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Memorandum to Higher Education Leaders

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RE: Fall 2020 Voting Conditions

Uncertainty over voting conditions for a fast-approaching election calls for fast action. The U.S. Supreme Court has repeatedly ruled that voting conditions are controlled by states, including a recent procedural ruling allowing Texas to deny voters access to voting by mail and, in another case, that Wisconsin can refuse to change voting methods even if COVID provides serious health risks. Decentralization has resulted in a morass of inconsistent and confusing registration and voting conditions that have been exacerbated by the pandemic and calls for changes to voting rules. Uncertainty and unnecessary inconvenience are bad for all voters, but they uniquely affect the nation's 20 million college and university students.

Going into the 2020 election, it is helpful to know more context. Generally, students register to vote at rates commensurate to the general population, but too few students go on to vote. Students living on or near campus who register there tend to vote at higher rates, but students who are registered away from campus (e.g., at their parents' address) turn out at lower rates. There is also evidence that students vote provisionally more than other voters, that those provisional ballots are not only over-relied on but also disproportionately rejected compared to other voters, and that students' absentee or mailed-in ballots are similarly rejected at disproportionately higher rates. Absent interventions, the removal of barriers to voting by mail, and education, voting rates for students will be low in 2020.

The goal of this memorandum is to provide college and university leaders with the information they need to advocate for voting laws and conditions that encourage and enable student voting, both during this pandemic and after. We believe this crisis both demands immediate action and provides an opportunity for institutions to advocate for increased student access to voting in the long term.

Many states are currently sorting through the threat of COVID-19 and concerns over the health and safety of voters, poll workers, elected officials, and candidates. All states can receive federal funding to update their election systems due to the pandemic, and many Secretaries of State or legislative commissions are hosting hearings on prospective changes this summer. This presents an opportunity to demand reforms that make voting easier for students, which, in turn, helps all voters. Given their prominence as leaders in states and communities, college and university presidents can play an essential role in removing technical barriers to voting, preventing voter confusion, and demanding recognition of students' constitutional right to vote, protected by the Twenty-Sixth Amendment.

This memo contains recommendations on:

- Where students who attend a college or university away from their prior address, such as their parents' address, can register to vote and vote,
- Identification requirements and what institutions can do to ensure that students have the proper identification to prove residency consistent with their right to vote from campus, and

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- How presidents/chancellors can use their influence to promote reforms around online registration, excuse-free mail-in voting, modernizing mail-in voting systems, early voting with extended hours, convenient polling and drop box locations on campus, and voter education.

We offer descriptions and talking points for each. Some interventions are necessary due to the pandemic, and all are best practices that should continue after the pandemic ends. While this memorandum sets out reform recommendations leading up to and following the 2020 Election, it is not legal advice.

1. Students with a choice between voting from their prior address or campus address should register to vote where they will be the most motivated to vote and where voting will be the most convenient.

Students who relocate to attend a college or university may choose to vote either from their campus or their prior parents' address. The U.S. Supreme Court ruled 40 years ago that college students have a constitutional right to vote from their campus residence. Temporary absences (e.g., summer breaks, study abroad) do not prevent the continuation of residency if the student intends to return. Many returning and graduate students are already registered on or near campus. Further, residential colleges and universities submitted headcounts to the U.S. Census that include the number of enrolled students. When students attend college away from home, they often take jobs or volunteer and become members of that community in other ways. These students are members of the local community, regardless of their physical location on Election Day. Students who enrolled and intend to be on campus this fall have the right to vote in that district and select the elected officials who will represent them for the next two and four years.

The law is less clear on the right of first year or transfer students, but a strong case can be made to permit them to vote from their new campus address. While they cannot demonstrate an intent to "return" to campus, the questioning of their residence applies only to these students and not to other voters. Put more plainly, this level of scrutiny is not applied to any other group of voters who may be temporarily displaced due to the pandemic (or any other reason, such as a natural disaster), suggesting a violation of the 26th Amendment. Incoming students have paid a deposit and tuition, contributing to the state and local taxes. They plan to move as soon as permitted and would already have arrived, but for the pandemic. To claim this group as a resident for the purposes of the Census but not to register to vote suggests an effort to dilute or discourage voting.

Our recommendation that students register where they will be more *motivated* stems from our concern that too few students who register to vote go on to vote. We believe this reflects a combination of factors such as the campus climate (a sense of enthusiasm around the election, voting as "what we do around here"), the pervasiveness of political discussions on campus, issue activism, ties to the campus or home community, the relative competitiveness of races, and voter confusion and voter suppression. Our recommendation that students should consider *convenience* stems from research on barriers to voting. It suggests that students should consider a range of factors, such as the availability of early voting, requirements for voting by mail, ability to travel to polling locations, and the relative convenience of voting physically nearby. Having students study and think through their options is consistent with higher education's educational mission.

Institutional leaders should be prepared to advocate for their students' right to vote at either their campus or their prior address such as their parents' address where they may continue to remain temporarily due to the pandemic. There are actions, listed in sections below, that institutions can take to help students prove residency this fall, and to make voting more convenient this fall such as by bringing polling places on campus and supporting efforts to expand early voting and election day registration in light of the pandemic. These best practices can and should continue in future elections.

- 2. Colleges and universities should provide all students, including incoming new students, with student identification cards and additional proof of residency now, regardless of whether the students will be on campus or remote. Institutional leaders should advocate for use of college IDs to vote, and in the alternative, portable proof of identity and institution-issued proof of residency.**

Generally, voters must prove (1) their identity (I am who I say I am) and (2) their residency (I live in this voting district). The laws vary from state to state as to whether the identification/proof must be issued by the state, whether it must include a combination of a photo, address, and expiration date, and what happens if a voter has no identification. Most Americans prove both identity and residency with one card (e.g., a driver's license with a local address). Students attending college away from their homes face a unique burden of proving residency and their right to vote from campus.

The alleged rationale for requiring identification is to prevent voter fraud such as voter impersonation or double voting. Researchers have concluded that voter fraud is extremely rare (.003 to .005%) and is no more prevalent in states with no identification requirements than in states viewed as strict. Strict identification requirements disproportionately affect college students and young people not in college, low-income Americans, racial and ethnic minorities, the elderly, mobile populations, and people with disabilities. These groups have more difficulties, in part due to their high mobility, and in part due to the cost, deficient public transportation, and time expenditure associated with obtaining a government-issued photo ID card or underlying prerequisite documentation such as a birth certificate. An estimated 21 million Americans do not possess a government-issued photo identification.

What can institutions/institutional leaders do?

(1) *Produce and advocate for the acceptance of student IDs:* The simplest solution is for state and local election officials to accept student IDs to meet voting identification requirements, and for the requirements imposed on such IDs be reasonable. Some states require a combination of name, photograph, address, and even expiration date on the student ID or additional documentary proof of enrollment. These types of restrictions make it very difficult for student IDs to meet voter identification requirements. Other states accept only IDs from public institutions, not private institutions. Optimally, states accept IDs issues by both public and private colleges and universities.

(2) *In the alternative, aim for "portable" proof of identity:* An alternative approach would be for election officials to accept from students *any* government-issued identification to vote, including those issued by other states. College presidents should argue for *portability*. In other words, if I am a student from Massachusetts attending school in Maine, I should be able to prove my identity at the time that I vote (or register to vote) using my (portable) Massachusetts-issued ID. Several states already allow for this option with no issue.

(3) *Combine portability (for identity) with institution-issued evidence of residency:* In addition to proving their identity, students attending college away from home and who want to vote from campus must prove residency – that they have the right to vote in that district. Currently, registration procedures vary dramatically. In many cases, students register via a voter registration drive or online, using a driver's license number or last four digits of a social security number. Students often face barriers over their addresses (campus mailboxes may not be recognized by the U.S. postal service or election officials) or students need to mail-in copies of their IDs, requiring both a printer and a stamp. For campuses straddling multiple districts, students changing buildings and moving to another district need to re-register. These barriers are simply unnecessary.

An alternative would be to require states to accept enrollment lists (containing name and address) generated by colleges and universities. This can be done by delivering a paper or electronic version to the Secretary of

State or local election officials. Such an approach has been a proven best practice in some jurisdictions, and removes the onus from the student, allowing, for example, registrars to work with election administrators to communicate this information. Alternatively, we recommend doing what New Hampshire is doing. The University of New Hampshire developed an app² that shows whether a student is currently enrolled and where they live. When students vote in-person, they simply pull up the app and show their name. Any campus can replicate these systems easily and in time for the 2020 election.

What address should institutions use for students? Again, this might require some advocacy. Many institutions assign students a residence in a central location (such as 1 University Ave). In the alternative, institutions should proactively assign each student (living on campus) a residential address, even if the student will not be able to physically move in before the advanced voter registration deadline. Returning students who have not yet been assigned an on-campus address may use their prior spring address for the purpose of voter registration.

Note that when students request an absentee or mail-in ballot, they may be able to provide both a residential address and an address where ballot should be mailed. Students who begin the semester on campus but leave before Election Day may need to update the “mail-to” information.

Documenting student residency would also alleviate a problem that students often face when they use the option of same day registration and voting. Students may not know that they need to bring proof of residency with them when they go to register and vote. Of course, using student IDs to prove identity is the simplest approach, along with using an app or separate agreement in place between the institution and the local registrar to share information regarding on-campus residencies.

3. Support online voter registration and robust mail-in voting

The medical community advises Americans to practice safe physically distancing during the pandemic. Traditional registration drives involve people exchanging clipboards, pens, and paper and talking in proximity. As a result of COVID, voter registration rates this year are sharply lower, compared to other presidential cycles. For this reason, all voters should be allowed to register to vote online. In 39 states, plus the District of Columbia, students whose permanent address is in-state may register online. For this reason, all voters should be allowed to register to vote online. This needs to change so that students whose identification is from out-of-state but attending institutions in state may also register online, as is currently the case in 11 states (CA, CT, DE, KY, MD, MN, OK, OR, PA, VT and VA).

Voters, too, usually go to polling locations assigned by their districts, sometimes standing in long lines. They then talk with poll workers, hand over identification, sign in, enter a booth just occupied by someone else, and then feed their ballot into a machine or hand it to an official. Because of the pandemic, all of these acts pose a health risk.

In five states (CO, HI, OR, UT, WA), all voters automatically receive a ballot in the mail and may return the voted ballot by a deadline to be counted. Other states, however, require voters interested in voting by mail or absentee to provide an excuse, in writing and in advance of requesting a ballot. Some allow COVID-19 to be a valid excuse under their provisions for voters with disabilities, while other states expressly reject the possible exposure to the virus as an excuse. In 8 states, people over the age of 60 or 65 may vote by mail, but those under that age may not. Voting rights advocates argue that this policy constitutes age discrimination pursuant to the 26th Amendment.

² For more information, email jdhe@tufts.edu or visit the UNH website [here](#).

The federal government has provided financial support for states to enact new procedures. More than 80% of Americans consistently respond to polls that they want the option to vote by mail, yet some states are expressly limiting or prohibiting that option. For the health and safety of students and all members of the campus community, presidents should fight for students' right to vote by mail.

4. Support excuse-free early voting with extended hours

Currently 40 states and the District of Columbia offer extended hours or dates prior to Election Day for in-person voting. Five states mandate all-mail-in voting (which means that all voting can be early). Early voting is more convenient for students who might need to squeeze voting in between classes, jobs, family responsibilities, and other needs. This option will be far safer in a time of physical distancing. In some states like CT, early voting would require a state constitutional amendment. There, the fastest solution might be to identify the threat of COVID as an acceptable excuse, as NH has recently allowed. Presidents should advocate for this change with election officials.

5. On-campus polling locations and drop boxes for both early voting and Election Day voting

Convenient polling locations and ballot drop boxes will increase student voting rates, at least for in-person voting. Many students live on campus and do not own cars. Campuses are uniquely deserving of a drop boxes and polling locations because of the large number of people residing in a relatively small geographic area, and for rural campuses that are geographically isolated, students must travel long distances to vote. For institutional leaders making this case, summarize how the polling location will be accessible to people with physical disabilities, has adequate parking, and, in this era of physical distancing, that the space is large enough to safely spread out voting machines and poll workers. States often have formulas for the number of voters that are needed to justify a polling location; check that number, but also check the numbers in other communities. If the local library in a rural part of the state receives a polling location to serve 2,000 residents, there is no reason the campus of 3,500 or more cannot become a polling or drop box location. In the longer term, support state legislation that mandates that polling places be brought on campuses, such as in Illinois and California.

6. Voter education.

With the current, rapid pace of change in voting laws, secretaries of state and local election officials should provide accurate, thorough voter education resources that can be used by campuses. This might be "how to" videos on requesting a ballot, filling it out, and voting in person or by mail. It might mean a comprehensive FAQ on voting in 2020. Election officials can visit campuses or run virtual forums or workshops for campus coalitions, student groups, faculty, and staff. Election officials can also work with campus coalitions or student groups to produce resources that can be used by all institutions in the state. As the election rapidly approaches, and voting conditions continue to change, education will be crucial to maintaining the increases in student turnout we have seen in the past few elections. Colleges and universities can help by ensuring that their students know about ID requirements, registration deadlines, and other information and how, when, and where they can submit their ballots. We also know that students have traditionally turned out at lower rates when using vote-by-mail; given the inevitable increase in reliance on voting by mail during this pandemic, institutions should work with local officials to provide students with all the information and tools they need to navigate that process.

About the Institute for Democracy & Higher Education



Located at Tufts University's Tisch College of Civic Life, the Institute for Democracy & Higher Education is an applied research center and leading venue for nonpartisan resources and advocacy on college student political learning and engagement in democracy. Our mission is to inform and shift college and university priorities, practices, and culture to strengthen democracy and advance social and political equity. IDHE focuses explicitly on "all things political" on college and university campuses including political learning, discussion, inclusion, and participation. IDHE runs the National Study of Learning, Voting, and Engagement (NSLVE), a study of student voting rates at 1,100 U.S. colleges and universities. IDHE's other research examines campus conditions and best practices in political learning and participation. For more information, see <https://idhe.tufts.edu/>.

About Tufts University's Tisch College of Civic Life



The only university-wide college of its kind, Tisch College offers transformational student learning and service opportunities, conducts groundbreaking research on young people's civic and political participation, and forges innovative community partnerships. Its work is guided by two core beliefs: that communities, nations and the world are stronger, more prosperous, and more just when citizens actively participate in civic and democratic life; and that higher education has a responsibility to develop the next generation of active citizens. Learn more: <http://tischcollege.tufts.edu> and @TischCollege.

About the Andrew Goodman Foundation



The Andrew Goodman Foundation is a national, non-partisan organization with the mission of making young voices and votes a powerful force in democracy. The Andrew Goodman Foundation supports youth leadership development, voting accessibility, and social justice initiatives on campuses across the country with extensive training, mentoring, and mini-grants to select institutions. We bring together student leaders, campus administrators, and university resources to provide campus-specific support and enable long-term change on campus. The Andrew Goodman Foundation empowers students by supporting their organizing and advocacy efforts, and where necessary through litigation to make sure that their voices and votes count. Our vision is that young people will become active, engaged citizens who ensure a just democracy and sustainable future. Learn more:

<https://andrewgoodman.org/>.

About the Fair Elections Center and Campus Vote Project



Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education, and advocacy to remove barriers to registration and voting, and to improve election administration. An initiative of the Fair Elections Center, the Campus Vote Project works with

universities, community colleges, faculty, students and election officials to reduce impediments to student voting and helps campuses institutionalize reforms that empower students with the information they need to register and vote. Learn more:

<https://www.fairelectionscenter.org/> and <https://www.campusvoteproject.org/>.