

**DEMOCRACY AND COLLEGE STUDENT  
VOTING**  
(Revised Edition)

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## *Introduction*

The right to vote is widely acknowledged as central to any democratic society. For both the individual citizen and the collective body politic, exercise of the franchise is one potent mechanism of influence over their government. Moreover, vigorous participation, both in frequency and in overall numbers is a sign of a healthy democratic society.

Yet, the chronically low participation rate of the voting age public is one of the difficulties facing American politics today. As many political analysts have documented, over the past thirty years voting among the electorate has either declined or at best stagnated at roughly fifty percent of the electorate in presidential elections. Numbers dip considerably in the off year elections when the presidency is not up for decision. Some have labeled this the problem of the “disappearing electorate.”<sup>1</sup>

One segment of the voting age population that contributes to this overall problem is the group of potential voters in the eighteen to twenty-four age cohort and, more narrowly, those who are attending college or university of this age. As we document below, this group of potential voters has maintained a consistently low rate of voter registration and voter turnout in national elections.

Multiple factors likely contribute to the low rates of participation of this voting group, including youth, inexperience, transient status in their communities and political culture. However, state residency laws affecting where college students can register and vote are perhaps the most serious barriers to active participation. While student-voting rights are generally protected in the use of absentee ballots, many students are discouraged and even prohibited by state law and administrative interpretation of law from establishing legal residency in their college communities sufficient for voting rights in those communities.

This analysis first casts a light on the nature of this problem in the context of democratic theory. We argue that college students have strong claims for being permitted and indeed encouraged to register and vote in their college communities. College students ought to be considered full fledged citizens of their college communities and exhorted to participate fully in the politics and affairs of those communities, including voting for not only national and state political officials but also local officials and referenda as well.

We then turn to three sets of data to document the problem and make our case that laws and practices are problems and therefore that states and local boards of elections ought to change statutes and administrative practices to facilitate student voting in their college communities. First, we sketch a profile of the national problem of nonvoting among college students focusing on the patterns that have emerged over the past eight presidential elections.

Second, we lay out the results of our survey of state laws and administrative practices describing the variation in law and practice among the states and the District of Columbia regarding residency laws and student voting. Finally, we explore the registration and voting rates of the eighteen to twenty four year old age group for the 1996 and 2000 presidential elections, using that age cohort as an indirect measure of college student registration and voting.

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<sup>1</sup> Ruy Teixeira, *The Disappearing American Voter* (Washington, D.C. : Brookings Institution, 1992).

This report is the culmination of two research efforts, one in the spring of 2001 and a second in the spring of 2004. This revised edition is a significant updating and revision of the previous report, including data from the 2000 election and fresh assessment of state practices regarding college student voting. In both studies, similar research methodologies were undertaken and applied with some variation. These are described in the Appendix of this report. We would also like to acknowledge the work done by several people involved in the initial effort: Michael Haslup as a primary researcher and author of the first report issued in June of 2001, with research work undertaken by Erin Fitzsimmons, Elizabeth Fox and Amy Wagner.

Finally, much thanks is owed to Pauline Gehrich, Managing Director of PACE for facilitating the final editing and production of the report and to Harry Basehart and Francis Kane, co-directors of PACE for their initiative and imagination which led to the project's creation in the first place.

## *College Student Voting and Participatory Democracy*

### Maximization of Citizen Participation

A healthy democracy maximizes citizen participation in collective decision-making, thereby maximizing individual freedom and the freedom of the community. To paraphrase Jean Jacques Rousseau, we are most free when we obey laws we prescribe to ourselves. Thus, the higher the level of participation in influencing the laws by which we must live, the greater the democracy and the greater the freedom we enjoy as citizens. At a minimum, in our representative democratic system, this means the maximization of citizen voting at all levels of electoral politics.

Given that most of us live our lives primarily in our local communities, we should be most active in the politics of those communities if the democratic ideal is to be fulfilled. Laws and administrative practices for registration and voting therefore ought to facilitate as much voting participation as possible. This principle should apply no less to college students living in the community than other citizens. However, the reality fails to live up to this minimal ideal.

### Citizenship

To get to the heart of the ambiguous place of college students within their communities, we need to revisit the meaning of citizenship. One dimension of citizenship is that one is obligated to obey the laws of their community, national, state and local. Since most college students are residents of their college community for at least nine months of the year, they, like their fellow citizens, are bound by the same obligation and must obey the same laws, including local ordinances passed by the local government. They are not immune to the laws guiding rental properties, for instance, or traffic and parking laws. The duties and obligations of citizenship apply to students no less than other citizens.

An additional dimension of citizenship involves the contributions each brings to the community, including economic resources, such as capital and human labor, intellectual, political and social resources. Invariably, college students bring enormous resources of all kinds to their communities: millions of dollars are spent on rent, restaurants, gasoline, and a variety of entertainment venues in college and university towns. Additionally, students provide a youthful and energetic labor force, for both profit and non-profit organizations and activities.

In sum, college students contribute significantly to their college communities and are obligated to obey the laws of those communities. Consequently, students ought to qualify as full citizens and deserve the legal right to register, vote and be active in the local politics of the community. Indeed, to the extent that institutional features of the state law and local government inhibit students from participating, students are being denied their full democratic rights.

### Education

Curiously, apolitical, politically inactive college students learn much in their four years of college, but largely fail to develop the political skills and practical knowledge that could enhance their intellectual development and expand their political freedom. Most are unlikely to know the mayor of their university town or how the town's city council influences their lives.

Yet, if they could vote in their communities, not only for president of the United States, but also for the local mayor and city council, they would likely become better informed and more committed to their college communities. Indeed, the quality of student participation in the national elections might also improve the more they participate at the local level. As John Stuart Mill, the 19<sup>th</sup> century English philosopher noted,

“...A political act, to be done only once in a few years, and for which nothing in the daily habits of the citizen has prepared him, leaves his intellect and his moral dispositions very much as it found them...We do not learn to read or write, to ride or swim, by being merely told how to do it, but by doing it, so it is only by practicing popular government on a limited scale, that the people will ever learn how to exercise it on a larger.”<sup>2</sup>

The educational benefits of participation may be particularly important for young voters. Youthful immaturity and inexperience would more quickly dissipate through earlier exposure and participation in local politics.

#### Social Connectedness

A relationship may also exist between ties to community, a “social connectedness”, and the motivation to vote. As citizens become more involved in their communities, as they develop a “stake” in society, they may become more interested in voting. This natural dynamic should apply to students as well as other citizens.<sup>3</sup>

People may see voting as one way of being connected to their communities, enabling them to influence the direction of their communities. However, if students are discouraged from exercising voting rights, they will be less likely to become socially committed. Social and political commitments go hand in hand and affect each other, either positively or negatively.

#### Constitutional Rights and Federal Law

Finally, student rights to choose their residency for the purpose of voting are now largely supported by both constitutional interpretation and federal law. Equal protection and due process rights are likely violated when different residency requirements are applied to students as opposed to non-students. As Kenneth Eshleman notes,

“...Non-students are not usually expected to demonstrate long-term residential intent, prove financial independence of parents or even show a local address on their driver’s license. When students are disqualified if they fail to provide this

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<sup>2</sup> Quoted in Carole Pateman, *Participation and Democratic Theory*, (Cambridge: Cambridge University Press, 1970), 31.

<sup>3</sup> Op. Cit

information, they are clearly denied equal protection. When it is unclear what students must do to acquire residency, due process rights are also violated.”<sup>4</sup>

With the passage of the twenty-sixth Amendment to the Constitution in 1971, the federal government lowered the voting age to eighteen and greatly expanded the potential for college student electoral participation. Moreover, national policy has progressively done away with literacy tests, poll taxes, and overly restrictive residency requirements for registration.

However, in the aftermath of the 2000 presidential election controversy, Congress passed the Help America Vote Act of 2001 in part to encourage greater participation of the electorate but also to take steps towards reducing fraud and ensuring legitimate and reliable voting practices. One of these steps is to move the country towards more reliable verification of the individual voter’s status as a registered voter. Although national policy remains ambiguous on this matter, if it were to require, for example, a driver’s license as a national requirement for identification, this could inadvertently discourage many college students from voting, at least as citizens of their local college communities. The jury is still out on this question.

### Opposition to Student Voting in College Communities

Historically, local opposition has emerged against college student voting in both subtle and overt ways. Local officials and native residents often view college students as a very transient part of the population, having only the most superficial and temporary interest in the local community.

Town-gown relationships also are often disturbed by student life issues surrounding college student rental properties, late night parties and parking problems. Hence, town officials tend to ignore students as a political constituency and discourage political participation.

Federal law however excludes any “community commitment” or even a “good conduct” criteria for voting rights for non-student adults who also may be transient. Movement of people in and out of communities is quite common in American society, yet few suggest that voting rights for those citizens ought to be dependent on their actual or intended longevity within a community, except when it comes to college students.

Paradoxically, another common fear is that students may become too interested and active and “take over the town”, disproportionately influencing the local political scene. In this view, chaos and disruption of the local community are likely to ensue if students become politically active! The evidence to date suggests otherwise. In those communities where student participation rates have increased above normal and students have become a more formidable force in local politics, a crisis of institutions at the local level has failed to materialize.<sup>5</sup>

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<sup>4</sup> Kenneth L. Eshleman, *Where Should Students Vote? : The Courts, the States and Local Officials*, Lanham: University Press of America, 1989), 149.

<sup>5</sup> *Ibid.*, 158. Eshleman identifies other arguments made over the years such as “the danger of fraud”, “administrative inconvenience”, and others of even less merit. None of these concerns rise to the necessary force to override the arguments in favor of student voting in their communities.

## The Role of Absentee Voting

Is it sufficient simply to ensure ready access to absentee ballots to secure voting rights for college students? On the one hand, greater access to absentee ballots would help to increase student voting in state and national elections. In this respect, absent ballots ought to be encouraged if students wish to vote that way.

On the other hand, however, absentee ballots by their nature close off rights to participate in the local politics of the college community. By using absentee ballots they in effect affirm non-residency in their college town for voting purposes. Only by gaining local voting rights can students exercise their full rights as citizens.

### College Town Voting or Student Choice?

The overall force of this argument suggests simply that students be treated like other citizens and be required to vote where they live. Since they live, for all intents and purposes, in the communities where they attend college that is where they should vote. This would allow for the greatest development of their rights and political potential as citizens, consistent with other citizens.

Curiously, however, this policy option has failed to emerge in law anywhere in the country. Instead, as we spell out in detail below, state laws either force students to register in their parents' communities or give them a choice of registering and voting in their parents' community or in their college town.

Given the two operating practices, we believe that students at least be given the choice of residency with encouragement to participate in the politics of their college town communities. Student choice state laws and administrative practices would best advance the full development of college student participation in democracy.

## *College Students and the Problem of Nonvoting*

### Historical Pattern of Voter Registration and Turnout

Before making our case regarding residency requirements, we first sketch a picture of the pattern of college student registration and voting, nationally across the presidential elections from 1972-00. We must rely on the 18-24 year old age cohort as an indirect measure for college student registration and voting participation. Although it includes non-college students age 18-24, it also includes the vast majority of college students.<sup>6</sup>

In 1972, after the ratification of the 26<sup>th</sup> Amendment a year earlier, voters between the ages of 18 and 24 were allowed to vote for the first time in our nation's history. Although this greatly expanded the college student population eligible to vote, that population has been significantly less likely to register and/or vote in each presidential election than the voting age population (VAP) as a whole. (See Table 1.)

Table 1  
Historical Comparisons: 18 to 24 Age group v. Aggregate VAP  
In percentages

	18-24	Registered Total VAP	18-24	Voted Total VAP
1972	58.90	72.30	49.60	63.00
1976	51.30	66.70	42.20	59.20
1980	49.20	64.10	39.90	48.50
1984	51.40	68.30	40.80	59.90
1988	48.20	66.60	36.20	57.40
1992	52.50	68.20	42.80	61.30
1996	48.70	65.90	32.40	54.23
2000	45.40	63.90	32.30	54.70
Overall	50.70	67.00	39.53	57.28

*Source:* U.S. Federal Election Commission, *Voter Registration and Turnout in Federal*  
(continued on next page)

<sup>6</sup> Except for selective elections, the Bureau of the Census collects data routinely only of the 18-24 year old age cohort, not further divided between college students and non-college students. However, we believe that the 18-24 year old cohort sufficiently captures this group of voters to enable us to make some reasonable inferences about the nature of registration and voting patterns for this group. Approximately, 36% of this cohort is enrolled in college and over 60% of college students are between the ages of 18 and 24. (US Census Bureau, Current Population Survey: October 1999 School Enrollment Social and Economic Characteristics of Students: Table 1. Enrollment Status of the Population 3 Years Old and Over by Age, Sex, Race, Hispanic Origin, Nativity, and Selected Educational Characteristics: on Census Bureau Web Page [Table Online]; accessed 20 April 2001; available at <http://www.census.gov/population/socdemo/school/p20-533/tab01.pdf>; Internet.)

It is interesting, and important to note, that although low voter turnout among the college age population has been widely reported as a problem, apparently it has not been taken seriously enough by governmental or other groups to warrant data collection, which could paint a clearer picture of the situation.

*Elections by Age 1972-1996* (Available at <http://www.fec.gov/pages/agedemog.htm>). 2000 data supplemented by: *Reported Voting and Registration of the Total Voting-Age population by Age, for states: November 2000* (Available at <http://www.census.gov/population/socdemo/voting/p20-542/tab04b.pdf>).

For the purpose of this analysis, registration rates are most important because the potential institutional barrier of residency laws directly affect the act of registration and only indirectly the act of voting. As the registration data indicate, over the course of two and half decades, student registration is roughly 51 percent compared to the 67 percent rate of the whole voting age population. On average, the registration level of college students is 16 percentage points below that of the total voting age population.

Further comparisons with other age group cohorts dramatize the differences. In contrast to the 51 percent registration rate for the 18-24 year cohort, the other cohorts (including 25-44, 45-64 and 65+) registered 66 percent, 74 percent and 76 percent, respectively on average. The registration rate of seniors, age 65 and over was 24 percentage points higher than young people in the 18-24 age cohort.

#### College Students as Nonvoters: Lack of Fit with the Demographic Profile?

Many studies have been done on the phenomenon of voting such that we now have a reasonable picture of the demographic profiles of both voters and nonvoters. The characteristics of non-voters typically include low income, low education, low status occupation, low efficacy and youth. Correspondingly, voters are more likely to be individuals with higher incomes, higher education, higher status occupations and of older age.<sup>7</sup>

It has become a social axiom that registration and voting are class-skewed phenomena, with the expectation that as one rises in the socio-economic ladder, registration and voting rates climb. Lower class citizens with little education, lower incomes, static and dead end jobs tend to have little efficacy, little confidence in the electoral system and therefore have the lowest turnout rates at election time.<sup>8</sup>

While college students share the lower turnout rates with lower class citizens, they do not share the other demographic characteristics. To the contrary, college students as a whole are upwardly mobile middle and upper middle class citizens whose prospects are bright in terms of income and occupation that typify voters of higher turnout rates. In other words, the socio-economic factors that may depress lower class voting behavior are unlikely to be factors in the registration and voting behavior of college students. Other factors must therefore be involved.

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<sup>7</sup> For a recent discussion of these profiles, see Stephen Wayne, Ch. 2, "The Popular Base of American Electoral Politics: Suffrage and Turnout", in his book. *Is This Any Way to Run a Democratic Election?* Boston, Houghton Mifflin, 2001.

<sup>8</sup> See the following for a recent illustration of this point. D. S. Broder, "The 30 Million Missing Voters," *Washington Post*, 16 July 2000, B7.

## Political and Social Attitudes

Over the past several years, we have seen significant media coverage of the rise of political apathy among the nation's college students. The current generation of young adults is reported to have little interest in politics or public service in general. The days of student idealism and youthful activism, it is claimed, have disappeared. In fact, college students have often been generally described as "lazy", at least in terms of social activism.<sup>9</sup>

Some recent studies have discovered startling trends. In a study conducted by the Institute of Politics at Harvard University, over 60 percent of college undergraduates did not trust the Federal government to "do the right thing all or most of the time." Also, nearly two-thirds of college students felt that selfish interests, rather than the public good, motivate elected officials. Perhaps the most telling figure is that over 70 percent of those surveyed believed that political candidates, campaigns, and institutions are not interested in the positions of students on important political issues.<sup>10</sup> Similarly, a widely reported 1998 survey of college freshmen administered by researchers at the University of California at Los Angeles revealed that a mere 27 percent of college student believed that staying informed about politics is important. This percentage is down from over 40 percent in 1990.<sup>11</sup>

However, the story becomes more complex when a distinction is made between public service and politics. According to the Harvard study, over 85 percent of undergraduates believed that community volunteerism is more effective than political engagement in solving problems within the community and over 60 percent felt that volunteerism is more effective in addressing national issues as well. Contradicting the characterization of this generation as "lazy," nearly 60 percent reported that they had engaged in some form of community service within the past year. That is compared to less than 16 percent who had joined political organizations.<sup>12</sup> Echoing this sentiment, the Center for Campus Organizing claimed that activism is as present among students today as at any time since the late sixties but that the activism goes largely unnoticed without any great issues around which to mobilize.<sup>13</sup>

Yet, evidence of activism notwithstanding, the Harvard study makes clear that one significant problem is college student perceptions of the political process and their abilities to influence politics. According to that study, key barriers include: (1) "a perceived lack of knowledge about the issues; (2) a lack of understanding about how to get involved; and (3) a lack of enjoyment in the political process. In response, the study's authors identified and recommended a number of "measures" that would likely increase the participation rates of college students.<sup>14</sup>

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<sup>9</sup> R. Sanchez, "College Freshmen have the Blahs, Survey Indicates; Academic, Civic Apathy Reach Record Levels," *The Washington Post*, 30 September 1992, A1.

<sup>10</sup> Harvard Institute of Politics, *Attitudes Toward Politics and Public Service: A National Survey of College Undergraduates*, on *Institute of Politics Web Page* [survey report online] (Cambridge, Mass.: Harvard University, 2000, accessed 13 December 2000); available from <http://www.ksg.harvard.edu/iop/survey-report.pdf>; Internet, 9.

<sup>11</sup> R. Sanchez, "College Freshmen."

<sup>12</sup> "Attitudes," 6.

<sup>13</sup> P. Drier, "The Myth of Student Apathy," *The Nation*, 13 April 1998, 20.

<sup>14</sup> These "measures" include: (1) Demystifying the process through means which may include simplified absentee registration and voting, internet voting, and websites dedicated to providing political information and opportunities for involvement to students; (2) Showing students that politics is an effective way to make concrete changes, an example of which would be providing examples of past cases in which politically active students made a difference;

To the researchers' credit, they see the need to "demystify" the process of absentee balloting and provide more information for college students to vote from college particularly for national political elections. Active university administration, for example, could establish voter registration and education programs that would highlight absentee voting procedures and that would likely lead to some increase in student participation.

However, completely absent from this study's attention is the phenomena of residency barriers to voting and the importance of voting in local elections. Interestingly, one of the survey's responses shows that students on balance trust local government to "Do the Right Thing Most of the Time" roughly 20 percentage points higher than they trust the Federal Government (52 percent vs. 32 percent). This suggests that students may be more open to participation at the local level than in state or national politics. The question then becomes: why is it that they don't participate in the politics of their local governments?<sup>15</sup>

The answer may be that many cannot, at least through voting. Voting by absentee ballot appears to be the only voting option for many college students. Yet, the very nature of absentee voting keeps the political process at a distance for most people in any case and most perhaps for youthful voters just beginning to get exposed to the process. Overly restrictive residency requirements may be the central structural deterrent that discourages otherwise primed citizens to vote in local elections.

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(3) Providing incentives such as academic credit for political activity or loan forgiveness and signing bonuses for public service; and (4) Meeting the candidates, which would include more direct contact with campaigns, institutions, and the candidates themselves.

<sup>15</sup> "Attitudes," 8.

## *Residency Laws and Administrative Practices*

In this light, what do the state laws and the law of the District of Columbia say regarding residency requirements for college students? Do the laws vary significantly across the country? If so, what is the effect on registration and voting? To answer these questions, we reviewed state laws and administrative practices as of the spring of 2001 and 2004. We also investigated the registration and voting data of the 1996 and 2000 national elections.<sup>16</sup>

### Variations in Law and Administrative Practices: Restrictive and Student Choice States

The results of our research confirm the utility of Kenneth Eshelman's twofold classification approach, including "restrictive" states and "student choice" states. Restrictive states are those that employ residency requirements in their statutes and engage in administrative interpretation and practice that make it difficult, if not impossible, for college students to register to vote as residents of their college communities. Many of these states define residency as "that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return", implying in this case, that the "fixed habitation" for students is not their college town but their previous residence.

Many restrictive states also enforce a "no gain/no loss" provision, which means that students neither gain a new residency when they attend college nor do they lose their residency connected to their previous domicile. Most states with no gain/no loss provisions specifically mention domicile for educational purposes as a temporary situation not according official residency. In 2000, we discovered that Mississippi, for example, explicitly forbids out-of-state college students from claiming residency in that state.

We also declared a state "restrictive" if they required multiple sources of identification, showing local residency or a source of identification that automatically forced students to use absentee ballots, if they were to vote at all. For some states this included a driver's license, automobile registration, bank accounts and tax returns. Some states even consider as relevant the residence of immediate family members.

For many other states, a driver's license sufficed but often this posed a barrier to voting for college students because the driver's license lists a student's pre-college residence, not their college-town residence, unless they are originally local students. Hence, for non-native students, out-of-state and non-local, in-state students, a driver's license will get them access to an absentee ballot but not voting rights for local elections, and for out-of state students, they will have no say on state wide races either. The barrier becomes more difficult to overcome because of the expense and time involved in changing a driver's license.

In contrast, student choice states are those that allow students, either through explicit statutory language or administrative practice to determine their own residency for voter registration purposes. As of spring, 2004, only five states specifically accorded students this right in their statutes – Colorado, Iowa, Louisiana, North Carolina and Wisconsin. For example, the North Carolina statute specifically mentions students and states that a student "...may claim

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<sup>16</sup> We explain the methodologies used for the two research efforts in Appendix A.

the college community as his domicile. He need not also intend to stay in the college community beyond graduation in order to establish his domicile there.”

California and Maine come close to a clear “choice” authorization in their statutes when they indicate that their “no gain/no loss” provision “shall not be construed to prevent” college students from registering to vote in their college communities. While choice states still require proof of residency, those requirements do not inherently restrict a student’s choice of where they would like to register to vote. For example, a student ID is one type of proof of residency that would still allow students to vote in local elections. Many choice states said that the proof of residency must fulfill the duty of verifying, “You are who you say you are,” and does not necessarily have to have a local address printed on it. It is assumed that since a student is in attendance at a local university or college, he or she is a local resident and therefore, if they so choose, can register to vote as a resident of that community.

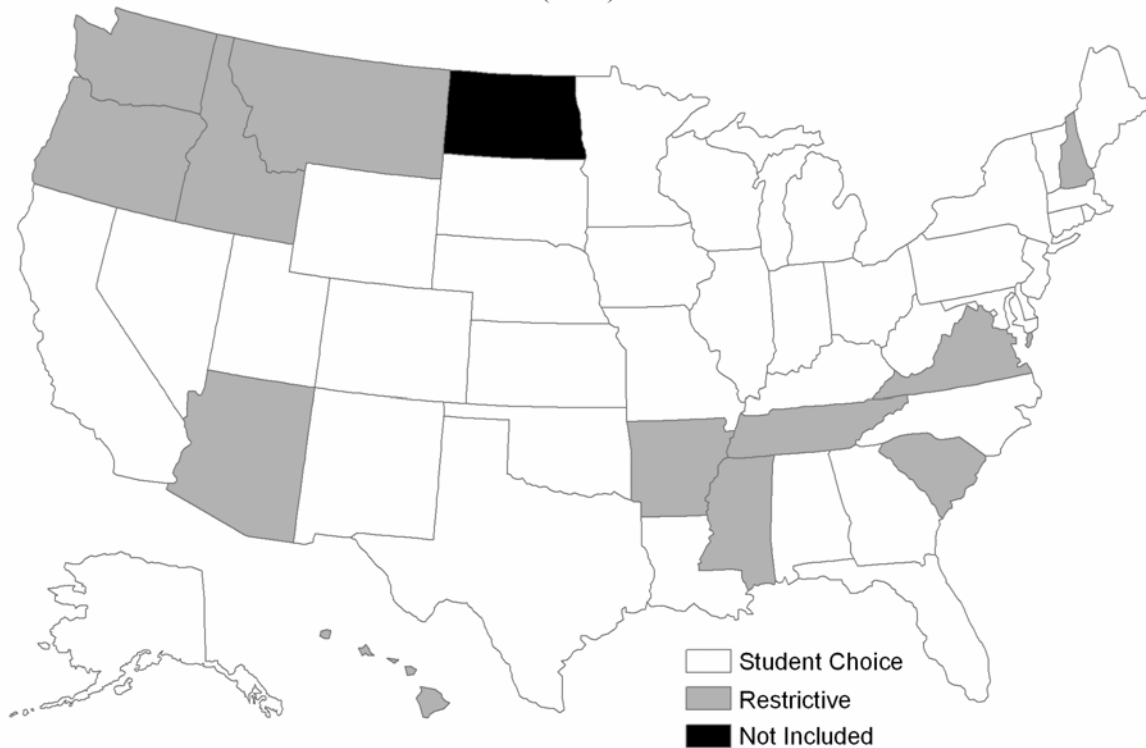
We also classified as student choice those states that had either vague or in some cases even restrictive statutory language but whose administrative practice in fact gave students the option of declaring their college community residency for purposes of voter registration. As indicated earlier, wherever statutory language conflicted with administrative practice, we classified according to the latter because it is the actual practice by election officials that determines the outcome for students.

## Drift Towards Student Choice?

As Figure 1 illustrates, thirty-seven states and the District of Columbia appear to be student choice in practice as of May of 2004. As noted earlier, only a handful of these states have choice explicitly articulated in state law. The rest of these choice states had either vague language or seemingly restrictive statutory language that is interpreted with flexibility by election officials to allow students to choose their official residency for voting purposes. This leaves twelve states as restrictive in their laws and practices. In most cases, their laws were explicitly restrictive and were stringently administered accordingly.

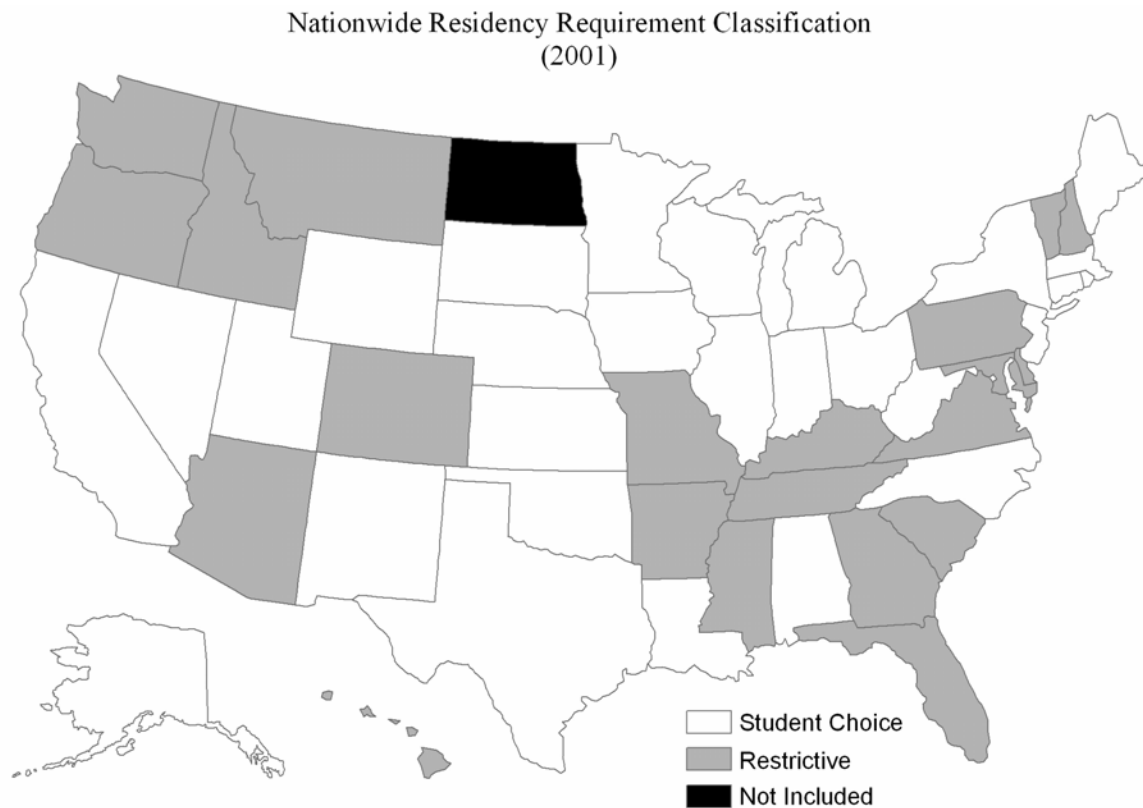
Figure 1

Nationwide Residency Requirement Classification  
(2004)



This represents, then, a significant change from the 2001 study as illustrated in Figure 2. In that examination, twenty-eight states and the District of Columbia were considered choice states and twenty-one states restrictive. This marks a shift of nine states moving from a restrictive practice to a choice practice. From our review, all but one of these shifts has occurred through an apparent change in administrative practice as opposed to an explicit change in state statute. Since the earlier study, only Colorado has changed its statute to explicitly include student choice.<sup>17</sup>

Figure 2



<sup>17</sup> In Eshelman’s study, he identified 23 states as restrictive, 25 as vague or “no mention” of students, and only two as student choice as of 1989. Part of the difference between his classification and ours may be explained by at least two factors. First, whereas he relied primarily on interpretation of statute, we tilted our judgment towards administrative practice as reported by election board officials reported through telephone interview or e-mail correspondence. As it turned out, these responses made clear that practice leaned either against students or for student choice in place of residency and therefore voter registration. Many more states were able to enter into the student choice category because of this judgment. Second, as Eshelman had observed, a trend towards greater flexibility had already been revealed in the period under his analysis. In the intervening fifteen years, from 1989 through 2004, further flexibility towards students in other states appears to have emerged.

Tables 2 and 3 further illustrate the character of this drift towards greater relaxation of residency requirements for students. For both studies, we categorized the various states and the District of Columbia according to both statutory status and implementation or administrative practice. For each state, we made a twofold judgment: First, regarding statutory language, we judged the statute to be either choice or restrictive. Second, regarding administrative practice, we declared a state to be either choice or restrictive in nature. As these tables illustrate, many states that had restrictive statutes were student choice in implementation. However, no state that had a clear student choice statute was implemented in a restrictive fashion. All five states with clear “choice” language in their state laws were interpreted as giving students choice in residency.

Table 2

Restrictive and Student Choice Residency Requirements:  
 State Classifications by Statute and Administrative Practice  
 May, 2004

		Statutory Language		
		Restrictive, Vague, or No Mention of Student		Student Choice
Administrative Practice	Restrictive	Arkansas Arizona Hawaii Idaho Mississippi Montana New Hampshire Oregon South Carolina Tennessee	Virginia Washington	
	Student Choice	Alabama Alaska California Connecticut Delaware District of Columbia Florida Georgia Illinois Indianan Kansas Kentucky Maine Maryland Massachusetts Michigan Minnesota	Missouri Nebraska Nevada New Jersey New Mexico New York Ohio Oklahoma Pennsylvania Rhode Island South Dakota Texas Utah Vermont West Virginia Wyoming	Iowa Colorado Louisiana North Carolina Wisconsin

Table 3

Restrictive and Student Choice Residency Requirements:  
 State Classifications by Statute and Administrative Practice  
 May, 2001

		Statutory Language		
		Restrictive, Vague, or No Mention of Student		Student Choice
Administrative Practice	Restrictive	Arkansas Arizona Colorado Delaware Florida Georgia Hawaii Idaho Kentucky Maryland Mississippi	Missouri Montana New Hampshire Oregon Pennsylvania South Carolina Tennessee Vermont Virginia Washington	
	Student Choice	Alabama Alaska California Connecticut District of Columbia Illinois Indiana Kansas Maine Massachusetts Michigan Minnesota Nebraska	Nevada New Jersey New Mexico New York Ohio Oklahoma Rhode Island South Dakota Texas Utah West Virginia Wyoming	Iowa Louisiana North Carolina Wisconsin

As noted earlier, since the spring of 2001, Colorado is the only state that has apparently changed its statutory language to explicitly expand student choice of official residency.

Texas and Maryland are good examples of student choice taking place through change in administrative practice. In 1970, Texas law specifically required that a student attempting to register to vote must first prove his intent to remain a resident after his studies were completed. By 1985, the Texas statute no longer mentioned the status of students with regards to residency, although an advisory opinion still suggested that student registration be restricted. Our research revealed that while Texas law remains as vague as it was in 1985, the state now allows for student choice in its application.<sup>18</sup>

Similarly, Maryland's statute remains ambiguous enough to be restrictive in character. Yet, in a recent interpretation by the attorney general's office, the administrative practice now clearly allows for student choice. As the Assistant Attorney General wrote, "Local election officials should process voter registration applications received from college students in the same way they process other voter registration applications. They should not demand evidence of local residence from a student if they do not require such evidence from others."<sup>19</sup>

We should add however that we lacked the extensive research resources needed to tap into how local boards of elections were actually processing student registration requests. Our indicator for change was the report we received from the state board of elections, which, in conjunction with state statute, is to be the guiding standard for local implementation. Thus, as an empirical matter, we do not know if these shifts in interpretation at the state level are having practical effects at the local level. We can say that it appears that the state institutional doors are opening wider for student access to voting rights.

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<sup>18</sup> Kenneth L. Eshelman, *Where Should Students Vote?*, 69.

<sup>19</sup> Judith Arnold, Assistant Attorney General, Counsel for Election Laws, "Voter Registration of College Students," State of Maryland of the Office of the Attorney General, October 25, 2002.

***Impact of Variation in Residency Laws and Administrative Practice:  
The 1996 and 2000 Presidential Elections***

Given the variation in residency laws and their application to students, does the historical record reveal any significant difference in registration and voting patterns among college students in the various states and the District of Columbia? Before looking at the data it needs to be emphasized that both students and non-students make-up the 18 to 24 age group and the presence of the latter will undoubtedly reduce the effect of the student choice/restrictive state classification. This is because non-students, who make up over 60 percent of the sample, have historically low voter registration and turnout and will deflate the turnout statistics in student choice states.<sup>20</sup> In such states the increase in participation among students will have to be significant enough to "shine through" the cloud of low participation by their non-student counterparts. Still the differences may not be great. The best findings we obtain may be small, but consistent in showing the differences between student choice and restrictive states.

What can the 1996 and 2000 election data tell us? At the simplest level of analysis, we expect that student choice states on average, when compared to restrictive states, would have a higher percentage of 18 to 24-year olds registered to vote and higher voter turnout. Tables 4 and 5 show this to be the case indicating that the Student Choice states outpaced the Restrictive states in both registration and turnout by about 4 percent in both elections.

Table 4

Voter Registration and Voter Turnout for 18-24 cohort by  
Residency Requirement Classification for 2000  
In percentages

Residency Requirement Classification	Registration	Voter Turnout
Student Choice	47.68	34.44
Restrictive	44.32	30.91

Source: US Census Bureau, *Current Population Survey: Reported Voting and Registration of the Total Voting-Age population by Age, for states: November 2000* (Available at <http://www.census.gov/population/socdemo/voting/p20-542/tab04b.pdf>).

<sup>20</sup> U.S. Census Bureau, *Voting and Registration in the Election of 1992, Series P-20*, (Washington, DC: U.S. Government Printing Office, 1993), p.466.

Table 5

Voter Registration and Voter Turnout for 18-24 cohort by  
Residency Requirement Classification for 1996  
In percentages

Residency Requirement Classification	Registration	Voter Turnout
Student Choice	51.17	34.66
Restrictive	47.36	30.76

*Source:* U.S. Census Bureau, *Current Population Survey: November 1996 Voting and Registration Tables for States: Table 4A, Reported Voting and Registration, by Race, Hispanic Origin, and Age, for States*, (Available at <http://www.census.gov/population/socdemo/voting/96cps/tab4A.txt>).

Another way of testing this expectation is to simply rank order the states by their registration and voting rates for the 18-24 year old cohort and examine, somewhat arbitrarily, the top and bottom five states, expecting to find choice states among the top and restrictive states among the bottom. In both elections, we find some confirmation of these expectations, though not without exception.

As Table 6 indicates, in 2000, four of the five top states are choice states with Wisconsin, again as in 1996 (Table 7), topping the list at 60 percent. However, Mississippi, a restrictive state, poses an anomaly here as one of the top registration states. In comparison, in 1996, all of the top five states were choice states. Taken together, in 1996 and 2000, those states with the highest registration rates are typically choice states, with 9 of the top 10 highest registration states being choice states.

Similarly, restrictive states in both elections qualify as having the lowest registration rates among the states. As Tables 6 and 7 illustrate, restrictive states occupy six of the ten slots for lowest registration rates among the 18-24 year old cohort. To be sure, the pattern is not sustained with four of those bottom slots occupied by choice states, inconsistent with our expectations.

Table 6

Top and Bottom 5 States in Registration of 18-24 Age Cohort for 2000  
In Percentages

State	Top Classification	Reg. Rate	State	Bottom Classification	Reg. Rate
Wisconsin	Choice	60.0	Tennessee	Restrictive	33.8
Maine	Choice	59.4	New Mexico	Choice	33.4
Mississippi	Restrictive	57.5	Nevada	Choice	31.1
Louisiana	Choice	56.3	Arizona	Restrictive	28.7
Iowa	Choice	54.9	Hawaii	Restrictive	25.3

Source: US Census Bureau, Current Population Survey: Reported Voting and Registration of the Total Voting-Age population by Age, for states: November 2000 (Available at <http://www.census.gov/population/socdemo/voting/p20-542/tab04b.pdf>).

Table 7

Top and Bottom 5 States in Registration of 18-24 Age Cohort for 1996  
In Percentages

State	Top Classification	Reg. Rate	State	Bottom Classification	Reg. Rate
Wisconsin	Choice	68.92	New Mexico	Choice	40.63
Alaska	Choice	63.79	Florida	Restrictive	39.97
Minnesota	Choice	59.56	Vermont	Restrictive	38.46
S. Dakota	Choice	58.46	Hawaii	Restrictive	38.21
Kansas	Choice	57.72	Nevada	Choice	31.30

Source: U.S. Census Bureau, *Current Population Survey: November 1996 Voting and Registration Tables for States: Table 4A, Reported Voting and Registration, by Race, Hispanic Origin, and Age, for States*, (Available at <http://www.census.gov/population/socdemo/voting/96cps/tab4A.txt>).

Voter turnout rankings, illustrated in Tables 8 and 9, provide similar data, though with a different combination of specific states comprising the top and bottom five states. Combining the two elections, we find nine of the top ten slots choice states, with Mississippi again the anomaly. The bottom ten includes six restrictive states, with four choice states muddying the analytical waters.

Table 8

Top and Bottom 5 States in Voter Turnout of 18-24 Age Cohort for 2000  
In Percentages

State	Top Classification	Turnout	State	Bottom Classification	Turnout
Maine	Choice	50.8	Nevada	Choice	25.8
Wisconsin	Choice	47.8	Iowa	Choice	23.0
Minnesota	Choice	44.5	Tennessee	Restrictive	22.9
Iowa	Choice	43.1	Arizona	Restrictive	21.3
Mississippi	Restrictive	42.9	Hawaii	Restrictive	16.7

Source: US Census Bureau, *Current Population Survey: Reported Voting and Registration of the Total Voting-Age population by Age, for states: November 2000* (Available at <http://www.census.gov/population/socdemo/voting/p20-542/tab04b.pdf>).

Table 9

Top and Bottom 5 States in Voter Turnout of 18-24 Age Cohort for 1996  
In Percentages

State	Top Classification	Turnout	State	Bottom Classification	Turnout
Connecticut	Choice	45.42	West Virginia	Choice	26.11
Kansas	Choice	42.68	Oregon	Restrictive	24.03
Wisconsin	Choice	42.34	Hawaii	Restrictive	23.58
Wyoming	Choice	42.00	Florida	Restrictive	22.32
Minnesota	Choice	40.44	Nevada	Choice	18.26

Source: U.S. Census Bureau, *Current Population Survey: November 1996 Voting and Registration Tables for States: Table 4A, Reported Voting and Registration, by Race, Hispanic Origin, and Age, for States*, (Available at <http://www.census.gov/population/socdemo/voting/96cps/tab4A.txt>).

This initial review suggests that certainly other factors will influence registration and turnout such that some choice states will have lower than expected rates and some restrictive states will have higher rates than expected. Many of these factors affect the voting habits of all voters, not simply college students or one age group. Due to these factors, a state's overall voter registration or turnout may be lower or higher than the national average regardless of age or student status. When comparing 1996 and 2000, we see little change from the original pattern seen in 1996. With the exception of Mississippi, which was able to increase voter registration and voter turnout, the pattern seen in 1996 is identical to the pattern seen in 2000.

Finally, we offer one additional set of data that fall in line with our expectations. In this case, for both elections, we examined the relationship between registration and turnout of the 18 to 24 year old cohort in a given state to overall registration and turnout in that state (See Tables 10 and 11). By comparing this relationship to that same relationship on the national level, we factor out those variables that affect the registration and voting habits of the entire population and concentrate on those factors that are specific to the age group we are examining.

In this analysis, we would expect choice states to have smaller gaps in both registration and voting turnout. Once again, our expectations are confirmed, though weakly. As Table 10 illustrates, for choice states, the average gap for registration rates between the 18 to 24 age group and the overall voting age population is 19.73 percent in 2000 and 17.86 percent in 1996, with a two year average of 18.8 percent. In contrast, the average gap for restrictive states is 19.8 percent and 19.84 percent, with a two-year average of 19.82 percent. Overall, combining the data for the two elections, we find that choice states have a slightly smaller gap of 1.02 percent.

Table 10

Variance of Registration and Voting by 18-24 Age Group to State VAP by Residency Requirement Classification for 1996  
In percentages

Residency Requirement Classification	Registration Gap (18 to 24 – VAP)	Voting Gap (18 to 24 – VAP)
Student Choice	-17.86	-22.55
Restrictive	-19.84	-24.50
Average	-18.69	-23.37

Source: U.S. Census Bureau, *Current Population Survey: November 1996 Voting and Registration Tables for States: Table 4A, Reported Voting and Registration, by Race, Hispanic Origin, and Age, for States*, (Available at <http://www.census.gov/population/socdemo/voting/96cps/tab4A.txt>).

Table 11

Variance of Registration and Voting by 18-24 Age Group to State VAP by Residency Requirement Classification for 2000  
In percentages

Residency Requirement Classification	Registration Gap (18 to 24 – VAP)	Voting Gap (18 to 24 – VAP)
Student Choice	-19.73	-23.56
Restrictive	-19.8	-24.78
Average	-19.765	-24.17

Source: US Census Bureau, *Current Population Survey: Reported Voting and Registration of the Total Voting-Age population by Age, for states: November 2000* (Available at <http://www.census.gov/population/socdemo/voting/p20-542/tab04b.pdf>).

Turning to the vote turnout data, we found further confirmation of expectations. For choice states, we find a turnout gap of 23.56 percent in 2000 22.55 percent in 1996, with a two-year average of 23.06 percent. Restrictive states averaged 24.78 percent in 2000 and 24.50 percent in 1996 generating an overall two-year average of 24.64 percent. Once again, this data indicates a larger gap among the restrictive states, on balance, an average difference of 1.58 percent, consistent with expectations.

In summary, the registration and voting data for the 1996 and 2000 presidential elections appear to support the argument that variation in residency laws and application likely have an impact on rates of registration and voting among college students. To be sure, given the limitations of the data, this conclusion can only be tentative.

### *Conclusions and Policy Recommendations: Democracy and Student Choice*

This study confirms the conclusions reached in our initial investigation. First, variation in law and administrative practice continues among states regarding the treatment of college student voting rights, though as of 2004 more states have moved into the “choice” column, at least administratively. While many states have clear laws or administrative practices conducive for voting in college communities, a substantial number remain wedded to unfair restrictive laws and practices.

Second, while our data remains limited, it lends empirical support to the argument that institutions of law and administrative practice seriously influence registration and voting rates of college students. Where state law and practice allow for student choice, rates of participation are likely to be higher than in states where laws and practices do not allow choice. Restrictive law and practices are, unsurprisingly, discouraging college students from registering to vote.

In the light of these observations and the weight of democratic theory, we continue to believe that the proper policy course to follow is for restrictive states to change their statutes and their administrative practices and embrace a student choice model or require students to vote only in their college communities. These two policy options are most likely to increase college student registration and voting participation in our elections.

Additionally, state law should require universities and colleges to provide student identification cards with a student’s local address, including those students who are living in the dormitories on campus. The law should also specify that this would be both a necessary and sufficient means of identification for the purposes of voter registration. This would remove the shifting ambiguities and uncertainties about residency verification that have plagued students historically and serve to protect students against the unconstitutional practice of requiring more residency identification of students than of other citizens, hence, a violation of the principle of equal treatment under the law.

In this light, perhaps national legislation could help expedite this movement. As mentioned earlier, the recently passed Help America Vote Act presently is directed at ensuring some reliable identification for voters nation wide. Unintentionally, this could hurt students wishing to register if the necessary document becomes, for example, a driver’s license. Instead, perhaps this legislation could be amended to require institutions of higher education to issue identification cards with local addresses and have this form of identification sufficient for voter registration purposes in the local community.

Finally, we also believe that both local boards of elections and university and college administrations could engage in much greater outreach activity to get students to register and vote at election time, particularly when local elections are at hand. Active voter registration on campuses ought to be routine and high profile. Political education ought to be standard fare in this regard. Only when these various policy actions are taken, will college students finally enjoy more fully the democratic powers that are rightfully theirs, and our democracy, both locally and nationally, would likewise be enhanced.

## Appendix A Methods

Because this study was completed in two parts, the first part in 2000 concerning the 1996 election, and the second part in 2004 concerning the 2000 election, there are two sets of methods. In the 2000 edition, to determine the status of residency laws and their administration regarding college students, we pursued two data collection strategies. First, we collected and examined the relevant sections of the statutes of all fifty states and the District of Columbia. As a result of this investigation, we excluded North Dakota from our analysis of the impact of residency laws on voter registration because North Dakota does not require voter registration. Indeed, it is the only state in the country that does not require any form of registration for elections. See “North Dakota . . . The Only State Without Voter Registration,” Elections Division, State of North Dakota on <http://www.state.nd.us/sec.>”

Second, we conducted a survey of each state’s board of elections as well as the District of Columbia, through both telephone and electronic mail. Some states were contacted by telephone; forty-seven states through electronic mail with thirty eight responding to the e-mail inquiries.

We presented our contact at each election board with the same hypothetical scenario: Would a college student, temporarily living in a community for educational purposes, be able to register to vote in their college community? We also inquired as to the type of verification required of the student to establish legal residency. We suggested examples such as an address on a driver’s license, automobile registration, bank accounts and tax returns.

A key part of the research strategy was to determine the correct interpretation of the state laws on this question. We also sought to understand the administration of those laws regardless of the apparent statutory meaning. Hence, the purpose of the telephone and e-mail survey was to gather information on the contemporary interpretation of the statutes and how the law has been applied.

In 2004, a slightly modified method was used to look more closely at those states that we deemed restrictive in the first report. The report in 2000 indicated that there may be a trend toward less restrictive residency requirements, and there was no indication of states becoming any more restrictive with regard to residency requirements. Therefore, in 2004 we contacted those states that were restrictive, primarily through email. We asked those states if a college student residing on a college campus for approximately nine months out of the year would be able to register to vote in local elections. We also asked them if a Student ID would be an acceptable form of identification. This last question proved to be important as some states would only allow a person to register with an in-state driver’s license, which would typically rule out students who keep their original drivers’ license from their home state throughout college.

When we received the responses back from the state boards of elections, if there seemed to be a change in residency requirement, we sent a confirmation email. In this email, we asked the board of elections when the change in practice occurred, and if it was due to administrative action or a statutory change. In both research efforts, we achieved a 100 percent response rate, meaning that we received some response to our inquiries either through e-mail or a telephone conversation, however short.

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