



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

BRENNAN CENTER  
FOR JUSTICE

at New York University School of Law

October 11, 2012

Commissioner Erik J. Haight  
Dutchess County Board of Elections  
47 Cannon Street  
Poughkeepsie, New York 12601

Dear Commissioner Haight:

We have been informed that you are taking the position that students attending the Culinary Institute of America and Bard College who are living in dormitories and seek to register to vote from their dormitory residences must identify the names of their dormitories on their voter registration forms and that the failure to do so will result in the disqualification of their registrations. We are further informed that Commissioner Knapp takes the position that those students who have identified the street addresses of their dormitories and have identified their post office boxes are properly registered even if the registration forms do not identify the names of the dormitories in which the students are living.

We write because your position is incompatible with the New York Election Law and imposes an unconstitutional burden on the fundamental right of college students to vote as residents of their college communities. We, therefore, urge that you withdraw your position and that you do so expeditiously.

In advancing this request, we begin with the well-recognized principle that college students are entitled to vote as residents of college dormitories in the circumstance where such students regard their college communities as the "locus of their primary concern." *Ramey v. Rockefeller*, 348 F.Supp. 780, 786 (E.D.N.Y. 1972). Many students find themselves in that circumstance. They believe that they are far more affected by the acts and omissions of local officials in their college communities than they are by the behavior of local officials in a distant parental community in which they are no longer living. They, therefore, seek to vote as residents of their college communities. Their right to do so is secured, as a fundamental right, by the federal Constitution. *Williams v. Salerno*, 792 F.2d 323 (2<sup>nd</sup> Cir. 1986). And, because this right is regarded as fundamental, any policy or practice that significantly burdens that right can only be sustained if found necessary to advance a compelling interest. *Dunn v. Blumstein*, 405 U.S. 330 (1972).

No such compelling interest supports the policy of requiring students at the Culinary Institute or at Bard College to provide the names of their dormitories on their voter registration forms. In providing the street addresses of their dormitories they provide sufficient information to demonstrate that they qualify as residents of their Dutchess County communities. And in

providing a mailing address or post office box number they provide the Board of Elections with sufficient information to allow the Board to communicate with the registrants, if necessary. In the case of students at the Culinary Institute and at Bard, providing the name of the dormitory is a needless requirement that advances no conceivable interest. If the New York City Board of Elections were to disqualify the registration of voters who provide the street addresses of their apartment houses but who fail to identify the fact that they live in "the Dakota" or in the "the San Remo" the Board's position would be ludicrous. It is similarly senseless to require that college students who have registered by providing the street addresses of their dormitories, in addition to an accurate mailing address, must also provide the names of their dormitories.

In *Williams v. Salerno*, *supra* at 329, the United States Court of Appeals for the Second Circuit held that "[u]nder New York law a board of elections is required to accept for registration any application form that contains 'substantially all of the required information' [citing N.Y. Elec. Law §5-210(6) (b)], unless the board of elections finds that the applicant is not entitled to register. *Id.* §5-210 (8)." The Court of Appeals further observed that "a determination by a board of elections to reject an application requires a majority vote of the commissioners. *Id.* §3-212 (2)." Students who have identified the street addresses of their dormitories and their mailing addresses have without question provided "substantially all of the required information" necessary to register them to vote. The board has not rejected those applications by a majority vote of the commissioners. Consequently, such students have properly registered and should, by law, appear on the state's voter rolls.

We ask that you acknowledge that, under both state and federal law, these voter registration applications are complete and must immediately be processed into the state voter database. We await your prompt assurance that you will comply with the law.

Sincerely,

  
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cc: Commissioner Fran Knapp  
Keith Byron, Esq.