additional examples for policymakers.

Fair Elections Center and Campus Vote Project intend the information contained herein to be used only as a general guide. This document should not be used as a substitute for consultation with a licensed legal professional in your state.



ABOUT

Fair Elections Center began as the Fair Elections Legal Network (FELN), which was established in 2006 by Washington, D.C. public interest lawyer Bob Brandon and former Congresswoman Elizabeth Holtzman. The Center was established as its own 501(c)(3) organization in 2017 to continue the work of FELN. The organization grew out of a meeting on February 6, 2006, attended by over 60 voting rights and mobilization organizations and a number of pro bono election lawyers. The purpose of the meeting was to gauge support for creating a national network of pro bono election lawyers who could provide support for year-round, proactive election reforms at the state and local level and provide centralized staff to help organizations navigate the intricacies of election laws in order to increase voter participation.

Fair Elections Center continues that work with its staff of attorneys and advocates, delivering nonpartisan creative solutions to the complex web of barriers that have been erected over time to prevent segments of our citizens from reaching their full American potential. Working alongside other national and state groups, the Center works to make the processes of voter registration, voting, and election administration as accessible as possible for every American, with a special focus on students and other underrepresented voters. To this end, Fair Elections Center engages in a wide variety of advocacy efforts, including producing reports, talking points and fact sheets, providing state voter guides, submitting testimony to legislatures, conducting trainings and seminars for organizations and their supporters, litigating voting rights cases in state and federal court, and working directly with local election officials and Secretaries of State to ensure that the right to vote is protected and expanded. We provide election law expertise to state-based civic engagement coalitions and direct help to organizations representing various constituencies as they plan their voter engagement programs, encounter problems, or need help engaging election officials.

In 2012, Fair Elections Center launched Campus Vote Project (CVP) to expand its work around student voting issues. CVP works with universities, community colleges, faculty, students, and election officials to reduce barriers to student voting. CVP's goal is to help campuses institutionalize reforms that empower students with the information they need to register and vote.



PREREGISTRATION

ISSUE

Preregistration is a process that allows U.S. citizens who are not yet old enough to vote, to complete a voter registration form, and be automatically added to the voter rolls when they reach voting age, regardless of when the next election occurs. This is distinguishable from statutes that only allow citizens who will be of voting age by the next election to submit a voter registration form prior to turning 18.

Historically, young voters have turned out at lower rates than older voters, with the latter often voting at double the rate of young voters in midterm election years (1). Surveys have also shown that younger citizens are more likely to not be registered because they missed a deadline or did not understand the process, whereas similar numbers of younger and older citizens responded they were not registered because they were not interested in voting (2). Research notes that Americans' interest in elections increases as Election Day approaches (3). Given that many states have registration deadlines between 20 and 30 days before Election Day, this creates a problem that disproportionately affects younger Americans. Unlike many older voters who registered in a previous election and do not have to reregister, young people are often first-time voters. Newly eligible voters often do not think or know about the need to register until closer to Election Day, which in many cases is after registration deadlines have already passed.

Preregistration is a crucial tool for increasing youth voter turnout by seamlessly adding them to the voter rolls and ensuring they receive important voting information in a timely manner. For example, election officials generally only provide information about precinct location changes or sample ballots to individuals who are already on the voter rolls. Additionally, once voters are on the rolls, states provide an array of different fail-safes in the list maintenance process for voters who have moved since registering to vote which make it easier for them to stay registered.



(1) See Understanding A Diverse Generation, Figure 9: Voter Turnout by Age, 1974-2010, Center for Information and Research on Civic Learning and Engagement (Nov. 2011), available at http://archive.civicyouth.org/wp-content/uploads/2011/11/CIRCLE_cluster_report2010.pdf.

(2) See *Youth Voter Registration and the 2014 Midterms: Lessons from 2010*, Center for Information and Research on Civic Learning and Engagement (July 10, 2014), <https://circle.tufts.edu/latest-research/youth-voter-registration-and-2014-midterms-lessons-2010#why-half-of-youth-don%39t-register-to-vote>.

(3) See Alex Street et al., Estimating Voter Registration Deadline Effects with Web Search Data, available at: www.cambridge.org/core/journals/political-analysis/article/estimating-voter-registration-deadline-effects-with-web-searchdata/E7372BEBD1B64253105F06B9B37A1161 (using Google search trends to estimate that an additional 3-4 million Americans would have registered for the 2012 elections but for the registration deadline in their state).

For example, once added to the rolls through preregistration, young voters will receive notices from election officials and can update their address as needed. This address update process is generally more streamlined than the new registration process. Two empirical studies of preregistration have found statistically significant increases in youth turnout attributable to preregistration. (4)

CURRENT OVERVIEW

Eighteen states plus the District of Columbia allow for preregistration. The District of Columbia and fifteen states (California, Colorado, Delaware, Florida, Hawaii, Louisiana, Maine, Maryland, Massachusetts, New York, North Carolina, Oregon, Rhode Island, Utah, and Washington) allow preregistration by 16-year-olds (5), and two states (Nevada and New Jersey) allow it for 17-year-olds (6). Virginia passed a preregistration bill during the 2021 legislative session that will allow 16-year-olds to preregister starting in October 2022 (7). Additionally, several other states considered bills during 2021 legislative sessions that would have implemented preregistration.

Some states also have processes to allow 17-year-olds to register either upon reaching a certain milestone such as 17 years and six months, or do not set specific ages but allow the submission and processing of registration applications if the voter will be 18 years old by the next general election. Given the variability and limiting elements of these statutes, they are not defined as preregistration here.

MODEL LEGISLATION⁽⁸⁾

Insert a new subsection into any existing statute on voter registration eligibility:

Every person who is otherwise qualified to register and is at least 16 years of age may preregister and update the person's preregistered information by any means authorized for registered voters. Upon meeting the voter registration requirements of this section, the person is automatically registered.

(4) Michael McDonald and Matthew Thornburg, Registering the Youth through Voter Preregistration, 13 N.Y.U. J. Legis. & Pub. Pol'y 551 (2010), available at <http://www.nyuajpp.org/wp-content/uploads/2012/11/Michael-P.-McDonald-Matthew-Thornburg-Registering-the-Youth-Through-Voter-Preregistration.pdf>; John Holbein and D. Sunshine Hilygus, Making Young Voters: The Impact of Preregistration on Youth Turnout, 61 American Journal of Political Science, 505, (Jan. 23, 2017), available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/ajps.12177>.

(5) D.C. Code § 1-1001.07(a-2); Cal. Elec. § 2102(d); Colo. Stat. § 1-2-101(2)(a)(I); 15 Del. Code § 1701(b); Fla. Stat. § 97.041(1)(b); Haw. Rev. Stat. § 11-12; La. Rev. Stat. §§ 18:101(A)(2)&(3), 18:114; Me. Rev. Stat. tit. 21-A, § 155; Md. Code, Elec. Law § 3-102(a); Mass. Gen. Laws Ch. 51 § 47A; N.Y. Elec. Law § 5-507; 3 N.C. Gen. Stat. § 163-82.1(d) (repeal enjoined by N. Carolina State Conference of NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016)); Or. Rev. Stat. § 247.016; R.I. Gen. Laws § 17-9.1-33(b); Utah Code Ann. § 20A-2-101.1(1)(a); Wash. Rev. Code § 29A.08.170.

(6) Nev. Stat. § 293.5235; N.J. Stat. § 19:31-5.

(7) Va. H.B. 2125 (2021).

(8) States that allow 17-year-olds to vote in primary elections if they will be 18 by the corresponding general election will need to modify this language accordingly.

ON-CAMPUS VOTER REGISTRATION AND VOTING INFORMATION

ISSUE

Since 1964, young voters between the ages of 18 and 24 have consistently turned out at lower rates than all other age groups (9). Narrowing the registration gap among young people is an important part of improving youth turnout. Colleges and universities can play an important role in influencing whether students vote. (10)

CURRENT OVERVIEW

Section 487(a)(23) of the Higher Education Act of 1965 (HEA) references the National Voter Registration Act of 1993 (NVRA) and requires institutions of higher education in the 44 NVRA-covered states and the District of Columbia who receive federal funds to make a good faith effort to distribute voter registration forms to students (11). These schools must make the voter registration forms widely available to students and distribute the forms individually to degree or certificate program students who are physically in attendance at the institution (12). Institutions may physically or electronically distribute voter registration forms. However, if email is used, the communication must contain an acceptable voter registration form or an internet address where the form can be downloaded, and the electronic message must be devoted exclusively to voter registration. (13)

The NVRA requires certain state agencies to provide voter registration, including distribution and acceptance of voter registration applications, allows states to voluntarily designate “state or local government offices... such as schools” as voter registration agencies, and allows nongovernmental offices to be designated with their consent (14). Designees can include public higher education institutions such as community colleges and universities. (15)

(9) Thom File, *Young-Adult Voting: An Analysis of Presidential Elections, 1964-2012*, U.S. Census Bureau (April 2014), available at <https://www.census.gov/prod/2014pubs/p20-573.pdf>.

(10) Harvard Kennedy School Institute of Politics, *Spring 2018 Youth Poll* (2018), available at <https://iop.harvard.edu/spring-2018-poll> (“College and university administrations top the list of most trusted institutions in survey.”).

(11) See “Booker, Durbin, Krishnamoorthi Introduce Help Students Vote Act,” Office of U.S. Sen. Corey Booker (Apr. 18, 2018), www.booker.senate.gov/?p=press_release&id=775; Help Students Vote Act Introduced in U.S. House and Senate, Young Invincibles (Apr. 18, 2018), <https://younginvincibles.org/hsva-intro>.

(12) 1 34 C.F.R. § 668.14(d).

(13) 20 U.S.C. § 1094. Exempt states are Idaho, Wyoming, Wisconsin, North Dakota, Minnesota, and New Hampshire and the requirement does not include U.S. territories.

(14) 52 U.S.C. § 20506(a)(3)(B).

(15) Some offices within a university may be required NVRA agencies under federal law because they provide state-funded disability services. 52 U.S.C. § 20506(a)(2). This discussion does not implicate those specific requirements.

Agencies designated as NVRA agencies must distribute voter registration applications, assist applicants in completing voter registration forms (unless the applicant refuses help), and accept the completed forms for submission to election officials. (16)

States implement these statutes in different ways. Several states have designated colleges and universities as NVRA agencies (17). For example, Louisiana gives the Secretary of State the authority to designate voter registration agencies (18), and the Secretary has designated all public colleges and universities as NVRA agencies, as well as all private colleges and universities with their permission (19). New Mexico also established college and university registration as part of its NVRA implementation, and the regulations require each university and college to appoint one person to be in charge of and responsible for all voter registration activities and require the individual to monitor supplies of registration forms, train other employees when necessary, and coordinate voter registration activities with local and state election officials (20). Students must be provided with the opportunity to register to vote simultaneously with their registration at a university or college and must be provided the same degree of assistance, including bilingual assistance, when necessary, in completing a voter registration form as the school offers students in completing the school's own forms. (21)

Many states have enacted policies to expand campus registration other than designation of schools as NVRA agencies and beyond the HEA requirement. A number of states require forms or electronic voter registration opportunities to be provided on a specific schedule, such as at the beginning of the school year or—especially useful for students—during online course registration each term or semester. (22)

In addition to requiring distribution of forms, public institutions of higher education in Connecticut must assist applicants who request assistance in completing voter registration application forms (23). Several state statutes require distribution of voter registration forms and specify some kind of publicity requirement to make sure students are aware of the opportunity to obtain forms and register. (24)

(16) 52 U.S.C. § 20506(a)(4)(A).

(17) See, e.g., Or. Rev. Stat. Ann. § 247.208; Or. Admin. R. 165-005-0055; La. R.S. 18:116; 31 La. Admin. Code Pt II, 503

(18) La. R.S. 18:116.

(19) 31 La. Admin. Code Pt II, 503.

(20) N.M. Admin. Code 1.10.8 Appendix.

(21) N.M. Admin. Code 1.10.8.

(22) N.Y. Elec. Law § 5-211 (McKinney); Cal. Elec. Code § 2146; see also Iowa Code Ann. § 48A.23 (opportunity to register at least once a year); Colo. Rev. Stat. Ann. § 1-2-213.5 (institutions that utilize electronic course registration must link to secretary of state voter registration during or just after course registration); Wash. Rev. Code Ann. § 29A.08.310 (higher education institutions must link to the state voter registration website, including a prompt to ask the student if they wish to register).

(23) Conn. Gen. Stat. Ann. § 9-23p.

(24) See, e.g., Mass. Gen. Laws Ann. ch. 51, § 42E; 25 Pa. Cons. Stat. Ann. § 1327(c).

Going beyond distribution and publicity around voter registration applications, some states seek collaboration between educational institutions and students to most effectively facilitate student voter participation. Arizona law requires the governing boards of the state university and community college systems in conjunction with their respective student government associations to “adopt a plan to increase student voter registration and voting in elections that includes,” among other things, providing information on voter registration and voting during activities such as student orientation or the issuance of student IDs, having voter registration materials in high-traffic areas, providing election information on campus websites, accommodating on-campus polling places, and allowing excused absence from class for the purpose of voting (25). Minnesota is not covered by the HEA or NVRA provisions, but the state has a statute that requires “[a]ll postsecondary institutions that enroll students accepting state or federal financial aid shall provide voter registration forms to each student as early as possible in the fall quarter” and “[i]nstitutions shall consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students...” (26)

POLICY SOLUTIONS

One efficient policy option would be to designate schools as voter registration agencies under the NVRA. Such schools would then be required to distribute, collect, and offer assistance in completing forms. Schools in non-NVRA states could also be similarly required by state statute to distribute and collect voter registration forms and offer assistance.

As is already the case in a number of states, schools should also be required to offer registration to students on a regular basis, for example, at course registration and additional specific events, such as orientation and move-in day. By building regular opportunities to register into interactions the school already has with students, they can be encouraged to register by a trusted messenger.

If a state decides to designate colleges and universities as NVRA agencies or otherwise determines that schools will distribute and collect voter registration forms, policymakers will need to determine whether to make a particular office or individual responsible for the collection and submission of forms such as a dean of student affairs or other office (27). Alternatively, a statute could require that the school designate a responsible person.

At a minimum, schools should be required to accept and submit registration forms to election officials, giving students a convenient option that does not require them to go off campus to turn in a paper form, or find a stamp and mail it in.

(25) Az. Stat. § 15-1895

(26) Mn. Stat. §201.1611; see also Fair Elections Center, Minnesota Colleges and Universities are mandated to provide students voter registration forms, but are they? (Sep. 20, 2018), <https://www.fairelectionscenter.org/blog-mn-colleges-and-voter-reg>

(27) Policymakers should also consider that agency designations made under the NVRA are voluntary for nonpublic institutions, but duties under state law could be made mandatory across public and private schools.

One example of a state that has established a strong set of policies to support student voter registration is California. There, community colleges and state university campuses with online course registration systems must provide students the opportunity to register to vote by submitting an application to the state’s online voter registration system during course registration (28). The Secretary of State is also required to provide voter registration forms each year to every high school, community college, California State University, and University of California campus (29). The statute also offers suggestions for other means for schools to comply with the legislature’s intent that every high school and college student be provided the opportunity to register and that schools do everything in their power to ensure that students are provided the opportunity and means to apply to register to vote. The statute suggests this may include “providing voter registration forms at the start of the school year, including voter registration forms with orientation materials; placing voter registration forms at central locations, including voter registration forms with graduation materials; or providing hyperlinks to and the [website address for the Secretary of State’s online voter registration system] in notices sent by electronic mail to students and placed on the website of the high school, college, or university.” (30)

In 2018, the state began requiring online voter registration to be integrated into the enrollment process at community colleges and California State University institutions (31). The law also requires covered schools to designate a contact person and provide their contact information to the Secretary of State (32).



(28) Cal Elec. Code § 2146(c)(1).

(29) Cal Elec. § 2146.

(30) Cal Elec. § 2146.

(31) Cal Elec. § 2147.

(32) Cal Elec. § 2148.

All of these policies can be improved by making sure student leaders have a seat at the table and are involved in determining the best nonpartisan ways to engage their peers in the registration and voting process (33). This can easily be accomplished by requiring each school in the state to adopt a plan specific to its institutional resources, capacity, and student population, with input from student leaders on the most effective way to engage students in the democratic process. There is a national movement to assist campuses in drafting these types of plans and it is at the core of what the Campus Vote Project does. For more information contact us at info@campusvoteproject.org. (34)

MODEL REGULATIONS AND LEGISLATION⁽³⁵⁾

To designate higher education institutions as NVRA agencies:

The [state's chief election official] hereby designates the following as voter registration agencies pursuant to 52 U.S.C. § 20506:

1. [Other agencies]
2. Public institutions of higher education.

To mandate school collection of registration forms:

Public institutions of higher education shall distribute voter registration application forms and accept completed voter registration application forms for transmittal to the appropriate election official.

To require distribution of forms and/or online registration during course registration and enrollment:

Public institutions of higher education shall, through an automated program, in coordination with the [state chief election official], permit students, during the class registration process [and/or institution's enrollment process], to apply to register to vote online by submitting a voter registration application electronically.

Public institutions of higher education that do not offer electronic course registration shall make voter registration forms available at all locations where students may register for courses. Public institutions of higher education shall also make voter registration forms available throughout the year to students during regular business hours at a conspicuous location.

To designate a contact person at schools:

Each public institution of higher education shall appoint one person to be in charge of and responsible for all voter registration activities. This person will monitor supplies of registration forms, monitor access to the electronic voter registration system as applicable, train other employees when necessary, and coordinate voter registration activities with local and state election officials.

(33) See also Cal. Sec'y of State, Secretary Padilla Announces Historic Partnership with the University of California system to Educate, Empower and Register Students to Vote (Sep. 15, 2016, <https://admin.cdn.sos.ca.gov/press-releases/2016/pdf/ap16-122.pdf>).

(34) Campus Vote Project and NASPA have partnered to create the Voter Friendly Campus designation and program. More information is available at www.voterfriendlycampus.org. The Students Learn Students Vote Coalition also brings together campus, nonprofit, community, student, and philanthropic leaders to help student voters get more involved in our democracy. More information about SVLV's work is available at www.studentslearnstudentsvote.org.

(35) All of the following regulations and statutes could be amended to also include private institutions of higher education and/or high schools, especially in states with preregistration for 16 or 17-year olds.

To require each school to adopt a plan for student voter registration and distribute nonpartisan election information in conjunction with student leaders:

The [state higher education board] in consultation with the recognized student government of the individual community colleges and universities under its jurisdiction shall adopt a plan each year to increase student voter registration and voting in elections that includes but is not limited to:

1. Information about voter registration and voting opportunities made available each term.
2. Voter registration materials at central campus locations and high-traffic areas.
3. Broad dissemination of information regarding:
 - Voter registration deadlines
 - Deadlines for requesting and returning ballots by mail
4. Links on institutional and administrative websites that direct students to voter registration websites.
5. Directions on institutional and administrative websites that detail the voter registration process.
6. Reasonable accommodations to county election officials for on-campus early voting and polling locations.
7. Encouragement to student government organizations to coordinate activities aimed at increasing voter registration and election turnout.
8. Policies to allow excused absence from classes for the purpose of voting.

Each institution’s plan shall be made publicly available and shared with the [state chief election officer].



RESIDENCY RULES AFFECTING STUDENTS

ISSUE

Students can register and vote at their campus residence or their family's home residence. Of course, they cannot register and vote in both locations – they must choose one. Whether the student lives in campus housing, rents a house or apartment near campus, or lives at home with their family, the student is a resident in one of those locations and can register and vote in that location.

There have been undemocratic efforts to disqualify students from claiming residency when they live on campus or are present in their school's community for what the legislature may deem a "temporary purpose" (i.e. going to school).

Any statutory references that inhibit a student's ability to register and vote in their school location should be removed from the election code. To further clarify the issue, state statutes should make clear that students may choose to register at their campus addresses.

CURRENT OVERVIEW

Proactive Statutes to Clarify Student Voter Registration

Some states have helpful policies that explicitly assist students in establishing residency for voting purposes. For example, Indiana statutes expressly allow a college student to use either their school-year address or their home address for voter registration (36). Iowa's statute is explicit in permitting a student who maintains a residence in two separate locations in Iowa – their school address and their parents' address in the State – to use either as a voting residence (37). Louisiana law goes a step further in accommodating student voter registration. Their statutes provide that students who chose to register at their school address are exempt from the "intent to remain" requirement of domicile for voting purposes. This includes both in-state and out-of-state students studying in Louisiana who wish to vote in Louisiana. (38)

(36) Ind. Code Ann. § 3-5-5-7(b). The relevant section provides: "(b) The following apply to a student attending a postsecondary educational institution in Indiana: (1) A student who applies to register to vote shall state the student's residence address. (2) A student has only one (1) residence for purposes of this title. (3) A student may state the student's residence as either of the following, but not both: (A) The address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education. (B) The address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education."

(37) Iowa Code Ann. § 48A.5A(5) ("A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section, may choose either location as the student's residence for voter registration and voting purposes.").

(38) La. Stat. Ann. § 18:101(C) ("Any bona fide full-time student attending an institution of higher learning in this state may choose as his residence and may register to vote either at the place where he resides while attending the institution or at the place where he resides when not attending such institution, but he shall not have more than one residence at any one time for purposes of registering to vote. Such a student need not have an intent to reside indefinitely at the place where he offers to register.").

North Carolina state law expressly allows college students to register to vote at their college address, even if they intend to leave the campus community after graduation. This is generally a positive policy, however, the state confuses the issue by barring students who intend to move home after graduation from registering at their campus addresses. (39)

Legislation to expand residency for students has also been introduced. South Carolina’s SB 678 sought to establish voting residency for anyone living in a community to attend college, if the student has been enrolled for at least one semester. The bill did not advance through the legislature in the 2017-2018 session (40). Although a provision that established a student’s residence in the college community would have been helpful, the restriction to those who have already been enrolled for a full semester was problematic.

Undemocratic Efforts to Prevent Student Voter Registration

Some state policies attempt to use residency rules to restrict student voting. For example, in 2017, the New Hampshire legislature passed SB 3, related to proof of domicile for voting in the state (41). When registering to vote either before or on Election Day, the bill required voters to prove their domicile by supplying documentary evidence of New Hampshire domicile, such as an in-state driver’s license, or other proof of “verifiable action” that establishes domicile. Many of these “verifiable actions” were actions most students have no reason to undertake such as renting or purchasing a home or enrolling a child in school. If people indicated at the time of registration that they had such evidence but did not follow up with authorities within the specified time, the statute subjected them to official action and investigation to determine domicile, including penalties. Compounding these restrictions, the legislature passed HB 1264, which requires students to register their cars in-state and obtain a New Hampshire driver’s license once they register to vote in New Hampshire (to the extent that they drive and use their vehicles in the state), thus further restricting student voting in the state. The New Hampshire Supreme Court invalidated SB 3 for violating the state constitution in 2021. (42)

In 2021, the Texas Legislature enacted SB 1111, which added a new section to the state’s voter residency statute that states: “[a] person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.” This new language creates unnecessary confusion for student voters, by making it unclear whether they may register—or remained registered—to vote at their family’s home if they attend school in another county or state.

(39) N.C. Gen. Stat. § 163A-842(12).

(40) The bill’s text is available at www.scstatehouse.gov/sess122_2017-2018/bills/678.htm.

(41) N.H. Rev. Stat. § 654:2.

(42) Opinion, League of Women Voters of New Hampshire v. Secretary of State, Case No. 2020-0252 (N.H. 2021), available at <https://www.courts.state.nh.us/supreme/opinions/2021/2021027-Secretary-of-State.pdf>.

Unfortunately, other legislatures have also introduced bills that threaten student residency for voting purposes. Arizona’s HB 2260 was introduced in 2017 and would have barred students from listing a dorm address as evidence of their residency in the state. The bill did not move through the House and was never put to a floor vote. Similarly, in 2017, LD 155 was introduced in Maine’s legislature. This bill would have imposed additional hurdles to student voter registration. Under the bill, any application listing a dorm or on-campus address could only be approved if the registrar verified that the applicant’s driver’s license or state ID lists the student’s dorm address, the student’s car (if he or she has one) is registered in the state, or the student pays personal income tax in Maine. The bill did not pass. Bills like these spread misinformation about students’ ability to register and vote, say “STAY OUT” to prospective students considering attending a college or university in one of these states, and most likely are unconstitutional. (43)

Providing Students Accurate Information on Voter Registration

Informal guidance can also be a source of positive influence on students’ ability to register to vote. For example, Florida included language in its 2019 “Voter Residency in Florida” reference guide that reaffirms a student’s ability to register to vote using the student’s campus address: “A student’s residential address is the address the student intends to be his or her permanent address as stated on the application – just like any other applicant who affirms indefinitely a Florida legal residential address and no matter how long he or she ends up staying.” (44) Additionally, the Minnesota Secretary of State’s website makes it clear that college students may register at their college address as long as they consider it “home.”(45) States such as Nevada, New Jersey, South Dakota, and many others make it clear students may register at a home or college residence (46). Pennsylvania even includes information that students may register at their college address directly on the state’s voter registration forms. (47)

MODEL LEGISLATION

Insert a new subsection into any existing statute on qualification to register to vote: A person attending a postsecondary educational institution within the state, who meets all other requirements to register to vote, may register and vote at the address where they reside to attend that postsecondary educational institution.

(43) See *Symm v. United States*, 439 U.S. 1105 (1979) (affirming a holding that voter registration practices treating college students differently for other community members based solely on student status violated the 26th Amendment).

(44) Fla. Div. of Elections, *Voter Residency in Florida* (rev. June 2019), <https://soe.dos.state.fl.us/pdf/DE%20Guide%200003-%20Voter%20Residency%20Updated%2006-2019%20Final.pdf> (emphasis in original).

(45) I’m a College Student, Elections & Voting, Office of the Minn. Sec’y of State, www.sos.state.mn.us/elections-voting/register-to-vote/im-a-college-student

(46) Election Frequently Asked Questions (FAQs), Nev. Sec’y of State, www.nvsos.gov/sos/elections/election-resources/faqs; Student Voter Registration & Voting, N.J. Sec’y of State, <https://nj.gov/state/elections/vote-college-students.shtml>; College Students, S.D. Sec’y of State, <https://sdsos.gov/elections-voting/voting/college-students.aspx>; Who, Vote Texas, <https://www.votetexas.gov/voting/index.html#students>.

(47) Pennsylvania Voter Registration Application, Pa. Dep’t of State, www.pavoterservices.pa.gov/documents/VoterApplication_English.pdf.

SAME DAY REGISTRATION

ISSUE

Same Day Registration (SDR) allows eligible citizens to register to vote and cast their ballot on the same day. Depending on the state, this one-step process for registering and voting may be offered on Election Day, during the early voting period, or both. Registered voters whose information is out of date also benefit from same day registration to correct an outdated voter registration record and cast a ballot that will be counted. Arbitrary registration deadlines cut off registration just when information about—and interest in—an election reaches its peak, especially for new voters just experiencing an election for the first time. When voters have to be registered already by the time they go to vote, voting becomes a two-step process instead of one seamless act. One recent study concluded that millions of Americans miss the opportunity to register to vote because of pre-election day registration deadlines. (155)

Students, especially because many are first-time voters, may not fully understand election procedures and deadlines, and may miss the deadline and be unable to vote.

They also may miss notices and other mailings sent to follow up when information is outdated or missing, or be unaware of how to obtain a registration form. For November elections, students often begin school or move to new housing shortly before October registration deadlines, making registration all the more difficult to access. For these reasons, reducing or eliminating the time between the registration cut-off and Election Day is critical to increasing voter participation among students and other new voters.

Many previously-registered voters lose their eligibility merely because they have moved, and students are a particularly mobile population. Allowing voters to register up to and including Election Day allows those citizens who have not had the opportunity or were not aware of the need to update their registration to simply register or make the update at the polling place and vote a ballot that will be counted.

(155) Alex Street et al., Estimating Voter Registration Deadline Effects with Web Search Data, 23 Pol. Analysis 225 (2015).

A recent study, which will soon be published in *The Journal of Politics*, found a consistent and substantial positive effect of SDR on youth turnout. Estimates showed an increase of between 3.5 and 10.1 percentage points in 18-24 year-olds' likelihood of voting, a significantly greater increase than for older voters." (156) Similarly, CIRCLE found that, in 2012, "the aggregated registration rate of young people living in the SDR states was six percentage points higher than the registration rate among youth living in non-SDR states." (157)

States vary somewhat in where same day registration is offered. Generally, the most effective and accessible same day registration policies allow otherwise-eligible voters to register at their regular polling location. While an option to register at central offices after the regular deadline offers some backstop for voters and relief from arbitrary deadlines, it is not as accessible as a registration option at polling places since it does not fully address the issue of voters for whom a two-step process is a barrier, or those unaware of either the deadline or problems with an existing registration.

CURRENT OVERVIEW

States with Same Day Registration and Recent Expansion

Currently, approximately 20 states and the District of Columbia offer same day registration in some form (158). Most of these states offer registration at polling places as well as election offices, while a few offer it only at county offices (159). Momentum favoring SDR has grown just in the last few years; Maryland, Michigan, Utah, Washington, Nevada, and New Mexico have all recently enacted and implemented same day registration (160). In addition, Virginia will begin implementing its same day registration law in 2022 (161). The states that recently enacted this policy did so in a variety of ways. In Maryland, a state constitutional amendment, passed in 2018, was required to allow registration on Election Day (162). In Michigan, same day registration passed through a referendum process along with other reforms. Other states' legislatures enacted this important change.

(156) Jacob M. Grumbach and Charlotte Hill, *Rock the Registration: Same Day Registration Increases Turnout of Young Voters*, *The Journal of Politics* 4 (forthcoming), available at <https://www.journals.uchicago.edu/doi/10.1086/714776>.

(157) Kei Kawashima-Ginsberg, *Voter Registration among Young People in Midterm Elections*, *CIRCLE* 3 (June 2014), available at https://circle.tufts.edu/sites/default/files/2019-12/FS_RegistrationInMidterms_2014.pdf.

(158) Cal. Elec. Code § 2170 ; Colo. Rev. Stat. § 1-2-217.7; Conn. Gen. Stat. § 9-19j; D.C. Stat. § 1 1001.07; Haw. Rev. Stat. § 11-15.2 ; 10 ILCS 5/5-50; Iowa Code § 48A.7A ; 21-A M.R.S.A. §§ 121-A,122; MD Code, Election Law, §§ 3-305, 3-306; M.C.L.A. 168.497; Minn. Stat. §§ 201.061, 203B.04; MCA 13-2-304; Nev. Rev. Stat. §§ 293.5837, 293.5842, 293.5847; N.H. Rev. Stat. §§ 654:7, 654:7-a ; N.M. Stat. § 1-4-5.7; N.C.G.S. § 163-82.6; UCA 20A-2-207; 17 V.S.A. § 2144; RCW 29A.08.140; Wis. Stat. § 6.29; Wy. Stat. §§ 22-3-104, 22-3-117

(159) *Id.*

(160) Md. Code Ann., Elec. Law §§ 3-305; 3-306; Mich. Prop. 3 (2018); Utah Code 20A-2-207; Rev. Code Wash. 29A.08.140; Nev. AB 345 (2019); N.M. Stat. § 1-4-8.

(161) VA HB 201 (2020).

(162) Election-Day Voter Registration Amendment Md. Ballot Question 2 (2018).

Backlash and Litigation

Unfortunately, while a number of states have recently added SDR, several states have enacted anti-voter legislation including repeal or restriction of SDR. Such restrictions have drawn litigation from voting rights advocates.

As part of omnibus restrictive legislation, North Carolina attempted to end its same-day registration opportunity during “one-stop absentee voting,” or early voting. 2013 N.C. Sess. Laws 381. However, in the ensuing litigation, the state was ordered to reinstate one-stop voting, which was among the changes the court of appeals held had attacked the right to vote of Black citizens “with almost surgical precision.” N.C. State Conf. of NAACP v. McCrory, 831 F.3d 204, 214 (4th Cir. 2016).

Ohio also restricted the opportunity to register and vote at the same time. In 2005, after access issues plagued its 2004 elections, Ohio instituted 35 days of early voting, which created a “Golden Week,” in which voters had a five-day window where they could simultaneously register and vote before the general registration deadline (163). Unfortunately in 2014 the state legislature eliminated Golden Week by reducing the window for early voting, and the Supreme Court declined to hear a case challenging its elimination (164).

Most recently, in April 2021, Montana eliminated its long-established practice of offering Election Day Registration (165). HB 176 eliminates Election Day Registration under most circumstances and creates a new registration deadline of noon on the Monday before Election Day (166). This law is presently being challenged in four separate lawsuits in Yellowstone and Cascade County District Courts (167). Youth civic engagement organizations, in particular, in the state are concerned that low-income youth will be particularly affected by the inability to register to vote on Election Day given the lack of information about registering to vote in this community, and believe that Election Day registration is important to preserving the ability to vote of those who they have been unable to serve.

(163) Ohio Senate Bill 238 (2014); Ohio Dem. Party v. Husted, 834 F.3d 620, 623 (6th 2016).

(164) Ohio Dem. Party, 834 F.3d at 623; 137 S. Ct. 28 (Mem) (2017).

(165) H.B 176, 2021 Leg., 67th Sess. (Mont. 2021). Montana began implementing its SDR law in 2006 after passing it with overwhelming bipartisan support. S.B. 302, 2005 Leg., 59th Sess. (Mont. 2005).

(166) H.B 176, 2021 Leg., 67th Sess. (Mont. 2021). The law does not repeal the provision that Montana voters who change their name or move within their county may submit an updated voter registration on Election Day under Mont. Code Ann. § 13-2-512.

(167) See Complaint, Mont. Dem. Party v. Jacobsen, No. DV-21-0451 (Yellowstone Cty. Dist. Ct. filed Apr. 19, 2021), available at <https://apps.montanafreepress.org/montana-legislature-lawsuit-tracker/filings/13-DV-21-0451/2021-04-20-complaint.pdf>; Complaint, W. Native Voice, et al. v. Jacobsen, No. DV 21-0560 (Yellowstone Cty. Dist. Ct. filed May 17, 2021), available at https://www.aclumontana.org/sites/default/files/field_documents/210517_complaintfordeclaratoryandinjunctiverelief.pdf; Complaint, Mont. Youth Action, et al. v. Jacobsen, No. DV 21-1097 (Yellowstone Cty. Dist. Ct. filed Sept. 9, 2021), available at <http://forwardmontanafoundation.org/wp-content/uploads/sites/15/2021/09/2021-09-09-Complaint-SOS-voting-FILED.pdf>; Complaint, Mont. Fed. of Pub. Emps. v. Mont., et al., No. CDV 21-0500 (Cascade Cty. Dist. Ct. filed Sept. 22, 2021), available at <https://www.democracydoCKET.com/wp-content/uploads/2021/09/09-22-2021-filed-complaint.pdf>.

Maximizing the Benefits of Same Day Registration

To maximize the benefits of Same Day Registration, registration should be available at all polling places both on Election Day and during Early Voting. In addition, policymakers should be wary of imposing confusing paperwork or onerous identification requirements; New Hampshire's proof of domicile requirement passed as SB 3 in 2017, and particularly required confusing and inaccessible affidavits from students and others without documentary proof of domicile, but it was held to violate the state constitution and is no longer in effect (168).

MODEL LEGISLATION

A. Any person eligible to vote in a [name of state] or federal election may register to vote on the day of that election [including any days of early voting], under the following procedure:

1. By completing and submitting to an election official a voter registration application form, which shall be available at all polling places; and
2. By producing the identification [if any] required for first-time voters, pursuant to §__ of the [state] election code.

B. Any person who is already registered to vote and who remains eligible in [state] may correct any outdated information in that person's own voting record on the day of the election or any day of early voting, upon submitting the appropriate form.

C. Any person who registers to vote pursuant to §A or updates that person's registration pursuant to § B shall be permitted to vote a regular ballot, and the appropriate election official shall add or update that person's record in the statewide voter registration database.



(168) Opinion, League of Women Voters of New Hampshire v. Secretary of State, Case No. 2020-0252 (N.H. 2021), available at <https://www.courts.state.nh.us/supreme/opinions/2021/2021027-Secretary-of-State.pdf>.

VOTING BEFORE ELECTION DAY: EARLY VOTING AND MAIL VOTING

ISSUE

Providing opportunities for students to cast their ballots at a time and location other than in person on Election Day is critical to expanding student participation.

Robust early voting options allow voters to balance work, school, and family responsibilities, can catch and correct errors such as with registration, and reduce the strain on Election Day voting sites and minimize voting wait times. Voting before Election Day comes in two basic forms: early in-person (or “absentee in-person”) voting, generally referred to as early voting, and mail-in voting. Both of these options allow college students to vote at a time that works best for them and avoid missing class on Election Day. There have been undemocratic efforts to limit both early voting and mail voting, which makes it more difficult for college students to cast their ballots. State statutes should provide for robust evening and weekend early voting hours and mandate or at least allow on-campus early voting sites. Similarly, they should allow for any registered voter to vote by mail, ensure that mail voting is fully accessible to all students, and provide numerous methods and opportunities for students to return completed mail ballots prior to Election Day.

CURRENT OVERVIEW

Widely-Available Early Voting Helps Students Vote

To provide early voting in a way that college students can access it, states must provide early voting in the first place. During 2021 legislative sessions, several states considered bills that would implement early voting for the first time. State legislators should consider the following early voting policies that make these options more accessible for students.

Location is critical. Student-friendly statutes require or allow early in-person voting sites on college campuses. For example, Illinois requires early voting locations to be provided at public universities (128). Illinois’ on-campus early voting sites are open for limited days and hours but still allow students to access early voting at locations they are familiar with, without investing significant time or resources into transportation to the polls (129).

(128) 10 Ill. Comp. Stat. 5/1-12(a) (“Each appropriate election authority shall, in addition to the early voting conducted at locations otherwise required by law, conduct early voting, grace period registration, and grace period voting at the student union on the campus of a public university within the election authority’s jurisdiction.”).

(129) 10 Ill. Comp. Stat. 5/1-12(a) (“The voting required by this subsection (a) to be conducted on campus must be conducted from the 6th day before a general primary or general election until and including the 4th day before a general primary or general election from 10:00 a.m. to 5 p.m[.]”).

Other states provide flexibility for local election officials to open early voting sites at college campuses. For instance, Alaska allows election directors to designate early in-person voting locations (130), and this discretion has been used to open early voting sites on college campuses throughout the state. (131)

During the 2021 legislative session, Tennessee considered enacting legislation that would have mandated early voting sites on some college campuses. Senate Bill 346 would have required early voting sites at public institutions of higher education with 20,000 or more enrolled students for general elections and presidential primaries. Unfortunately, this bill never made it out of committee. (132)

Timing is important. Other student-friendly policies ensure enough time for college voters to take advantage of early voting while accommodating their busy class and work schedules. The time period for early voting varies from state to state. Early voting periods range in length from four days to 45 days; the average length is 19 days (133). Since media coverage and political activity peak leading up to Election Day, early voting options that continue through the weekend before the election are ideal. We recommend a period of at least 14 days, with night and weekend hours, to help maximize early voting opportunities.

It is important for states to include weekend early voting options to ensure that students can find an early in-person voting time that works for them.

Of the states that allow early voting, 26 and the District of Columbia allow some weekend early voting (134). In addition to providing plenty of early voting days, early voting times should expand beyond typical work hours, when college students are more likely to have classes. Maryland provides a good example by requiring that in-person early voting centers be open until 8 p.m. each early voting day, including weekends (135). Maryland's legislature recently passed Senate Bill 596, which expanded this

(130) Alaska Stat. § 15.20.064(a) ("For 15 days before an election and on election day, a qualified voter who meets the requirements set out in this section may vote in locations designated by the director.").

(131) Early voting on campus and election civility, Green & Gold News (Nov. 3, 2020), <https://www.uaa.alaska.edu/news/archive/2020/10/election-message-community.cshtml> (describing early in-person voting available at University of Alaska Anchorage's Student Union); Fairbanks campus voting locations, University of Alaska Fairbanks news and information (Oct. 28, 2020), <https://news.uaf.edu/fairbanks-campus-voting-locations/> (describing early in-person voting available at University of Alaska Fairbanks' Wood Center Ballroom).

(132) <https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0346>.

(133) State Laws Governing Early Voting, National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.

(134) State Laws Governing Early Voting, National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.

(135) Md. Code Ann., Elec. Law § LAW § 10-301.1. The relevant section provides:

(d) Each early voting center shall be open for voting as follows:

(1) beginning the second Thursday before a primary or general election through the Thursday before the election; and

(2) during the following hours:

(i) in a presidential general election, during the hours between 8 a.m. and 8 p.m. each early voting day; and

(ii) in all other elections, during the hours between 10 a.m. and 8 p.m. each early voting day.

good policy even further by requiring early voting centers to be open from 8 a.m. to 8 p.m. in elections other than a presidential general election, for which those hours were already required (136). Maryland also passed the Student and Military Voter Empowerment Act (SB 283) that requires local boards of election to get input from residential campuses when establishing precinct boundaries and voting sites (137). As another example, Virginia recently expanded their early voting dates to allow early in-person voting on Sundays. House Bill 1968 was passed by the legislature and signed by Governor Ralph Northam on March 18, 2021, and will become effective July 2021 (138).

Undemocratic Efforts to Prevent Student Early Voting

Some states have attempted to make it more difficult for college students to vote early in person. For example, Texas passed a bill in 2019, House Bill 1888, that effectively banned temporary polling places by requiring polling sites to stay open for all 12 days of early voting (139). These temporary voting sites, or “rolling polling” places were previously used by colleges that wanted an early voting site but did not have the resources to commit to a permanent polling place. For example, Austin Community College used to have 11 different polling places for students to cast early votes, and in October 2019, after HB 1888 law took effect, only two of its 11 campuses had a permanent polling location (140). Even with the passage of House Bill 1888, some counties prioritized resources to continue providing early voting on college campuses. Tarrant County, for example, approved a plan to create permanent early voting sites at all of its universities and colleges in early 2020 (141). House Bill 1888 was challenged in litigation that was ultimately unsuccessful (142).

Florida has been an intense battleground for campus early voting sites for about a decade. Following restrictive administrative changes in 2014, and legislative changes in 2019, advocates fought successfully in each instance to ensure that college campuses in Florida could serve as early voting sites. Most recently, some college campuses in Florida were successfully used as early voting sites during the 2020 general election (143). For a more in-depth summary, see the section of this report entitled “On-Campus Polling Places.”

(136) <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0596>.

(137) <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0283?ys=2021RS>

(138) <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb1968&submit=GO>.

(139) Tex. H.B. 1888 (2019).

(140) Kris Betts, New Texas law hurts voters on college campuses, rural counties, KVUE abc (Oct. 24, 2019), <https://www.kvue.com/article/news/politics/texas-early-voting-law-mobile-polling/269-97714309-c524-4a86-8b05-62f2802eb0d1>.

(141) Anna M. Tinsley, How Tarrant County found a way to keep voting sites open at college campuses, Fort Worth Star-Telegram (Jan. 14, 2020), <https://www.star-telegram.com/news/politics-government/article239250773.html>.

(142) Texas Democratic Party v. Hughs, No. 20-50683, 2021 WL 1826760 (5th Cir. May 7, 2021) (remanding to district court with instructions to dismiss on sovereign immunity grounds).

(143) Mark Schluab, Early Voting Site Opens on UCF Campus, UCF Today (Oct. 14, 2020), <https://www.ucf.edu/news/early-voting-site-to-open-on-ucf-campus/>; FIU to serve as an early voting site, FIU News (Oct. 14, 2020), <https://news.fiu.edu/2020/fiu-to-serve-as-an-early-voting-site>.

Laws that Help Students Vote by Mail

Making Absentee Voting by Mail an Option for All

Thirty-four states and D.C. do not require an excuse to vote by mail (144). A no-excuse approach not only concretely helps a broader community of voters but also reduces informational barriers, improves the clarity of voter education efforts, and prevents confusion among students who may be unsure if they qualify to vote by mail. Of the remaining sixteen states, seven states (Alabama, Kentucky, Louisiana, Massachusetts, South Carolina, Tennessee, and West Virginia) expressly permit college students to vote absentee by mail if they are living outside the county where they are registered to vote. For instance, Tennessee law provides the following excuse: “If a voter is enrolled as a full-time student in an accredited college, university or similar accredited institution of learning in this state which is outside the county where the voter is registered.”(145) But note that this statutory excuse does not extend to students who have enrolled at colleges in other states.

While it is preferable for state laws to include an express excuse for those living outside their county of registration, as well as those students living out of state, in order to minimize confusion, students in the final nine states (Arkansas, Connecticut, Delaware, Indiana, Mississippi, Missouri, New Hampshire, New York, and Texas) will typically qualify in any event under the generic excuse for those temporarily away from one’s county of registration. However, some college students do not understand this and are wary of claiming an excuse that does not apply to them. Further, these states’ laws of course do not help college students who are attending school within their county of registration but nevertheless want to vote by mail.

Finally, states that impose limitations on whether first-time voters may vote by mail, such as Tennessee (146), should, at minimum, provide an exception for college students who are often voting for the first time and, in general election years, just months after enrolling. This is particularly problematic for students who wish to vote from their family’s home address while attending school elsewhere.

Making Mail Voting Mechanics as Accessible as Possible

Even where a state has granted every registered voter the per se right to vote by mail, it is important to ensure that the mechanics of requesting, voting, and returning a mail-in absentee ballot are as fluid and accessible as possible for students. College students face some unique challenges with this process, but the law can nevertheless facilitate their participation by mail-in balloting.

(144) <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

(145) Tenn. Code Ann. § 2-6-201.

(146) “Each person who registers by mail shall appear in person to vote in the first election the person votes in after such registration becomes effective.” Tenn. Code Ann. § 2-2-115(b)(7)(A).

Requesting Ballots

If the law does not already mandate that mail-in request forms be made available electronically, state, and local election officials should take it upon themselves to create online request portals, fillable PDFs of the request form, and other means to request a mail ballot electronically. A voter should at least be able to start the process digitally, even if they must ultimately print and mail in or drop off the completed form. College students are of course more comfortable with online options than printing and mailing in a physical document, and election officials would not need to process as many mailed request forms if they made an electronic request portal available. At least 18 states already have an online request portal for mail ballots (147). Wisconsin's MyVote portal is a particularly good one-stop hub for voter registration and absentee ballot requests (148). State election officials should endeavor to minimize the number of steps required to obtain a mail ballot. For example, making mail ballot applications easily accessible even to Individuals without drivers' licenses helps students access them.

Requesting and receiving an absentee ballot can be hindered by problems with student residency identification and verification. Campuses do not always designate a specific residential address for students living in on-campus housing; instead, they provide a student center mailbox. That will suffice as a mailing address for an absentee ballot, but such addresses are never acceptable as residential addresses for purposes of voter registration. Even if residential addresses for on-campus housing facilities exist, some campuses do not take the steps to provide local clerks with this important information. This often leads to confusion and the needless rejection of voter registration and absentee ballot request forms, when the student lists on-campus housing that should be readily known to a local election official. College administrators must ensure that students have both a residential address and a mailing address if they live on-campus, and state legislators could and should mandate this.

Where on-campus housing is not associated with a well-established residential address that is recognized by the U.S. Postal Service, a state government agency could and should establish and designate those residential addresses, in conjunction with USPS, such that college student voters have as easy a time as possible registering and requesting their mail-in absentee ballots. This is particularly important as many students will not be enrolled in the same state where they are registered, and a local election official on the other side of the country needs to be able to easily and quickly verify on-campus residential addresses without much investigation as to unfamiliar colleges and universities. Finally, because college students move more frequently, all states should enable voters to update their voter registration addresses online using an accessible portal. When an absentee ballot request deadline is fast-approaching, college students should not have to wait to first update their registration address.

(147) <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-6-states-with-web-based-and-online-absentee-ballot-applications.aspx>

(148) <https://myvote.wi.gov/en-us/>

State lawmakers should eliminate needless burdens on the voting of a mail ballot.

Some studies have shown that younger voters are disproportionately likely to make mistakes that can lead to ballot rejection, such as omitting signatures or failing to secure a witness or notary signature. During the 2020 general election in Florida, “[y]ounger voters, voters from racial and ethnic groups, and newly registered voters were more likely to have their returned VBM envelopes initially flagged for rejection.” (149) Most absentee ballots have complicated certificate envelopes with numerous technical requirements, and every hurdle or technical requirement is another opportunity for a less experienced voter to make a mistake and for a ballot to be invalidated (150). Aside from missing and mismatched signatures, ballots are rejected due to technical defects with witness or notary certifications. These are weak anti-fraud measures, but they do effectively result in the disenfranchisement of significant numbers of voters where employed. If a state is going to impose a host of technical requirements for mail-in voting, it is incumbent upon its lawmakers to afford a process by which voters can cure their ballots, either in person or remotely. Obviously students who have enrolled in a college on the other side of the country will not be able to cure their ballot’s technical defect in person, so local election officials should craft alternative means by which to redress such technical problems.

Returning Ballots

Finally, there is a nexus of issues that impact student voters in returning their ballots. Deadlines for absentee ballot return increasingly pose a problem for the timely return of mail ballots, given the U.S. Postal Service slowdowns over the last two years as a result of the pandemic and internal policy changes, including the decommissioning of sorting machines. To facilitate college student voters’ participation even when they are sending a ballot not just a few counties over but to a distant state, all states should accept ballots if they are postmarked on or before Election Day and received within a certain number of days of Election Day, preferably 10 days given the unprecedented delivery delays during the November 2020 general election cycle. A received-by-Election-Day rule is needlessly draconian and leaves the fate of someone’s fundamental right to vote to the whims of USPS policy changes which can cause delays. Many students who timely request a ballot nevertheless find that their ballot does not arrive until very close to Election Day. This can force them to try expensive overnight delivery or risk that their ballot does not arrive on time.

(149) Dan Smith, Report for All Voting is Local, Casting, Rejecting, and Curing Vote-by-Mail Ballots in Florida’s 2020 General Election, at 2, available at https://225egw40g2k99t0ud3pbf2ct-wpengine.netdna-ssl.com/wp-content/uploads/2021/03/031121_FL_VBM-Report_final.pdf.

(150) Mark Nichols, et al., 750,000 mail-in ballots were rejected in 2016 and 2018. Here’s why that matters, ABC News, <https://abcnews.go.com/Politics/750000-mail-ballots-rejected-2016-2018-matters/story?id=73645323>.

States should also offer prepaid postage so that today's college students need not acquire stamps to participate in an election via mail. Seventeen states have laws requiring local election officials to cover the costs of returning a mail-in absentee ballot (151). Postage is only paid for those ballots that are actually returned via the U.S. Postal Service. One way to reduce postage costs and maximize student voter participation is to ensure that campuses have one or more drop boxes on site. By utilizing drop boxes, students can return their ballot in a convenient way and at zero cost.

State statutes that permit, or better yet, require, ballot drop boxes to be located on college campuses make student voting more accessible.

Drop boxes ensure that students do not face the barrier of traveling to a post office and acquiring a stamp, both unfamiliar activities for many college students today. In addition, drop boxes bypass mail delays and already-tight deadlines, since many students will have to first register to vote, then apply for a mail ballot, then vote and return the ballot. Due to the COVID pandemic, many states that did not previously allow for ballot drop boxes permitted them during the pandemic. Maryland, for example, located ballot drop boxes at multiple college campuses during the 2020 General Election (152). While the COVID pandemic has presented a pressing crisis and forced many states to offer ballot drop boxes, only thirteen state election codes actually require ballot drop boxes in their state statutes (153).

State election codes should also include an expansive rule for locating ballot drop boxes. As an example of a restrictive drop box statute, Georgia passed legislation in 2021 that limits the number of ballot drop boxes and requires that these drop boxes be maintained inside buildings and only available during in-person early voting (154). Such legislation harms all voters, but particularly student voters who have unpredictable schedules and lack transportation to get to early voting sites. State lawmakers should, instead, provide an expansive definition of where ballot drop boxes can be located and when they can be utilized.

(151) <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#pay>; <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-12-states-with-postage-paid-election-mail.aspx>

(152) See 2020 General Election: Ballot Drop Box Locations, Maryland State Board of Elections, https://elections.maryland.gov/elections/2020/PG20_Drop%20Box%20Locations.pdf.

(153) See Voting Outside the Polling Place, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx> (listing the Arizona, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Montana, Nevada, New Jersey, New Mexico, Oregon, and Washington statutes that provide for ballot drop boxes).

(154) Ga. S.B. 202 (2021).

MODEL LEGISLATION/POLICY RECOMMENDATIONS

During any regularly scheduled primary or general election or any special election any registered voter of the State may vote:

- A. In the voter's assigned precinct on Election Day;
- B. At an early voting center in the voter's county of residence on any early voting day in accordance with this section; or
- C. By mail ballot.

States should implement at least 14 days of early in-person voting. Early voting programs should include a variety of locations, including campus sites.

See the section of this report entitled "On-Campus Polling Places." Locations assigned should take into account accessibility by public transportation and ensuring that they are equitably distributed throughout communities including in communities of color and lower income communities. In addition, evening and weekend early voting times should be made broadly available in order for early voting to be accessible on an equitable basis. Election officials should also publicize the locations and hours, including on their websites.

To increase the accessibility of mail voting for young voters, states should undertake the following:

- Allow all voters, even first-time voters, to cast a mail ballot without requiring an excuse;
- Make ballot request forms widely available and permit electronic requests;
- Eliminate needless technical requirements from absentee ballot certificate envelopes like witness or notary certifications;
- Provide a mail ballot cure procedure with in-person and remote alternatives;
- Provide for accessible ballot return methods including drop boxes located on campuses and prepaid postage; and
- Impose a postmark rule for ballot return deadlines, such that a ballot can be timely received within a certain number of days after Election Day.



STUDENT ID AND IDENTIFICATION REQUIREMENTS

ISSUE

There are basically two types of identification requirements for the voting process. The first category includes state voter ID laws which require voters to show or submit ID before casting a ballot (48). The second category includes identification requirements for voter registration, such as the federal Help America Vote Act (HAVA) ID requirement for voters registering for the first time in a state by mail, and the documentary proof of residence requirement for all registration applicants in Wisconsin, the only one of its kind in the nation. Sometimes college and university photo ID cards are accepted in satisfaction of these requirements; sometimes they are not. Often there is widespread confusion among election officials, poll workers, and voters as to whether student IDs can be used to register and vote.

Student IDs are given to nearly every college student after providing proof of their identity upon enrollment. Most student IDs are photo IDs. They increasingly contain other security features and are used for granting access to buildings and rooms, and even as debit cards at on- and off-campus businesses.

Student IDs are convenient and secure options that should be accepted as voter ID.

CURRENT OVERVIEW

State Voter Identification Requirements

Thirty-five states currently have some form of in-person voter ID law in place, but the list of acceptable IDs varies substantially from state to state (49). Some states have expansive lists including photo and non-photo forms of ID, with many of these states offering an alternative procedure to presenting ID at the polls. The remaining 15 states plus the District of Columbia have no in-person voter ID law. Over half of the voter ID states permit voters without ID to sign a personal identification affidavit instead of presenting ID, cast a provisional ballot that will be counted if the signature matches the registration database, or otherwise authorize alternative verification of the voter's identity. They include among them Alaska, Connecticut, Delaware, Florida, Hawaii, Idaho, Kentucky, Louisiana, Michigan, Montana, New Hampshire (50), Oklahoma, Rhode Island, South Dakota, Utah, Virginia, Washington, and West Virginia.

(48) A handful of voter ID laws also apply to absentee voting but this brief focuses on in-person voting requirements.

(49) ALA. CODE § 17-9-30 (2019); ALASKA STAT. § 15.15.225 (2003); ARIZ. REV. STAT. § 16-579 (2021); ARK. CONST. amend. 51, § 13; ARK. CODE ANN. §§ 7-5-305 (2021), 7-5-324 (2017); COLO. REV. STAT. ANN. §§ 1-1-104(19.5)(a) (2021), 1-7-110 (2021); CONN. GEN. STAT. ANN. § 9-261 (2014); DEL. CODE ANN. tit. 15, § 4937 (2021); FLA. STAT. ANN. § 101.043 (2016); GA. CODE ANN. §§ 21-2-417 (2006), 21-2-417.1 (2019); HAW. REV. STAT. § 11-15 (2021); IDAHO CODE ANN. §§ 34-1106 (2021), 34-1113, 34-1114 (2021); IND. CODE ANN. §§ 3-5-2-40.5 (2021), 3-11-8-25.1 (2019); IOWA CODE § 48A.7A (2018); KAN. STAT. ANN. §§ 25-2908 (2021), 25-1122 (2021), 8-1324 (2018); KY. REV. STAT. ANN. §§ 117.227, 117.001(13) (2021); 31 KY. ADMIN. REGS. 4:010 (2017); LA. REV. STAT. ANN. § 18:562 (2020); MICH. COMP. LAWS ANN. § 168.523 (2018); MISS. CODE ANN. § 23-15-563 (2018); MO. REV. STAT. § 115.427 (2017); MONT. CODE ANN. §§ 13-2-110 (2021), 13-13-114 (2021); N.H. REV. STAT. ANN. § 659:13 (2021); N.C. GEN. STAT. § 163A-1145.1 (2020); N.D. CENT. CODE § 16.1-05-07 (2021); OHIO REV. CODE ANN. § 3505.18 (2014); OKLA. STAT. ANN. tit. 26, § 7-114 (2021); R.I. GEN. LAWS § 17-19-24.2 (2022); S.C. CODE ANN. § 7-13-710 (2011); S.D. CODIFIED LAWS §§ 12-18-6.1 (2021), 12-18-6.2 (2021); TENN. CODE ANN. § 2-7-112 (2018); TEX. ELEC. CODE ANN. §§ 63.001 (2018), 63.0101 (2021); UTAH CODE ANN. §§ 20A-1-102(76) (2020), 20A-3a-203 (2020); VA. CODE ANN. § 24.2-643 (2021); WASH. REV. CODE ANN. § 29A.40.160 (2019); W. VA. CODE ANN. § 3-1-34 (2016); WIS. STAT. §§ 5.02(6m) (2018), 6.79(2a) (2019). Since North Carolina's photo ID law is currently enjoined under a state court order, so only 34 of these 35 laws are currently operative.

(50) New Hampshire allows both college and high school student ID cards, but starting with the November 2018 midterm elections, the state requires these IDs be issued or expired no more than five years before the election. N.H. Rev. Stat. Ann. § 659.13(II)(5).

Sixteen of the voter ID states are “strict voter ID” states, meaning states that will reject a ballot if the voter cannot present an accepted form of ID (51). Five strict voter ID states, Arizona, North Dakota, South Carolina, Tennessee, and Texas, do not accept student ID cards. There is quite a bit of variation between the ID laws on this list. Arkansas, Georgia, Indiana, Tennessee, and Wisconsin’s laws are all strict photo ID requirements (52). In a flagrant example of discrimination against student voters, Tennessee’s law explicitly excludes student photo ID cards while permitting all other forms of photo identification issued by public postsecondary institutions to faculty, staff, visiting faculty, and even contractors (53). Arizona, Ohio, and Wyoming allow for some non-photo forms of ID, but there is a range of restrictions on what non-photo IDs can be used in these states. Arizona’s law allows the voter to present two forms of non-photo ID with a name and address in lieu of one form of photo ID. In Ohio, public colleges and universities may issue current documents to students with their name and current address that qualify as “government documents,” and private colleges and universities may issue students living on campus a current utility bill with a current address that students can use as voter ID. These “zero-balance” utility bills, indicating the student has already paid for utilities as part of their housing fee, are acceptable voter ID in Ohio, but student photo IDs remain impermissible (54). North Dakota has the strictest voter ID law in the country with a North Dakota driver’s license or identification card being the only regularly available ID accepted as voter ID. Tribal government IDs and a long-term health care certificate which can be issued by nursing homes are also accepted but these are only available to very limited and specific groups. (55)

The other strict voter ID states accept student IDs but there is variation in what kinds of student IDs are acceptable and what information the student ID must contain for it to be used as voter ID. Georgia, Indiana, and Wyoming only accept public university and college ID cards, and Indiana’s public institution student IDs must contain expiration dates. Georgia maintains a list of public school IDs that are valid voter IDs (56). Wisconsin accepts student ID cards from public and private colleges and universities as long as the ID contains a name, photo, signature, issuance date, expiration date that is not more than two years after the issuance date, and, if expired, is presented with proof of current enrollment such as a tuition fee receipt or an enrollment verification letter. Many Wisconsin colleges and universities have updated their IDs to contain these elements or will issue a compliant ID upon request, but others have not taken these steps.

(51) Those states are AL, AZ, AR, CO, GA, IN, KS, KY, MS, MT, ND, TN, WI, WY. Ala. Code § 17-9-30; Ark. Code § 7-1-101 (39); Ariz. Stat. § 16-579; Colo. Stat. §§ 1-1-104(19.5)(a), 1-7-110; Ga. Code § 21-2-417; Ind. Code §§ 3-5-2-40.5, 3-11-8-25.1; Kan. Stat. §§ 25-2908, 25-1122, 8-1324; Ky. Stat. § 117.227; 31 Ky. Admin. Regs. 4:010; Miss. Code § 23-15-563; Mont. Code § 13-13-114; N.D. Cent. Code § 16.1-05-07; ; Tenn. Code § 2-7-112; Tex. Elec. Code §§ 63.001, 63.0101; Wis. Stat. §§ 5.02(6m), 6.79(2a); Wyo. Stat. § 22-1-102(xxxix). Iowa is a border line strict ID state with a very limited list of voter IDs, excluding student IDs, but does allow another voter to attest to someone’s identity as an alternative (Iowa Code § 48A.10A). North Carolina has adopted a voter ID requirement to their state constitution, but currently their strict voter ID law is enjoined by the courts (N.C. Code §163A-1145.1).

(52) Due to litigation, Texas’ voter ID law has gone through several iterations. The statute currently in force, which was passed in response to prolonged litigation, requires photo ID from a limited list but allows voters who have none of these to show other forms of ID, including some non-photo IDs, and use a “reasonable impediment” affidavit to give a reason why they don’t have a photo ID. South Carolina also provides an alternative to voters who attest to facing a “reasonable impediment” in obtaining a voter ID. However, because these exemptions are not available to all voters, the standards are ambiguous, and in Texas voters using the affidavit must still show non-photo ID, we have classified these two states as strict voter ID states.

(53) Tenn. Code Ann. § 2-7-112(c)(2)(B). Fair Elections Center brought a challenge to this discriminatory exclusion but the case was ultimately unsuccessful. More information about the case is available at <https://www.fairelectionscenter.org/nsoc-v-hargett>.

(54) Election Official Manual, 7-10 available at <https://www.sos.state.oh.us/elections/elections-officials/rules/#manual/>

(55) See N. Dakota Sec’y of State, ID Required for Voting, <https://vip.sos.nd.gov/idrequirements.aspx>.

(56) The full list is available on the Georgia Secretary of State’s website: <http://sos.ga.gov/admin/files/acceptableID.pdf>.

Finally, states such as – Alabama, Arkansas, Colorado, Florida, Idaho, Kansas, Michigan, Mississippi, New Hampshire, South Dakota, Virginia, Washington, West Virginia – accept public and private college and university student IDs.

Registration ID Requirements

The federal Help America Vote Act (HAVA) contains an identification requirement for those who register for the first time in a state by mail (57). Such first-time mail-in registrants must either submit or show “a current and valid photo identification” or “a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.” (58) Registrants matched against a “State identification record,” such as a Department of Motor Vehicles database or the Social Security Administration database, are exempt from the federal ID requirement (59). HAVA does not further define the categories of acceptable IDs, so states have assumed some discretion in interpreting this provision. Additionally, one state in the nation – Wisconsin – requires all registration applicants (except for military and overseas voters) to submit documentary proof of residence containing the voter’s name and address. (60)

State legislatures can enact legislation expressly designating postsecondary educational institutions’ photo IDs as valid forms of identification for first-time mail-in registrants satisfying the HAVA ID requirement.

Private and public college and university student IDs easily qualify as “current and valid photo identification,” but in the absence of express state laws, practices vary for acceptance of student photo IDs.

Another possibility for states is to permit students to use a tuition fee receipt, enrollment verification letter, class schedule, or official document from a public postsecondary institution since those qualify as “government document[s],” so long as the document “shows the name and address of the voter.” State and local election officials can and should interpret the HAVA ID requirement to embrace such forms of official public college or university documents. To remove any confusion and ambiguity, statutes governing identification requirements for voter registration should be amended to expressly include these forms of identification and documentation which are widely held by college and university students.

(57) 52 U.S.C. § 21083(b).

(58) Id.

(59) 52 U.S.C. § 21083(b)(3)(B).

(60) Kansas and Arizona enacted and implemented documentary proof of citizenship requirements for new voter registration applications. Ariz. Rev. Stat. § 16-166(F); Kan. Stat. Ann. § 25-2309. Kansas’s law was struck down as unconstitutional in 2018. *Fish v. Kobach*, 309 F. Supp. 3d 1048 (D. Kan. 2018), aff. sub nom. *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020), cert. den. 141 S. Ct. 965 (Mem). These requirements have also suppressed younger voters registering for the first time in those states.

(61) 52 U.S.C. §§ 21083(b)(2)(A)(i)(II), (ii)(II) requires the acceptable documents to contain both a name and address, whereas the photo ID requirements of 52 U.S.C. §§ 21083(b)(2)(A)(i)(I), (ii)(I) do not require that an address be present.

MODEL LEGISLATION

State Voter ID Requirements

It is very easy to modify a voter ID law to permit the use of student ID cards. The list of acceptable IDs should be amended to broadly include student IDs issued in the relevant state.

The law should never impose any conditions or require any features for the student ID card beyond a name and a photo, since the purpose of voter ID laws is simply to confirm the voter's identity. Any additional conditions or required features should be eliminated from these statutes. In addition to college and university student photo IDs, several states also accept student photo IDs issued by high schools. (62)

Insert a new subsection into any existing statute enumerating accepted forms of voter ID: A photo identification card issued by an accredited postsecondary institution of education in the state.

Registration ID Requirements

For the HAVA ID requirement and registration requirements such as the proof of residence requirement in Wisconsin, state law should ensure an identification card issued by an accredited postsecondary institution of education in the state qualifies as a HAVA ID under the first prong of the requirement. (63)

State election codes should also be amended to ensure documents issued by public postsecondary institutions in the state, such as tuition fee receipts, enrollment verification letters, class schedules, and other official documents, all suffice as HAVA ID under the second prong of the requirement as "government documents." These laws should make clear that as long as the official document issued by a public college or university contains the student's name and address – even if it is an on-campus residential housing address – it satisfies the first-time registrant's HAVA ID requirement. (64)

Insert a new subsection into any existing statute enumerating accepted HAVA photo IDs: A photo identification card issued by an accredited postsecondary institution of education in the state.

Insert a new subsection into any existing statute enumerating accepted HAVA name-and-address IDs: Any official document issued by a state postsecondary institution of education containing the voter registration applicant's name and current address.

(62) See N.H. Stat. § 659:13; VA. Code § 24.2-643; W. Va. Code, § 3-1-34

(63) 52 U.S.C. §§ 21083(b)(2)(A)(i)(I), (ii)(I).

(64) 52 U.S.C. §§ 21083(b)(2)(A)(i)(II), (ii)(II).

ON-CAMPUS POLLING PLACES

ISSUE

State laws regarding voter registration and voting influence whether young adults vote (65). Seven out of 10 states with the top youth turnout have measures that make voting more accessible (66). Blanket assessments of young voter turnout often do not include factors contributing to lower turnout rates, especially barriers erected to limit youth access to polling places.

Given that those under 35 are the least likely age group to own a car and many 18- and 19-year-olds do not even have driver's licenses, it can be very difficult for them to reach early voting and Election Day voting sites.(67)

Travel to off-campus voting sites is further exacerbated for many on-campus students by prohibitions on having vehicles at school due to parking constraints, or even outright vehicle bans for freshman and/or sophomores (68). Barriers also include excluding college or university campuses from hosting polling sites by law, and local elections officials blatantly refusing to allow on-campus voting sites and moving existing polling places off-campus.

CURRENT OVERVIEW

In some states, polling places or early voting locations are constrained by state law. For example, some states classify the types of locations or buildings allowed or preferred for early voting or Election Day polling locations (69). Unfortunately, legislators and other government officials have used such statutes to exclude campus polling places. In 2011, the Florida legislature passed sweeping restrictive voting legislation, including restrictions to the early voting sites that could be designated by county supervisors of elections (70). Following litigation over this omnibus bill, the Florida legislature passed a law pulling back on these restrictions and allowing county election officials to designate as early voting sites, among other facilities, civic centers, stadiums, convention centers, and government-owned community centers (71). Despite these designations, the Florida Department of State issued a legal opinion in 2014 indicating that a student union at the University of Florida could not be considered a “convention center” or “government-owned community center” because the student union was a

(65) The Center for Information & Research on Civic Learning and Engagement, Why Youth Voting Matters (2016), available at <http://civicyouth.org/quick-facts/youth-voting>; see also Center for Information & Research on Civic Learning and Engagement, Youth Voting in 2020, <https://civicyouth.org/yes-i-spotlight-facilitative-election-laws>

(66) Id.

(67) Christopher Kruz et al., The Young and the Carless? The Demographics of New Vehicle Purchases, Fed. Reserve (Jun. 24, 2016), <https://www.federalreserve.gov/econresdata/notes/feds-notes/2016/the-young-and-the-carless-the-demographics-of-new-vehicle-purchases-20160624.html>; Univ. of Mich., More Americans of all ages spurning driver's licenses (Jan. 19, 2016), <https://news.umich.edu/more-americans-of-all-ages-spurning-driver-s-licenses/>; Univ. of Mich., Percentage of teen drivers continues to drop (July 23, 2012), <https://news.umich.edu/percentage-of-teen-drivers-continues-to-drop/>

(68) Martha C. White, Vexing Vehicular Question for Freshmen: To Drive or Not to Drive? NBC News (Aug. 20, 2015), www.nbcnews.com/feature/freshman-year/vexing-vehicular-question-freshmen-drive-or-not-drive-n413086.

(69) See, e.g., Fla. Stat. § 101.657; Mich. Comp. L. § 168.662; Virginia Department of Elections the Handbook, Chapter 3 Polling Places, available at www.elections.virginia.gov/GREBHandbook/Files/GREB%202018.pdf

(70) Fla. H.B. 1355 (2011).

(71) Fla. Stat. § 101.657 (effective Jan. 1, 2014).

college or university-affiliated facility (72). For a number of years, due to this restrictive interpretation, Florida's local election officials were limited in their ability to designate campus buildings as early voting sites. However, in 2018, several organizational plaintiffs and students challenged the interpretation, and a federal court held that it intentionally discriminated against young people and thus violated the 26th Amendment (73). Based on the court ruling, the state rescinded its 2014 opinion limiting designation of campus facilities as early voting sites. As a result, early voting sites were established at many campuses in 2018 (74). Then, in 2019, the Florida legislature passed a law that required "sufficient nonpermitted parking" at early voting sites, potentially eliminating the possibility of college campuses being used as early voting sites (75). In April 2020, as a result of litigation, Florida's Secretary of State issued a directive that the law simply requires sufficient nonpermitted parking at early voting sites collectively within a county, and that the law "does not mean that every early voting site must have a certain number of nonpermitted parking sites available." (76) Due to this directive, some college campuses in Florida were successfully used as early voting sites during the 2020 general election. (77)

Refusal: The location of polling sites, including campus polling places, is largely within election officials' discretion. Unfortunately, bad actors across the country have abused this discretion to restrict students' access to voting sites.

One such example concerns Bard College and the Dutchess County (NY) Board of Elections, which has a history of illegally suppressing student voting through strict registration procedures and other means. (78) Among other measures taken to target student voters, election officials have repeatedly denied students the opportunity to have a polling place on campus, including on the grounds that there are insufficient numbers of student voters, a particularly insidious argument given their own history of suppressing registration and student voting access. Bard's nearest polling place is miles away down an unlit, high-speed road with no pedestrian sidewalk and is inaccessible by public transportation. (79)

(72) Florida Dept. of State, Advisory Op. DE-14-01, Re: DE 14-01 Early Voting- Facilities, Locations - §101.657, Florida Statutes (Jan. 17, 2014) (rescinded), available at <http://opinions.dos.state.fl.us/searchable/pdf/2014/de1401.pdf>.

(73) *League of Women Voters of Fla., Inc., v. Detzner*, No. 4:18-CV-2551-MW/CAS, 314 F. Supp. 3d 1205 (N.D. Fla. July 24, 2018).

(74) Fair Elections Center, Court Ruling Could Increase College Students' Access to Voting, but Only if Local Supervisors' of Elections Act (Sep. 13, 2018), <https://www.fairelectionscenter.org/blog-early-voting-on-fl-campus>; Crystal Moyer, Early voting begins on college campuses in Florida, News4JAX (Oct. 22, 2018), www.news4jax.com/news/elections/early-voting-begins-on-college-campus-in-florida (noting that Florida State University, University of North Florida, University of West Florida, University of Florida, two of Miami Dade College's, and Edward Waters College all hosted early voting sites in addition to others around the state).

(75) Fla. S.B. 7066 (2019).

(76) Fla. Dep't of State, Directive 2020-01—Early Voting Sites on College & University Campuses and Fla. Stat. 101.657(1)(a) (Apr. 2, 2020), <https://dos.myflorida.com/media/702989/directive-2020-01.pdf>.

(77) Mark Schlueb, Early Voting Site Opens on UCF Campus, UCF Today (Oct. 14, 2020), <https://www.ucf.edu/news/early-voting-site-to-open-on-ucf-campus/>; FIU to serve as an early voting site, FIU News (Oct. 14, 2020), <https://news.fiu.edu/2020/fiu-to-serve-as-an-early-voting-site>.

(78) See, e.g., Muni Citrin, Questionnaire Incites Controversy, *The Bard Observer* 9, 21 (Sept. 20, 1996), available at http://www.bard.edu/library/archive/newspapers/students/Observer/1996/OB96_09_20.pdf. In an attempt to keep Bard students from voting, the Board of Elections required students to complete a "supplemental questionnaire" to register to vote locally. The "supplemental questionnaire" required students to answer questions regarding how much financial support they received from their parents, their school year, and their planned destinations for winter and summer vacation. *Id.* Students were then systematically barred from registering to vote in the county based on failure to meet residency requirements. See Letter from Dutchess County Bd. of Elec. to Michael Chameides (April 19, 1999), available at <https://cce.bard.edu/community/election/files/Residence-Questionnaire.pdf>. This practice stood until 2004 when a coalition of students, school administrators, civil rights organizations, and a bipartisan group of local elected officials banded together to challenge the legality of the requirement. See Elections@Bard, <https://cce.bard.edu/community/election/voting-rights/>.

(79) Elections@Bard, The Fight for a Polling Place, <https://cce.bard.edu/community/election/voting-rights/>.

Bard students presented a data-based proposal highlighting that 68% of the eligible voters in the voting district encompassing Bard's campus reside on Bard properties and would be able to access the proposed on-campus polling site on foot (80). Moreover, the Bard campus offered its facilities for use as a polling site (81). Following a lawsuit, the Dutchess County Board of Elections agreed to establish a polling place on Bard's campus for the 2020 general election (82). When the Board tried to remove the on-campus polling site for the 2021 elections, a judge blocked its decision and ordered the Board to operate a polling place at the same on-campus location. (83)

Relocation: Another means of manipulating the ability of students to vote is to move existing on-campus polling places or early voting locations to less convenient or inaccessible off-campus locations. Such moves are particularly problematic for on-campus residents and especially those who rely on public transportation to travel to off-campus locations. For example, students at Appalachian State University used to be able to cast their early ballots at an on-campus polling place (84). After a change in administration in 2013, the Watauga County Board of Elections eliminated the site for the 2014 midterm elections (85). Following a lawsuit, a court ordered the board to return the early voting site to campus, and the trial judge held that the only intent of the decision to eliminate the site appeared to be to discourage student voting (86). Despite the court order to return the site to campus in the previous election, the majority of the Watauga County Board of Elections again tried to remove the early voting site for the 2016 primaries, but was overruled by the State Board of Elections (87). Even in the face of tremendous turnout at the on-campus early voting site for the primary (88), members of the Watauga Board of Elections tried yet again to undermine student access to the early voting site for the 2016 general election by moving it from the university's student union (89). The university chancellor rejected the proposal, and the site was maintained at the student union in spite of the board's attempts. (90)

(80) Id.

(81) Elections@Bard, Sample Letter of Support, <http://inside.bard.edu/wwwmedia/files/2805039/2/Letter%20of%20Support.pdf>.

(82) Andrew Goodman Fdn., The Andrew Goodman Foundation's Statement on Bard College Polling Location Win (Oct. 30, 2020), <https://andrewgoodman.org/news-list/the-andrew-goodman-foundations-statement-on-bard-college-polling-location-win/>.

(83) Decision, Order and Judgment, Bard College et al. v. Dutchess Cnty. Bd. of Elections, Index No. 52777/21 (N.Y. Sup. Ct, Dutchess Cnty. Sep. 22, 2021), available at <https://iapps.courts.state.ny.us/fbem/DocumentDisplayServlet?documentId=bdQ/A6dxcn0N9Us5tB/ceg=&system=prod>

(84) Anderson v. N.C. Bd. of Elections, No. COA14-1369, 2-4 (N.C. Ct. App. 2016), available at <https://appellate.nccourts.org/opinions/?c=2&pdf=33090>.

(85) Id. The Watauga County Board of Elections' first plan to eliminate an on-campus polling place in 2013, subsequently withdrawn, consisted of combining three Boone city precincts into a super-precinct servicing over 9,000 voters in an off-campus location over a mile walk from campus down a road with no pedestrian sidewalk and no public transportation. www.thenation.com/article/north-carolina-republicans-escalate-attackstudent-voting/ (The Watauga County Board of Elections succeeded with their next plan in 2013 which relocated the on-campus polling site at the student union to a flood-prone event hall with poor ventilation and no back-up power. Jesse Wood, Searching for Elusive Common Ground on Watauga County BOE, Legends to be Precinct on ASU Campus, HC Press, (Sept. 4, 2013), www.hcpress.com/news/searching-for-elusive-common-ground-on-watauga-county-boe-legends-to-be-precinct-on-asu-campus.html.

(86) J.W. Williamson, Actions of the Watauga Board of Elections Ruled "Unconstitutional," wataugawatch (Oct. 13, 2014, 5:26 PM), <http://blog.wataugawatch.net/2014/10/actions-of-watauga-board-of-elections.html>.

(87) Jesse Wood, SBOE Mandates Watauga BOE To Include Early Voting Site for Primary at App State, HC Press (Feb. 10, 2016), www.hcpress.com/news/sboe-mandates-watauga-boe-to-include-early-voting-site-for-primary-at-app-state.html.

(88) Jesse Wood, More Than 1,500 Early Vote on First Day, 943 of Those Vote at Appalachian State Site, HC Press (Mar. 4, 2016), www.hcpress.com/front-page/more-than-1500-early-vote-on-first-day-943-of-those-vote-at-app-state-site.html.

(89) Jesse Wood, Watauga Elections Board Continues To Disagree About Early Voting on ASU Campus, HC Press (July 13, 2016), <https://www.hcpress.com/politics/watauga-elections-board-continues-disagree-early-voting-campus-app-state.html>.

(90) Doug Chapin, ASU Student Union To Host Early Voting After Chancellor Rejects Alternate Site (Sept. 14, 2016), <https://electionacademy.lib.umn.edu/2016/09/14/asu-student-union-to-host-early-voting-after-chancellor-rejects-alternate-site/>.

POLICY SOLUTIONS

Conducting elections is largely within the states' power and responsibility, and despite minimal federal standards for federal elections, state systems vary vastly. Guidance regarding polling place locations is generally provided for in the states' election codes, but local boards of elections are often given a large degree of discretion when choosing locations.

The bipartisan Presidential Commission on Election Administration addressed needed improvements for polling places and recommended that polling places must: [1] have room to comfortably accommodate voters; [2] be accessible to voters with disabilities; [3] have adequate infrastructure such as internet and telephone connections; [4] offer adequate parking; and [5] be located in reasonable proximity to the population of voters that it is intended to serve (91). The Commission recommended schools be utilized as polling places as schools generally meet these requirements (92). State election laws should reflect these recommendations.

Various policy options exist to expand the availability of campus polling places. The preferable option is to mandate on-campus polling locations where the resident student population or enrollment meets a certain threshold.

By tying Election Day polling place locations to the resident population and early voting locations to enrollment, election jurisdictions can ensure the polling place offerings are a good match for the needs of students. Depending on the existing structure of the relevant state statutes, other options could also improve on campus voting access.



(91) Presidential Commission on Election Administration, The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration 32 (Jan. 2014), available at <https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/466754/doc/slspublic/Amer%20Voting%20Exper-final%20draft%202001-04-14-1.pdf>.

(92) Id. at 33. The Commission does not specify a type of school.

MODEL LEGISLATION

Insert into existing statute on location of voting sites

Mandate on-campus polling locations: A state's election code should require Election Day voting sites to be established at public institutions of higher education. Where the state offers early or absentee-in-person voting, election jurisdictions should be required to establish early voting locations at colleges or universities. (93)

Mandating Voting Sites at Institutions of Higher Education (94)

- (a) Each election jurisdiction shall designate and establish voting sites on the campus of each public institution of higher education in the jurisdiction;
- (b) Each election jurisdiction shall designate and establish early voting sites on the campus of each public institution of higher education in the jurisdiction;
- (c) Each private institution of higher education in the jurisdiction should cooperate with the election jurisdiction to designate and establish voting sites on their campus;
- (d) Each private institution of higher education in the jurisdiction should cooperate with the election jurisdiction to designate and establish early voting sites on their campus.

Preferential location: State election laws should list institutions of higher education on any list of preferred voting site locations. (95)

- (a) In selecting polling places, the local elections office shall, wherever possible select [existing statutory preferred voting sites], and facilities at public institutions of higher education for that purpose.

Expanding Limited Options: In a state that only allows election officials to choose limited location types for polling places or early voting locations, at a minimum, facilities at institutions of higher education should be explicitly included in the list (96). An alternative fix would be to revise such statutes to allow election officials to choose any suitable location.

(93) See 10 ILCS 5/1-12: § 1-12. Public university voting. (a) Each appropriate election authority shall, in addition to the early voting conducted at locations otherwise required by law, conduct early voting, grace period registration, and grace period voting at the student union on the campus of a public university within the election authority's jurisdiction. . . . Each public university shall make the space available at the student union for, and cooperate and coordinate with the appropriate election authority in, the implementation of this subsection (a). . . . (c) For the purposes of this Section, "public university" means the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University, and Northeastern Illinois University.

(94) Another potential solution to providing access to students if providing voting sites at all public institutions of higher education is not feasible is requiring a set number of residents in the precinct first. Cf. Nev. Revised Stat. § 293.2735 (requiring polling places to be established at residential development exclusively for elderly persons based on residence population threshold and consent of the development). Mandating Voting Sites at Institutions of Higher Education by Population (e) Each election jurisdiction shall designate and establish voting sites on the campus of each public institution of higher education in the jurisdiction with student resident population exceeding [XX]; (f) Each election jurisdiction shall designate and establish early voting sites on the campus of each public institution of higher education in the jurisdiction with enrollment exceeding [XX]; (g) Each private institution of higher education in the jurisdiction with student resident population exceeding [XX] should cooperate with the election jurisdiction to establish voting sites on their campus; (h) Each private institution of higher education in the jurisdiction with enrollment exceeding [XX] should cooperate with the election jurisdiction to establish early voting sites on their campus.

(95) An example of this type of structure is found in Pennsylvania law, which gives preferred status to schoolhouses, municipal buildings, or other public buildings. Student centers or other accessible on-campus buildings at public universities or colleges could easily be added to such a list. See 25 Pa. Stat. § 2727.

(96) See Fla. Amendment Barcode 562969 to HB 7013 (2013) (amendment would have added institutional facilities in the Florida College System to the list of options for early voting sites).

HIGH SCHOOL AND COLLEGE STUDENTS AS POLL WORKERS

ISSUE

Recruiting young people to serve as poll workers is an effective way to deepen their engagement in the electoral process and to ensure that young voters' interests are well-represented. College and university students aged 18 and up can generally serve if they meet the state's other requirements, such as voter registration and residency. Many states also permit minors to serve as poll workers, though they often restrict what positions they can fill and what duties they can perform.

Through poll worker programs, young people become well-versed in election rules and procedures and can shepherd other eligible student voters through the process. Recruiting younger poll workers benefits youth voter turnout and long-term civic engagement. (97)

It also helps mitigate poll worker shortages -- a common problem for election administrators -- that can lead to long lines to vote and shuttered polling places.

During the 2020 elections, more than half of jurisdictions reported difficulty recruiting poll workers (98). Almost half of all poll workers were 61 or older, and more than three quarters were 41 or older (99). However, there was significant growth in the proportion of younger poll workers compared to the 2016 elections: 18 to 25-year-olds jumped from 4.6 percent to 6.2 percent of all poll workers, while 26 to 40-year-olds surged from 8 percent to 15 percent. (100)

Younger voters are more likely to be familiar with new technologies used in the voting process, and many are bilingual, enabling them to assist voters who require language assistance at the polls. As election technology becomes more advanced and our communities become more diverse, the demand for tech-literate and bilingual poll workers continues to rise.

(97) "Understanding the Benefits of Young People Serving as Poll Workers," June 7, 2021, Center for Information & Research on Civic Learning and Engagement, <https://circle.tufts.edu/latest-research/understanding-benefits-young-people-serving-poll-workers>

(98) Election Assistance Comm'n, Election Administration and Voting Survey 2020 Comprehensive Report 22 (2021), https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf.

(99) *Id.* at 20, 21

(100) *Id.* at 20, 21.

CURRENT OVERVIEW

How can we encourage more young people to serve as poll workers? Many states and local jurisdictions have been experimenting.

The Legal Framework (101)

Each state can enable high school students to serve as poll workers. While poll workers generally must be registered voters and/or residents of the state or jurisdiction in which they serve, including such requirements as U.S. citizenship, nearly all states provide opportunities for those under 18 to work on Election Day in some capacity (102). Three states – Hawaii, Oregon, and Washington – conduct all elections by mail. Of the remaining states, only Montana, Oklahoma, and South Dakota require all poll workers to be at least 18 years old. (103)

Student poll worker programs often specify additional requirements, such as:

- Enrollment in a secondary or postsecondary educational institution in the state
- Permission from a parent or guardian
- Approval or nomination of school administrators
- Maintenance of sufficient academic standing
- Attendance at a training session

Minor students who serve as poll workers are typically restricted in what positions they can fill, excused from missing classes, compensated like adult poll workers and, in some states, restricted from working outside the hours set by child labor laws.

Minimum age requirements vary by state. In Missouri, the minimum age to be a “youth election participant” is 15 (104). State law suggests that schools may offer a course on state election law and make it a prerequisite. (105)

Thirty-one states (plus the District of Columbia) have lowered the minimum age to 16 years old: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin and Wyoming. (106)

(101) States that conduct all-mail elections (Hawaii, Oregon, and Washington) are not included in this section because they conduct all-mail elections and thus have limited need for poll workers.

(102) <https://www.ncsl.org/research/elections-and-campaigns/election-poll-workers637018267.aspx>

(103) Mont. Code Ann. § 13-4-107(1); Mont. Code Ann. § 13-1-111(1)(b); 26 Okla. Stat. § 2-131; Okla. Const. art. 3, § 1; 26 Okla. Stat. § 4-101; S.D. Codified Laws § 12-15-2; S.D. Codified Laws § 12-3-1; S.D. Const., art. VII, § 2; S.D. Codified Laws § 13-27-6.1.

(104) Mo. Rev. Stat. § 115.104(2).

(105) Mo. Rev. Stat. § 115.104(7).

(106) Ala. Code § 17-8-14; Alaska Stat. § 15.10.108; Ariz. Rev. Stat. § 16-531(F); Cal. Elec. Code § 12302(b); Col. Rev. Stat. § 1-6-101(7); Conn. Gen. Stat. § 9-235d; D.C. Code Ann. § 1-1001.05(e)(4)(A); 15 Del. Code Ann. § 4702; Fla. Stat. §§ 102.012(2), 97.041(1)(b); Ga. Code Ann. § 21-2-92; Idaho Code § 34-303(4); Ind. Code § 3-6-6-39; Kan. Stat. Ann. § 25-2804(b); Md. Elec. Law §§ 10-202(a)(2)(ii), 3-102(a); Mass. Gen. Laws ch. 54, §§11B, 12; Mich. Comp. Laws §168.677(4); Minn. Rules 8240.1655; Minn. Stat. § 204B.19(6); Miss. Code Ann. §23-15-240; Neb. Rev. Stat. §§ 32-223(4), 32-230(6); Nev. Rev. Stat. Ann. §§ 293.2175, 293C.222; N.J. Stat. Ann. § 19:6-2; N.M. Stat. Ann. § 1-2-7; N.D. Cent. Code § 16.1-05-02(1); R.I. Gen. Laws §§ 17-11-12, 17-11-12.1; S.C. Code Ann. § 7-13-110; Tenn. Code Ann. § 2-4-103(e); Tex. Elec. Code § 32.0511; Utah Code Ann. §§ 20A-5-601, 20A-5-602; Vt. Stat. Ann. tit. 17, §2454; W. Va. Code §§ 3-1-29(a)(4), 3-1-28(a)(2)-(6); Wis. Stat. §§ 7.30(2)(am), 7.30(6)(am); Wyo. Stat. Ann. §§ 22-8-102, 22-8-101(b)-(c). Delaware: E-mail from Cathleen Hartsy-Carter, FOIA Coordinator/Community Relations Officer, Office of the Delaware State Election Commissioner, to author (Nov. 3, 2021, 02:31 PM EDT) (on file with author).

An additional nine states have lowered the minimum to 17 years old: Iowa, Kentucky, Louisiana, Maine, New Hampshire, New York, North Carolina, Ohio, and Pennsylvania (107). A small caveat must be made for Kentucky, which only permits 17-year-olds to work during primary elections if they will turn 18 by the time of the general election (108). Illinois law does not specify a minimum age, but it requires poll workers under 18 to be enrolled as juniors or seniors in high school. (109)

Arkansas and Virginia both give county election officials the discretion to create “election page” programs open to any high school students who are under 18 (110). These programs allow minors to observe the process and help with certain tasks, such as setting up the polling site or directing voters, but they are not given the full responsibilities of actual poll workers. Only some jurisdictions in these states operate such a program. For example, Fairfax and Loudoun Counties in Virginia have established “page” programs, but many other election jurisdictions elsewhere in the state have not. (111)

Some states, such as Florida, Maine, and Maryland, require that poll workers under 18 be preregistered or registered to vote in order to serve. (112)

The requirement to work a full day of 12 to 16 hours is a common barrier for high school and college students who want to serve as poll workers, but there is an easy way to eliminate this issue. While local election officials often have the authority to set poll worker hours, state legislators can and should make the availability of part-time or half-day shifts express in the election codes. Many more students would sign up if they did not have to work every hour the polling place was open and miss classes. Georgia’s “Student Teen Election Participant” program specifies that participants’ shifts cannot exceed six hours (113). Eighteen states allow for the creation of part-day shifts in their state election codes: Alabama, Arkansas, Connecticut, Indiana, Maryland, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Texas, Virginia, and Wisconsin (114). Others should follow suit.

(107) Iowa Code §49.13(6); Ky. Rev. Stat. Ann. § 117.045(9)(b); La. Rev. Stat. Ann. §§ 18:425(B)(5), 18:426(A)(4); 21-A Me. Rev. Stat. § 503-A(1); N.H. Rev. Stat. Ann. § 658:7-a; N.Y. Elec. Law §3-400(8); N.Y. Educ. Law § 3207-a; N.C. Gen. Stat. §163-42.1; Ohio Rev. Code Ann. § 3501.22(C); 25 Pa. Stat. § 2672(b).

(108) Ky. Rev. Stat. Ann. § 117.045(9)(b).

(109) 10 Ill. Comp. Stat. §§ 5/13-4(b), 5/14-1(c).

(110) Ark. Code Ann. § 7-4-116; Va. Code Ann. § 24.2-604.3.

(111) Office of Elections, Election Day Participation Program for High School Students, Fairfax County Virginia, <https://www.fairfaxcounty.gov/elections/high-school-student-program>; Elections and Voter Registration, Teen: Election Pages, Loudoun County Virginia, <https://www.loudoun.gov/162/Teens-Election-Pages>

(112) Fla. Stat. §§ 102.012(2), 97.041(1)(b); 21-A Me. Rev. Stat. §§ 503-A(1), 155; Md. Elec. Law §§ 10-202(a)(2)(ii), 3-102(a).

(113) Ga. Code Ann. § 21-2-92(c).

(114) Election Poll Workers, Nat'l Conf. State Legislatures (June 17, 2020), <https://www.ncsl.org/research/elections-and-campaigns/election-poll-workers637018267.aspx>. Ala. Code § 17-8-1(c); Ark. Code Ann. § 7-4-107(c); Conn. Gen. Stat. §§ 9-235a, 9-258a; Ind. Code § 3-6-6-10(b); Md. Elec. Law § 10-202(e); Minn. Stat. § 204B.22(1)(b); Mo. Rev. Stat. § 115.081(5); Mont. Code Ann. § 13-4-207(5); Neb. Rev. Stat. §§ 32-223(2), 32-230(3); N.J. Stat. Ann. § 19:6-9.1; N.Y. Elec. Law § 3-400(7); N.C. Gen. Stat. 163-42(a); N.D. Cent. Code. § 16.1-05-01; 25 Pa. Stat. § 2682.2, P.L. 1333 No. 320, art. IV, § 412.2(b); R.I. Gen. Laws § 17-11-13(d); Tex. Elec. Code §§ 32.072(a)-(b); Va. Code Ann. § 24.2-115.1; Wis. Stat. § 7.30(1)(a).

States can also enact policies to encourage college students to serve as poll workers. Louisiana has been forward-thinking by allowing college and university students to work at the polls even if they remain registered in another state (115). Illinois also enables college students to serve as poll workers in jurisdictions where they are not qualified to vote (116). This ensures that these states do not deprive themselves of a large pool of tech-savvy potential poll workers simply because they are college students who remain registered at their permanent address.

The Role of Local Election Officials

Local election officials have significant freedom to experiment with different poll worker recruitment tactics and programs, as well as to utilize youth poll workers in different ways. Student poll worker programs recruiting from both high schools and colleges can provide a broader pool of potential staff. Such programs are mutually beneficial, in that they also serve as valuable educational opportunities for students who participate in the program.

One of the most notable benefits of student poll worker programs is the gap they fill in terms of language assistance for voters. Many students from language-minority communities are bilingual and can serve as a conduit between election officials and limited English proficient voters.

Some local jurisdictions administer excellent programs for young poll workers and Minneapolis and Chicago are apt examples.

The City of Minneapolis has a Student Election Judge (SEJ) Trainee Program open to high school students 16 and up in eight counties in the Minneapolis area (117). In the 2018 general election, 400 students took part in the program, 150 of whom had participated previously (118). In 2020, 400 students were SEJs, representing 59 area schools. (119)

According to findings from CIRCLE at Tufts University, in 2020, “the number of youth election judges at a given precinct was significantly correlated with estimated voter turnout among 18- to 24-year-olds.” (120)

(115) La. R.S. 18:425(B)(6)

(116) 10 ILL. Comp. Stat. §§ 5/13-4(c), 5/14-1(c-5).

(117) Student Election Judge Program, City of Minneapolis (May 25, 2021), <https://vote.minneapolismn.gov/election-workers/student-program/>.

(118) Id.

(119) Nana Sam-Brew, Insights for Communities and the Media from High School Poll Workers: What Youth Want You to Know, Ctr. for Info. & Rsch. on Civic Learning and Engagement Ctr. for Info. & Rsch. on Civic Learning and Engagement 1 (June 2021), https://circle.tufts.edu/sites/default/files/2021-06/MN_communitiesandmedia_PDF_5.27.pdf.

(120) Id. at 4.

In the 2017 survey of SEJs, 76% of 124 respondents reported they were more likely to vote when they turned 18 as a result of the SEJ program, and 92% said they better understood how to vote (121). SEJs also provide language assistance to voters at the polls in languages other than English. SEJs in 2017 were “twice as likely as their adult counterparts to report being bilingual, with 35% of students speaking another language compared to 17% of adult election judges.” (122)

In Chicago, the city’s Board of Election Commissioners maintains a long-standing partnership with the Mikva Challenge to employ area high school students at polling places (123). During the March 2020 primary election, over 2,000 Chicago high school students signed up to be poll workers and received necessary training (124). Getting students involved in the election process as poll workers may have additional benefits beyond helping election officials meet current staffing needs. According to the Mikva Challenge, “98% [of 2019 participants] reported an intention to vote in the future and 96% wanted to serve as a judge again. 94% report an intention to convince family and friends about the importance of voting as well.” (125)

Recruitment at Community Colleges

Community colleges are an especially important source for tech-savvy, bilingual poll workers.

According to the American Association of Community Colleges, there are nearly 12 million students attending community colleges in the U.S., and these schools are found in almost every community. Community colleges represent a diverse group of students nationwide. Among undergraduates, 56% of Native American students, 53% of Hispanic students, 43% of Black students, and 38% of Asian/Pacific Islander students attend community colleges (126). Additionally, 29% of students at community colleges are first-generation college students, often from language-minority communities. (127)



(121) Minneapolis Elections & Voter Services, 2017 Student Election Judge Survey Results (“2017 Survey Results”), at 5 (on file with Fair Elections Center).

(122) *Id.* at 6.

(123) Media Advisory, Mikva Challenge, Youth step up to support continuation of Illinois Primary Election (Mar. 17, 2020) (on file).

(124) *Id.*

(125) *Id.*

(126) See American Association of Community Colleges, Fast Facts, available at www.aacc.nche.edu/research-trends/fast-facts.

(127) See American Association of Community Colleges, Fast Facts, available at www.aacc.nche.edu/research-trends/fast-facts.

MODEL POLICIES AND LEGISLATION

To maximize the number of students serving as poll workers, states should enact the following policies:

- A student may serve as a poll worker at any age if they are currently enrolled in a secondary or accredited postsecondary institution, regardless of their U.S. citizenship status.
- A student enrolled in a postsecondary institution in a jurisdiction or state different from where their primary address is located may serve as a poll worker in the jurisdiction or state in which the postsecondary institution is located.
- Voter registration or preregistration should not be a prerequisite for serving as a poll worker or election judge. However, a poll worker or election judge who has not yet reached the age of 18 shall secure a letter of permission from his/her school, parent, or guardian and serve as a part of a structured poll worker program.
- A poll worker or election judge who is enrolled in a secondary or postsecondary institution may work a half-day shift with a morning or afternoon start time.
- Online poll worker applications shall be made available by either state or local election officials and shall include a field for applicants to identify their technology skills and languages spoken.
- States that provide opportunities for student poll workers should require or strongly encourage such opportunities in every jurisdiction statewide, rather than giving each jurisdiction the ability to opt out of participating.

Insert a subsection into existing statute on poll worker eligibility:

- (a) Individuals may serve as a poll worker regardless of voter registration status or eligibility to register to vote; and
- (b) Individuals under the age of 18 may serve as poll workers if they are enrolled in a secondary or postsecondary institution of education.



CONCLUSION

Despite the noteworthy increase in participation from 2016 to 2020, youth voters still face considerable barriers to voting. The good news is, there are several approaches to overcome these obstacles, including adopting forward-looking legislation and policies that would make the process less complicated and more convenient for young Americans to vote. Many of the guidelines presented in this report are uncomplicated and relatively easy solutions, such as preregistration of 16- and 17-year-olds, same-day voter registration on Election Day, and on-campus voting locations. If our democracy is to endure, an increased access to the ballot box must be, and can be obtainable for younger voters. These ideas should be the basis for state and local policymakers to advance support for our youngest voters to fully participate in our democracy.



CONTACT



Michelle Kanter Cohen | *Policy Director & Senior Counsel*



mkantercohen@fairelectionscenter.org



202.331.0114

Mike Burns | *Campus Vote Project National Director*



mburns@campusvoteproject.org



202.331.0114

