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CIVIC GROUPS URGE STATE BOARD OF ELECTIONS TO REVIEW COLLEGE POLLING LOCATIONS

NYPIRG REVIEW IDENTIFIES MORE THAN HALF OF ALL COLLEGES WITH DORMS LACK POLLING PLACES

(Albany, N.Y.) A coalition of civic groups today called on the New York State Board of Elections to review the state’s polling locations to see if colleges have on-campus polls as required under the law. The letter is in reaction to the results of a survey conducted by NYPIRG.

In 2022, New York initiated an important new program to help young adults attending college to more easily vote. The law stated that campuses that have 300 registered voters living on campus should have a polling place.

NYPIRG analyzed 199 colleges (217 campuses, some colleges have multiple campuses) in New York State, of which 147 have dorms located on their premises. This review of the locations of polling places for college students living on-campus identifies a wide gap between those campuses that have dorms and the number that have polling places. The survey found:

Category	Number of Campuses
Total number of college and university <i>campuses</i> (there are some colleges that have multiple campus locations)	217
Campuses without dorms	70
Campuses with dorms and polling places on campus (eight of these had a polling place contiguous to campus)	50
Campuses with dorms and polling places located <i>within</i> one half mile	40
Campuses with dorms and polling places located more than <i>one half mile</i> away	57
Campuses with dorms, enrollment of 1,000 or more full time students and polling places <i>one mile</i> or more away (subset of row above)	26

The NYPIRG survey did not include whether a particular campus had 300 or more registered voters living in the dorms. Thus, simply not having a polling location does *not* mean that a college is not in compliance.

The groups urged that the State Board of Elections review the polling locations that have been announced to ensure that colleges that should have polling sites, in fact do so. If not, the groups urged the Board to add such locations in advance of the General Election this November.

Attached: Letter to the State Board as well as the NYPIRG survey.

**Andrew Goodman Foundation
Citizens Union
Common Cause/NY
Generation Vote
League of Women Voters of New York State
New York Public Interest Research Group (NYPIRG)
Reinvent Albany**

May 23, 2024

Henry T. Berger, Co-Chair, NYS Board of Elections
Peter S. Kosinski, Co-Chair, NYS Board of Elections
Essma Bagnuola, Commissioner, NYS Board of Elections
Anthony J. Casale, Commissioner, NYS Board of Elections
Kristen Zebrowski Stavisky, Co-Executive Director, NYS Board of Elections
Raymond J. Riley III, Co-Executive Director, NYS Board of Elections

New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Dear Commissioners and Co-Executive Directors of the New York State Board of Elections:

As organizations concerned with youth voter participation, we write to urge that you review polling locations to ensure that all covered colleges have polling locations placed on campus for the upcoming election.

The attached recent study conducted by the New York Public Interest Research Group shows that some number of colleges in the state do not have on-campus poll sites even though many have a significant number of students living on campus. This survey raises critically important questions that we urge the Board of Elections to investigate to ensure that the rights of young voters registered in their college communities are being protected under the law.

There are over one million college students in the state. Across New York, colleges are filled with students who historically are less likely to vote yet have a common community. The unfortunate history of student voting has been one in which officials too often seek to suppress participation among this voter segment.

A key battleground has been the right of students to vote in their college communities. Perhaps not surprising, local elected officials and boards of elections did not, in all cases, look kindly upon the newly enfranchised student electorate. Even though college students are—for the purposes of the federal census—considered residents of college communities, efforts to limit the student vote persisted. After years of court battles, boards of elections in New York are required to register students to vote from their campus addresses if the student wishes.

As has been the case when fundamental rights are extended to new groups—which threatens the *status quo*—securing the *legal right* to vote did not mean that *actually voting* would be easy for young voters. This remains true 50 years after 18-year-olds obtained the right to vote.

As a result, barriers persisted. Year after year, students have faced obstacles to registration and voting in counties around the state. For example, some counties split campus populations into multiple election districts or removed campus poll sites.

In 2022, New York State enacted a new law requiring that General Election polling places be placed on colleges and universities that had at least 300 registered voters living on campus. That legislation was approved to help college students vote in elections from their on-campus addresses.

Under the new state law, colleges that have “three hundred or more registrants who are registered to vote at any address on such contiguous property” must have a polling place placed on “contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.” Despite the new law, New York’s college voter turnout in 2022 was disappointing, with a turnout under 30 percent.

As mentioned earlier, part of the problem is that it appears that many colleges did not have polling places as was expected after passage of the new law. Did those campuses have fewer than 300 registered voters living on campus and therefore aren’t covered under the law? Or was it a failure of the law or its enforcement? The NYPIRG survey survey raises but was not designed to answer these questions.

Our organizations believe that it is imperative for policymakers to examine this issue and see whether state law needs to be strengthened or implementation falls short – or both. *However, the issue must be examined – failure to allow college students the opportunity to cast their ballots on campus is an indefensible restriction on their constitutional right to vote.*

Therefore, we urge that the State Board review polling locations, review whether the colleges identified in the NYPIRG survey should have polling sites and ensure that any such colleges that should have polling places, but do not, have one added prior to the General Election this November. If your review identifies weaknesses in the current statute, we urge that you make recommendations for reforms.

We look forward to working with you to ensure that college students are adequately empowered to vote. Please reach out to NYPIRG (bhorner@nypirg.org) if you have any questions regarding the attached survey.

Sincerely,

Rashawn Davis, Andrew Goodman Foundation
Ben Weinberg, Citizens Union
Susan Lerner, Common Cause/NY
Brendan Cushing, Generation Vote
Laura Ladd Bierman, League of Women Voters of New York State
Blair Horner, NYPIRG
John Kaehny, Reinvent Albany

cc: State Senator Zellnor Myrie
State Senator Kevin Parker
State Assemblymember Latrice Walker
State Assemblymember Nily Rozic
Liz Fine, Counsel to the Governor
Terry Pratt, Assistant Counsel to the Governor

NYPIRG

May, 2024

Policy Close Up

New York State's Law Mandating Polling Places On Colleges

New York Public
Interest Research
Group

9 Murray Street, Lower
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Summary: In 2022, New York initiated an important new program to help young adults attending college to more easily vote. NYPIRG analyzed 199 colleges (217 campuses, some colleges have multiple campuses) in New York State, of which 147 have dorms located on their premises. This review of the locations of polling places for college students living on-campus identifies a wide gap between those campuses that have dorms and the number that have polling places.

Background:

Despite the constitutional promise, students too often face obstacles to voter registration and participation across the state. Students live in their college communities anywhere from nine to twelve months of the year, for at least four years. Students are no more transient than the average American family, who typically moves once every five years.¹ Moreover, the U.S. Census Bureau considers students residents of their college community in its once-in-a-decade survey.² Thus, the federal government distributes funds to municipalities based on the student population. Students contribute to their communities in many valuable ways. They work as volunteers in a host of civic organizations, create jobs in the community, bolster the local economy, and pay sales and gasoline taxes.

In 2022, New York State enacted a new law that required General Election polling places be placed on colleges and universities that had at least 300 registered voters living on campus.³ That legislation was approved to help college students vote in elections from their on-campus addresses. The outcomes were disappointing.

One reason is that at many colleges, students were encouraged to register in ways that required them to apply for absentee ballots. The State University system offered information to students in order to help them to navigate the registration process, but the simplest option was to register through the DMV online voter registration process. In doing so, those voters were registered from the address on their drivers' licenses, typically an address that is not the one from their college. Thus, these students would have to vote via an absentee, while seeing a polling place on their campus. Any obstacle to a first-time voter is an obstacle that can result in a ballot being cast.

The new on-line voter portal⁴ offers an opportunity for students to register outside of the DMV system. However, while this option will allow new voters to register on-line directly into the SBOE, it does require that the individual create a state account⁵ and then manually enter the relevant information one needs to register.

The option to simply go through the DMV website is still there and, in that case, the would-be voter's information is pulled from the license making it easier to register.

Additionally, there could have been less access to polling places on college campuses than advocates expected. This review examines that second possibility.

Our Review:

In March, the State Board of Elections issued the locations of polling places statewide. These locations were to be available during the upcoming primaries. According to the SBOE, there is an expectation that additional polling places could be added prior to the General Election.⁶

Starting in April, NYPIRG researchers conducted a comparison between those polling locations and the addresses of college campuses that have dormitories. NYPIRG compiled a list of campuses statewide, determined whether each college had full time students living on campus and, using the state Board of Elections' list of 2024 election day polling places, determined the closest polling place for each campus with dorms.

Of course, simply having dorms on-campus does not mean that there should be a polling place. Under New York law, colleges that have “three hundred or more registrants who are registered to vote at any address on such contiguous property” must have a polling place placed on “contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.”⁷

Our review does *not* examine whether 300 registered voters are located on campuses that have dorms. We do, however, find that there are many colleges that could have polling sites and do not and that policymakers should examine the underlying reasons why they do not.

What We Have Found:

Category	Number of Campuses
Total number of college and university <i>campuses</i> (there are some colleges that have multiple campus locations)	217
Campuses without dorms	70
Campuses with dorms and polling places on campus (eight of these had a polling place contiguous to campus)	50
Campuses with dorms and polling places located <i>within</i> one half mile	40
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Campuses with dorms, enrollment of 1,000 or more full time students and polling places <i>one mile</i> or more away (subset of row above)	26

As seen above⁸, there are a considerable number of colleges that have dorms that do not have polling places on – or near – their campuses.

This review is consistent with the findings of other researchers⁹ who have also concluded that there is a significant gap between campuses with dormitories and those that have polling places located on them.

The question is why?

Our research does *not* answer that question, but it must be imperative for policymakers to examine this issue and see whether state law needs to be strengthened or implementation falls short. *However, the*

*issue must be examined – failure to allow college students the opportunity to cast their ballots on campus is an indefensible restriction on their constitutional right to vote.*¹⁰

College Student Voting:

Across New York, colleges are filled with students who are less likely to vote yet have a common community. The unfortunate history of student voting has been one in which officials too often seek to suppress participation.

Year after year, students have faced obstacles to registration and voting in counties around the state. Some counties target students by further splitting campus populations into multiple election districts or removing the campus poll site.¹¹

The courts have weighed in and defended the rights of college students to register and vote from the college addresses. Like all other adults, college students can designate their residence for the purposes of voting. **College students are allowed to choose to vote either from their college address or their family's address.**

On-Campus Voting: Success In Florida

Expansion of early voting polling locations is vital to improve voter turnout rates. *Florida* hosted early voting polling sites on college campuses for their 2018 general election. These polling sites saw much higher participation rates of voters ages 18-22 and of Black and Hispanic voters. Twelve college campuses had early polling locations in nine participating counties, and 60,000 voters cast their votes in those counties. The majority of those casting their votes were between the ages of 18 and 29, 22,000 being between 18-22.

This also encouraged voters who previously sat out the 2016 general election to participate. About 47,700 voters who took advantage of early on-campus voting were registered before the 2016 general election. Fifteen percent (nearly 7,300) of these voters did not vote in 2016. This program also allowed over 100 voters who attempted to vote by mail in 2016 and had their ballot rejected to successfully cast their ballot in 2018.¹²

Across New York, colleges house students who are vital members of their community but face significant obstacles to voting. Increasing the number of polling sites on college campuses is crucial to democracy. For young adults, voting access can lead to increased civic participation in their respective communities. New York State's vast network of colleges and universities presents an opportunity to build on recent youth turnout high-water marks.

As has been the case when fundamental rights are extended to new groups—which threatens the *status quo*—securing the *legal right* to vote did not mean that *actually voting* would be easy for young voters. NYPIRG and countless student and voting rights advocates have fought hard over the past four decades to ensure that students and other young people can exercise their right to vote.

A key battleground has been the right of students to vote in their college communities. Perhaps not surprising, local elected officials and boards of elections did not, in all cases, look kindly upon the newly enfranchised student body. Even though college students are—for the purposes of the federal census—considered residents of college communities, efforts to limit the student vote persisted. After years of court battles, boards of elections in New York are required to register students to vote from their campus addresses.

Since voting is a habit that must be ingrained and supported in the early years of eligibility—which coincide with typical college years—New York should support voting by students on campus.

Current Law:

“Whenever a contiguous property of a college or university contains three hundred or more registrants who are registered to vote at any address on such contiguous property, the polling place designated for such registrants shall be on such contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.

a. Each election district shall be in compact form and may not be partly within and partly without a ward, town, city, a village which has five thousand or more inhabitants and is wholly within one town, the contiguous property of a college or university which contains three hundred or more registrants who are registered to vote at any address on such contiguous property, or a county legislative, assembly, senatorial congressional district. Except as provided in paragraph b of this subdivision, election district boundaries, other than those boundaries which are coterminous with the boundaries of those political subdivisions and college or university properties mentioned in this paragraph, must be streets, rivers, railroad lines or other permanent characteristics of the landscape which are clearly visible to any person without the need to use any technical or mechanical device. An election district shall contain not more than nine hundred fifty registrants (excluding registrants in inactive status) or, with the approval of the county board of elections, not more than two thousand registrants (excluding registrants in inactive status), but any election district may be divided for the convenience of the voters.”¹³

Methodology:

NYPIRG compiled a list of college campuses in New York State including addresses and whether the college has on campus housing. We then received a complete list of polling places from the State Board of Elections. Using Google maps, we determined the closest polling place to each college campus. Distance is measured in miles using Google Maps' walking distance rather than by car or public transit. Enrollment data comes from the State Education Department (SED). For campuses with no enrollment data on SED's website we consulted college websites, Data USA and U.S. News and World Report.

One additional note: We considered polling places less than one tenth of a mile away as contiguous, so for example the Alfred University polling place is considered on campus. The polling place abuts the campus. For polling places one tenth of a mile or more away, we did not consider it contiguous. We reviewed college campuses using Google Maps and judged the distance between campus and the closest poll site. The word contiguous is open to at least some interpretation so there could be some schools with a polling place more than one tenth of a mile away that the Board of Elections considers contiguous.

¹ Ocampo, Sergio, “How Often Does the Average American Move?” MoveBuddha, December 13, 2023, <https://www.movebuddha.com/blog/how-often-americans-move/>.

² U.S. Census Bureau, “In Student Housing, Off Campus or With Parents, College Students Count in 2020 Census,” <https://www.census.gov/library/stories/2020/01/student-housing-off-campus-with-parents-college-students-count-2020-census.html>.

³ See Section 4-104, subdivision 5a of the election law. The relevant section states, “5-a. Whenever a contiguous property of a college or university contains three hundred or more registrants who are registered to vote at any address on such contiguous property, the polling place designated for such registrants shall be on such contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.”

⁴ See <https://nyovr.elections.ny.gov/>.

⁵ See <https://my.ny.gov/LoginV4/login.xhtml>.

⁶ NYPIRG phone call with SBOE.

⁷ Section 4-104, subdivision 5a of the election law.

⁸ CORRECTION: Our original report misstated the nearest polling place for State University of New York Downstate Health Sciences University and Buffalo State College. They are corrected in this report.

⁹ Bard College Center for Civic Engagement, “Bard Center for Civic Engagement Prepares Report on Poll Sites on College Campuses,” February 16, 2024, <https://cce.bard.edu/news/bard-center-for-civic-engagement-prepares-report-on-poll-sites-on-college-campuses-2024-01-06>.

¹⁰ New York State Constitution, Article II, Section 1.

¹¹ Examples of college students being unfairly targeted in elections; <http://www.nyclu.org/news/nyclu-dutchess-county-protect-college-students%E2%80%99-voting-rights> and <http://www.nbcnews.com/news/asian-america/ny-attorney-general-raises-concerns-over-challenges-chinese-american-voters-n453801>.

¹² The Andrew Goodman Foundation, “On-Campus Early In-Person Voting in Florida in the 2018 General Election,” August 9, 2019, <https://andrewgoodman.org/on-campus-early-voting-fl/>.

¹³ Section 4-104, subdivision 5a of the election law.