STUDENT POWER AT THE POLLS

RICHARD SINGER*

Despite vehement White House opposition, the overwhelming vote in both houses of Congress to lower the voting age to 18,[1] thereby adding another 11 million voters to the rolls,[2] indicates a growing awareness that if the youth of the country are going to be kept in the "system," they must first be allowed to come into it. The single most effective way of achieving this end, short of revolution, is the ballot box, since the vote possesses a coercive force which even money cannot directly achieve. Yet, unless some state legislatures change their statutes or constitutions,[3] many students are going to be given less than their full participatory role in democracy, notwithstanding the recent federal legislation.

The potential watering-down of student interest and student power at the polls arises because of statutes which, as interpreted by antagonistic voter registration boards, preclude students from voting for local candidates in the town in which they are attending college. These "residency-determinative" statutes provide generally that no person shall "lose or gain" residency for purposes of voting registration "by attending an institution of learning." This language can be interpreted to mean, as it was at least by the Board of Registrars in Tuscaloosa County, Alabama, that a student is effectively precluded from enrolling as a registered voter of the "university town" if he was not born or raised there. The practical effects are intriguing: the student who, entering college at age 18 as a freshman, is still in the university town at age 25 attending graduate school, must vote in the county from which he came at age 18. In *Harris v. Samuels*,[4] several attorneys and I, as members of the American Civil Liberties Union, challenged the application of such an interpretation as unconstitutional. This article will treat those arguments, as well as considerations which were not raised in the litigation.

I. THE FACTUAL SITUATION IN TUSCALOOSA COUNTY

Prior to October, 1968, the Tuscaloosa Board of Registrars had allowed those students who were willing to sign a statement that they intended

* Associate Professor of Law, University of Cincinnati. The author was counsel in *Hanis v. Samuels*, —— F.2d —— (5th Cir. 1971), from which this article sprang. Some of the material comes from the brief in that case, on which Mr. Reber Boult and Mr. Norman Siegal, of the Atlanta Regional Office of the Atlanta Civil Liberties Union, and Mr. George Longshore, of the Alabama Civil Liberties Union, were collaborators.

[1] Pub. Law 91-285 (June 22, 1970), 38 U.S.L.W. 99 (1970).

[2] N.Y. Times, June 19, 1970, P. 36, col. 5.

[3] Twenty-four states, including Alabama, have such statutes; for a complete breakdown, including cases interpreting such provisions, see the appendix at the end of this article. The constitutionality of the act is presently before the court. Oregon v. Mitchell, No. 43 Orig.; Texas v. Mitchell, No. 44 Orig.; United States v. Arizona, No. 46 Orig.; United States v. Idaho, No. 47 Orig.

[4] —— F. Supp. —— (Civ. Action No. 68-598, S.D. Ala. 9 February 1970) (appeal pending).

to reside in Tuscaloosa County after graduation to register and vote in that county.[5] In 1968, however, a black man, William McKinley Branch, had the audacity to run for the United States House of Representatives seat for the Fifth District of Alabama, of which Tuscaloosa County was by far the most populous portion. There were several other candidates in the race. Branch was running on the newly-formed, mostly black-oriented New Democratic Party of Alabama. There was the other "Democratic" candidate, Walter Flowers, supported by George Wallace, a Republican candidate, and a conservative party candidate.

The Branch campaign attracted national publicity and attention. An ad in the *New Republic* brought added campaign funds to the area, and there were several other contributions from national organizations and figures. Thus, it appeared at the time that Branch had at least an outside chance of winning the seat, especially if the black voters, approximately 1/3 of the registered voters in the Fifth District, could be gotten out in force.[6]

There were some 5,000 to 6,000 students of voting age at the University of Alabama in Tuscalosa. Although it is highly unlikely that the majority would have voted for Branch, those who would have so voted were perhaps the single most vocal group on campus. It thus must have appeared to the townspeople that a large percentage of the students at the University would have voted for Branch, a black man, if they could have registered in Tuscaloosa County. Indeed, W. D. Samuel, Chairman of the Board of Registrars, remarked to more than one student who attempted to register on the possibility of students "throwing" the election.

In October, then, with the campaign in full swing and students arriving back on the campus after summer vacation, the Board developed a new policy of refusing to register any student who had not lived in the county prior to matriculation ("nonnative" students).[7] When these students informed the members of the Board that they were willing to sign statements of intent, which previously had been sufficient for registration, the Board flatly refused. At that point, the students came to the Civil Liberties Union of Alabama, of which I was then state chairman.

Informal negotiations were first attempted, but it was soon obvious

[5] These facts were disputed, and the District Court rejected this version. Nevertheless, it was general knowledge at the campus that such a statement would assure registration. Of the documents introduced at trial, 72% of the registered "non-native" students had such statements on their application. Such a high percentage tends to belie the belief that there was no compulsion involved in their making.

[6] In retrospect, of course, this looks starry-eyed, particularly after George Wallace's defeat of Albert Brewer in the 1970 primary, after the NDPA had had two more years to organize. Nevertheless, the overwhelming black victory in Greene County, after the Supreme Court decision in *Hadnott v. Amos*, 394 U.S. 358 (1969), a county adjacent to Tuscaloosa County, indicates there was strength to be tapped.

[7] The trial evidence later developed that the board would also register students who worked more than they attended class, students who already had secured a post-graduate job, and students whose parents had moved to Tuscaloosa subsequent to their child's matriculation.

that these would be futile. Moreover, time was quickly running out since the Board had changed its policy only in the first week of October and would be open only until the end of the second week. Early in the second week of October, we went to Federal District Court seeking an injunction. A hearing was held on Wednesday before the Honorable H. H. Grooms requiring the Board to register every student who was willing to sign a statement that he intended to reside in Tuscaloosa after graduation and would not double vote in the forthcoming elections. Although there was some consternation about the "after graduation" language, the decree seemed to be the best we could hope for prior to the election, and we were quite pleased with the outcome as a whole.

The pleasure was not to last long. As we later found out, as soon as suit was filed on Monday, October 14, the Board of Registrars had lost all control over its own destiny. The State Sovereignty Commission, a statutorily-created body whose duty is to "protect the sovereignty of the state of Alabama from encroachment thereon by the federal government . . . and to resist by all legal means, the usurpation by any agency of the federal government . . . rights and powers reserved to the states. . . ." took over. The Commission immediately drew up a questionnaire to use for students.[8] That questionnaire was used between Wednesday and Friday for every student who attempted to register. Additionally, while the practice earlier had been to inform the registrant of his registration immediately,

---

[8] The questionnaire, in full, is printed here:

VOTER REGISTRATION STUDENT QUESTIONNAIRE
(Fill out for *every* applicant who is college student or wife of student)

FULL NAME _____
Place where you reside _____
Check one or both: _____ _____
I am a student Husband is a student
(Wife's residence is determined by her husband's unless she was a resident before marriage and remained so.)

1. Where did you attend high school? _____
2. Date entered college here: _____
3. Date moved to this County: _____
4. Home address on file at college: _____
5. Where are you a student? _____
6. Do you pay out-of-state college fees? No ____ Yes ____
7. If you lived in this County and State before becoming a student, give dates of beginning of residence: State: _____
   County: _____
8. If you resided in another state *or* county before becoming a student, give state and county: State: _____
   County: _____
9. If you were a resident of another state or county before becomming a student, answer this question: Do you own a lot, residence or business property located in this county? Yes ____ No ____
   If so, give type and location: _____
   On what date was it purchased? _____
10. To what state do you pay income tax? Alabama ____ Other ____
11. Do you swear under oath that you intend to continue to keep your bona fide residence in this county AFTER leaving college or graduation? Yes ____ No ____

students were said to be "applicants for registration" who would be notified as to the success of their "application" at some later date (assumedly prior to the election).

One week before the election, the letters arrived. Over sixty "nonnative" students were denied registration. The board gave three reasons, any one of which was sufficient for disqualification:[9] (1) the student did not evince enough intent to remain after graduation; (2) the student did not own property, such as a business or lot, in Tuscaloosa County; (3) the student did not pay income tax to Alabama.

Early Monday morning, Judge Grooms issued to the three members of the Board of Registrars an order to show cause why they should not be held in contempt of court. A compromise was reached on the representation that the 64 exclusions were made in "good faith error." Almost all were allowed to vote the next day.

After trial, however, the District Court, per Judge Seybourn Lynne,[10] held against plaintiffs, finding no evidence that the Board had discriminated against students in general, or against "nonnative" students as opposed to "native" students.

II. The Merits of the Case

A. *The Practical and Policy Considerations*

The traditional justifications for voter residence requirements are four: (1) the promotion of a more intelligent vote by insuring that voters have at least had an opportunity to obtain some knowledge of local affairs; (2) prevention of fraud; (3) identification of the voter; (4) assurance

---

12. Do you intend to continue to own your property here after that time? Yes ____ No ____
13. Do you intend to pay state income taxes here after that time? Yes ____ No ____
14. Check which best describes what you intend your residence to be: Permanent ____ While in school ____

Applicant's signature: _____

(If any of the answers above appear in the righthand column, the applicant is to be asked to explain on the back of this sheet why he or she feels he has established a legal residence in this county and what will determine whether he stays or leaves after he is no longer a student or the husband is no longer a student.)

[9] All letters followed the same format:

Dear Mr. X:

This is to notify you that the Tuscaloosa Board of Registrars has rejected your application.

Persons who take up residence in a county for the purpose of and at the same time as entering college are not considered under state laws and various court rulings to have overcome the presumption of temporary residence unless they have a very definite intent to remain, pay state income tax and acquire fixed property such as a residence, lot or business.

The same law which limits your right to acquire a residence here also protects your right to continue to vote in your county or residence prior to entering college and allows you the convenience of voting by mail as long as you are a student.

[10] Judge Grooms had retired in the interim.

of the voter's membership and interest in the community.[11] The fact is, however, that residency requirements do not directly serve any of these interests and, moreover, that the fourth stated interest inadequately describes the real interest of the state. The state, after all, does not really care in the abstract that the voters be informed about the issue. The interest lies in the hope and assumption that informed voters will vote with the awareness that an unwise vote will adversely affect them in their future lives. Thus, if Samuel Lubell spent one full year studying the issues in a Tuscaloosa election, he would be an *informed*, but a disinterested voter. Similarly, if 70% of the electorate were fully informed of the issues, but intended to vote capriciously and then leave town, the state's interest would hardly be satisfied. The *real* interest of the state here is that the voters be those who will be affected by the outcome, so that they will vote with considered judgment, on the knowledge they have previously obtained.

It can readily be seen that a requirement of *pre*-election presence does not effectively achieve that goal; it could be achieved only by a requirement of *post*-election presence. The present waiting requirements, however, do achieve at least part of that purpose, since the presumption is probably not unsound that one who has lived in a town for six months or a year is unlikely to leave immediately after an election. Moreover, to fully achieve its legitimate goal, the state would have to construct administrative machinery for determining, prior to each election, who intended to remain afterwards. The cumbersomeness of this method is apparent, and the state is probably justified in using the less efficient means of pre-election presence as a crude guide to post-election intent. But the waiting requirements do not, and cannot, totally achieve the aim of the state here.

For the purposes of the present discussion, the importance of the above observation is its effectual reduction of the interest the state has in its present residency laws, which only imperfectly achieve any state purpose at all.

This does not, of course, denigrate the state's interest in limiting the franchise to *bona fide* residents. Residency laws, after all, were passed originally to prevent the "floating" vote of one who "colonized" local elections, a widespread abuse in the 1860's and 70's.[12] Of course the state must have weapons to deal effectively with the prospect of 10,000 strangers arriving the day before an election and claiming residency. But it would seem that the simple waiting requirement protects the state against such an invasion.

Thus, we reach our basic proposition: students who have been in the university town long enough to meet the waiting period, and who seek to

---

[11] Dreuding v. Devlin, 234 F. Supp. 721 (D. Md. 1964), *aff'd mem.* 380 U.S. 125 (1965); MacLeod and Wilberding, *State Voting Residency Requirements and Civil Rights*, 38 GEO. WASH. L. REV. 93, 95 (1969); Note, 77 HARV. L. REV. 574 (1964).

[12] MacLeod and Wilberding, *State Voting Residency Requirements and Civil Rights*, 38 GEO. WASH. L. REV. 93, 94 (1969).

register there as voters, should be registered unless the registration agency can show a good reason for not doing so.

The propositions put forth by the Tuscaloosa Board—lack of ownership of property, lack of a permanent job in town—are neither sufficient nor rational justifications for such a refusal.

Surely a requirement that one who satisfied the waiting period also own property would unconstitutionally trespass upon equal protection.[13] A requirement of work would breach the Thirteenth Amendment and the doctrine of unconstitutional conditions. A requirement that a single child always be registered where his parents live would be totally irrational and violative of due process.

Moreover, these data have no rational relationship to the determination of residency—and surely none of interest in the future of the election district. One could live in his own home for ten years, pay taxes, work assiduously, and have his parents next door, and still never intend Tuscaloosa County to be his residence. Conversely, a twenty-one year old single student, with tax-free income, who lived in a hovel, visited his distant parents every week, and did nothing but read, might intend the county to be his home, and he would be entitled to register.

Once the waiting period has been met, therefore, and particularly where the registrant has declared his intent to remain in the country indefinitely, the state cannot employ these factors as indicia of residency because to do so effectively makes them *requirements* for registration. Thus, if a registrant is rejected, as so many of the "non-native" students were, "because he does not own property in the county, which demonstrates lack of intent," the state is effectively requiring that he buy property, after which he will be registered.

At first glance this proposal appears to play fast and loose with the traditional law of domicile. But closer inspection of the *purpose* of the state here, and of proof of intent, will demonstrate otherwise. I suggest that, rather than using such factors as place of employment, ownership of property, payment of taxes, etc., as *affirmative* indication of domicile, it is more rational, more satisfying, and more constitutional, to use these as negative factors. Thus, while the absence of these factors, such as property ownership in the university town, cannot disqualify the resident, their presence elsewhere may serve that purpose. If a man does not own real property anywhere, the fact that he also does not own real property in Tuscaloosa County cannot be taken as an indication that he does not reside in Tuscaloosa County, for if lack of real property ownership were a proper indicia, he would not be a resident anywhere. Similarly, if a man does not work anywhere, the fact that he also does no work in Tuscaloosa

[13] *See* Cipriano v. City of Houma, 395 U.S. 701 (1969); Harper v. Virginia Bd. of Elections, 383 U.S. 663 (1966); Stewart v. Parish School Board of the Parish of St. Charles, 310 F. Supp. 1172 (E.D. La. 1970).

County cannot be taken as an indication that he does not reside in the county. Thus, one who is living on an annuity, or a trust fund established by his parents, may not work, and may not plan to work, anywhere. If his failure to work were an indicia of his residency, he would be denied the right to vote anywhere. Simply put, the *lack* of external actions is not—and by its nature cannot be—concrete indication of internal motivation; a belief that it can be is illusory. The attempt to catch a state of mind by a list of "factors" is futile enough of itself. But when each item on the list of factors would be unconstitutionally infirm, the attempt becomes doubly unsound.

But if the state cannot require ownership of property, or payment of taxes, before registration of a person who has met the waiting requirement, how else might it protect its interest in assuring that only interested voters participate in elections? Probably there is no way of assuring that all those who cast ballots are interested in voting. But the statements of intent to reside indefinitely in the county, which every student here was willing to sign, appears to be the closest possible method of protecting the state's interest. For that reason alone, its importance is enhanced. Of course, intent is difficult to prove, and such statements could rarely be held against the maker, but the mere fact of willingness to make the statement is indicant of good will, if not more.

There might be some doubt as to the constitutionality of a state requirement of a statement of intent to reside, particularly in light of *Crandall v. Nevada*,[14] where the Court invalidated a state tax on outgoing residents or tennants. On the other hand, such a statement is similar to one which was required by Virginia in *Harmon v. Forsennius*.[15] The Court there took great pains to indicate that it was striking only the poll tax part of the voting statute and was not passing on—or even intimating decision on—the "residency statement" requirement.[16] It is therefore at least arguable that such a requirement would be constitutional, even though its effect and importance might be unknown.

In attempting to rebut the position that such a statement of intent had putative and perhaps conclusive value, the state relied, in the principal case, on statements that "statements of intent" were null and meaningless. Such language is common in the cases, the most obvious example being that of the Supreme Court in *Carrington v. Rash*:[17]

> The declarations of voters concerning their intent to reside in the State and in a particular county is often not conclusive; the election officials may

---

[14] 73 U.S. 35 (1868).

[15] 380 U.S. 528 (1965).

[16] *Id.* at 538: "it is important to emphasize that the question presented is not whether it would be within a state's power to . . . require all voters . . . to file annually a certificate of residence."

[17] 380 U.S. 89, 95 (1965).

look to the actual facts and circumstances. *Stratton v. Hall*, 90 S.W. 2d 865, 866.

But the state's reliance on this language is grossly misplaced. *Stratton* and the cases upon which it was founded were clear cases of nonresidence. The rejected registrant simply told the board that he "intended" or "wished" the voting district involved to be his home. Stratton, for example, simply did not live in the county. He had moved away before he sought to vote. He was asserting absentee property ownership as his qualification to vote. In *McCharen v. Mead*,[18] relied on by the *Stratton* court, the operation of the poll tax laws set up a one-year pre-registration waiting period. The prospective voters had not satisfied this, so their declarations of belief that they resided in the county were ineffective. Again, in *Hogg v. Waddell*,[19] the declarants simply were not present in the county.

We have already agreed that 10,000 strangers to Tuscaloosa County could not arrive on the doorstep of the Board the day before an election, declare simply that they "intended" Tuscaloosa County to be their home, and reasonably expect to be given the right to register to vote in local elections. In that instance a "mere statement of intent" would be insufficient, since the waiting period would not have been met. Here, however, the statements of intent were coupled with abode in the County and satisfaction of the pre-registration waiting period. None of the *Stratton-McCharen-Hogg* facts of nonresidence were present and the Board did not adduce or elicit any.

Nor can the state's policy here be defended on the grounds of protecting local elections from "transients." First, students are no more transient than many other discernable groups in the country. Second, the Supreme Court has clearly declared such a purpose impermissible under the Constitution.[20]

While transiency seems at first blush to be a particularly student monopoly, the fact is that there are many other mobile groups in society. Management trainees, for example, are almost certain to be transfered after termination of the course, a fact which they probably know before they arrive in the county.[21] Similarly, new faculty members tend to move on, at least from their first job, within two to four years.[22] These voters have

[18] 275 S.W. 117 (Tex. Civ. App. 1925).

[19] 42 S.W.2d 488 (Tex. Civ. App. 1931).

[20] Carrington v. Rash, 380 U.S. 89, 96 (1965).

[21] "It is clear to this court that the petitioner is an integral part of the community in which he lives. He is no different from an engineer assigned for a three or four year term at a local plant of a large corporation or an employee in a management training program of a multiplant corporation who may move periodically. He is clearly not the type of unconcerned person against whom the restrictions of the Constitution and the Election Laws are aimed." Application of Goldhaber, 748, 55 Misc.2d 111 285 N.Y.S.2d 747, (Onondaga County Ct. 1967).

[22] It is perhaps not insignificant that a recent note spoke of "residence of a student *or teacher* for purposes of voting," 98 A.L.R.2d 488, indicating the mobility of all members of society. Indeed, the note spoke of two groups in the same breath: "Teachers are not required, any more than are students, to prove that they intend to live permanently in a school town in

generally less control, not more, over their future plans than do students who, barring failure, are almost assured that they will remain in the university town for four years of undergraduate study.[23]

Aside from failing to require the Board to ask other potential groups of transients about their future plans, however, the state statutes are also silent about the plans of *young people* moving, for there is no assurance that students change residency more often or more facilely than do other young people of the same approximate age group. Ours, after all, is a mobile society; the most mobile persons in that society are the young, whether college students or not.[24] Thus, Donald Bogue, in a very recent book,[25] using the latest available information from the U.S. Census Bureau, describes American society as one in which one of every five persons are changing residence every year, 27.8 million of whom are crossing county borders.[26] Of this group, the largest proportion are young people; the migration rates for those between the ages of 20 and 34 varies from 35% to 24%, which is substantially higher than any other age bracket.[27] Moreover, Bogue demonstrates that college educated young persons are *not* the most likely to move. In assessing the mobility rate of Americans between the ages of 25 and 34,[28] he finds:

WHITE POPULATION	MALE % of all Migrants	FEMALE % of all Migrants
No school years completed	.3	.2
Elementary school, less than 5 years	1.3	.9
Grade School, 5-8 years	12.5	9.6
High School, 1-3 years	17.1	18.4
High School, 4 years	27.5	41.3
College, 1-3 years	14.6	15.7
College, 4 years or more	26.7	13.4

order to vote there, the courts accepting as sufficient for voting purposes that they consider it their home for the present, . . . while . . . there." at 502.

23 Since students are almost always likely to be in the county for at least four years, the Board's requirement that their intent to reside be "after graduation" is immediately constitutionally suspect. Many students, at some point in their college career, break ties with the parental home, yet remain uncertain as to their future plans. Courts have recognized this fact, and acted accordingly: "Persons otherwise qualified as voters, who come to the seat of a university mainly for the purpose of obtaining an educatiion, who are not dependent upon their parents for support, . . . who are accustomed to leave the seat of the university during vacation, going wherever they might find employment, and returning to the university when the term opens, regarding the seat of the university as their home, and having no purpose formed as to their movements after completing their studies, are entitled to vote at the seat of the university." *Swan v. Bowker*, 135 Neb. 405, 281 N.W. 891, 896 (1938). The court in *Chomeau v. Roth*, 72 S.W.2d 997, 999 (Mo. App. 1934), also recognized the inevitable result of concluding otherwise: if a student left his prior home with no intent to return, he would be disfranchised until he acquired a residence after graduation, since the 'home' county could hardly register him, since he lacked the requisite intent to return. *See* discussion, *infra.*

24 Glenn and Grimes, *Aging, Voting and Political Interest*, 33 AMER. SOC. REV. 563 (1968).

25 D. BOGUE, PRINCIPLES OF DEMOGRAPHY (1969).

26 *Id.* at 761.

27 *Id.* at 762.

28 It is true that Bogue used this age bracket to avoid using college-age persons. But his omission includes *all* young people, not just students. *Id.* at 769.

NONWHITE POPULATION	MALE % of all Migrants	FEMALE % of all Migrants
No school years completed	1.3	.9
Elementary school, less than 5 years	7.9	4.0
Grade School, 5-8 years	24.8	21.9
High School, 1-3 years	25.4	26.5
High School, 4 years	21.1	26.8
College, 1-3 years	9.8	9.5
College, 4 years or more	9.7	10.4

The data demonstrate that it is not college graduates or even those who have attended college that make up the bulk of migrants, or transients in the age group 25 to 34.

Moreover, Census Bureau information indicates that the largest group of migrants comprise "operatives and kindred workers," the second largest consists of "craftsmen and foremen," and the third "professional and technical personnel."[29] Even assuming that students are "professionals" they are not the most mobile group in society, either in terms of profession, or education. There is, in short, no rational basis on which the state can base its presumption that students will move from the university town once their schooling is complete, and deny them the right to vote, while allowing young "operatives" without a high school education, the most mobile part of our society, to register and vote.

Aside from failing to affirmatively protect the interest of the state in assuming that the electorate will be interested in the election, a state policy which precludes students from voting in the university town, thereby forcing them to vote elsewhere, frustrates that interest in the place to which students are sent to vote. Thus, a student who at some earlier point registered elsewhere may now have no concern with the affairs of that county, and have no intention of returning to that county to live, nor be familiar with the local issues in that county. It is, after all, in the university town that students live, pay taxes, buy auto tags, and are affected by the decision of the city council and various other city and county legislative delegations.

Yet the state's interpretation forces these students—if they are to vote *anywhere*, in *any* election—to return to the county which they have already eschewed, and in which they have neither interest in nor knowledge of the issues. Thus, the typical registration board's policy sends to innumerable other counties large numbers of voters who have no interest in the affairs of those counties. Thus, the state interest of having knowledgeable voters participate in local elections is actually undercut by the board's policy, and the hope of having voters who have "membership and interest in the community" is totally frustrated.

---

[29] Schmidhauser, *Residency Requirements for Voting and the Tensions of a Mobile Society*, 61 MICH. L. REV. 823, 830 n. 10 (1963).

In the same breath, such a policy threatens to make these students "men without a county." For whatever else is necessary to establish domicile, intent to remain or return is clearly necessary. Those students who have not crystallized their plans, but are unsure whether three, four, or five years hence they will return to their parents' county face a truly grisly choice.[30] They can forego voting at all, or possibly perjure themselves and vote in the "hometown" elections.

Moreover, there is an even more direct disfranchisement involved in such situations. The right to vote is not a right *in vacuo*. It must be meaningful; it must be in an election in which the voter has some stake, and which will affect him in some way. Simply put, the state could not require all residents of Tuscaloosa County to vote in the local elections in adjoining Greene County, and vice versa. For then the right to vote, to elect to office those who directly affect the voter, is rendered meaningless. The voter is effectively disfranchised, whether or not he technically casts a ballot. Students precluded from voting in the university town fall in this group. If students are to believe in "the system," it must first believe in them. There is no indication in restrictive-interpretation states that it has done so.

B. *The Law of the Case*

Having examined the general policy and practical considerations, let us now turn to the current law, and determine what the position of the courts is on this subject.

1. The Common Law of Domicile and Students

State courts faced with the dilemma of reconciling the law of domicile with student election applicants have been split. There are several possible situations which can arise:

(a) Some students are fully committed to their parental county, and barring unforseeable circumstances, plan to return there to spend their lives. Their franchise is unaffected by the statute.[31]

(b) At the other end of the spectrum are those few students (most of them in the terminal months of their academic careers) who have found and accepted post-graduate employment in the university town. These students will generally be registered even under the present policy.

(c) Some students, undoubtedly a considerably larger group, have definitely decided to remain in the university town, but do not yet have firm employment commitments (or, in the case of those who intend to be self-employed, will never prior to leaving school have such commitments).

---

[30] Fay v. Noia, 372 U.S. 391 (1963).

[31] Welch v. Shumway, 232 Ill. 54, 83 N.E. 549 (1907); Frakes v. Farragut Community Sch. Dist., 121 N.W.2d 636 (Iowa 1963); Granby v. Amherst, 7 Mass. 1 (1810).

These students, having no intent to return to their parental counties, cannot properly vote there. If they do so, they may run the risk of being charged with perjury. For the most part, this group is disfranchised.

(d) Some students are firmly committed to a third county—neither the university town nor their original home. Under any principle of residence law, they would not qualify to vote outside the university town; and under the challenged policy, they cannot register in the university town. They are disfranchised (again subject to the risk of perjury or at least subject to their willingness to vote illegally, hardly an appropriate "essence of a democratic society").

(e) Most students really do not know where they will make their homes after they leave the university. They may or may not have a preference for staying where they are, going back where they came from, or going somewhere else. Like a great number of non-students, they live in the university town, they might stay there permanently or they might not, as opportunity presents itself. But if they state this candidly to the registrars or voting officials in their home county, they shouldn't be allowed to vote there.

The majority of courts faced with this problem have recognized and adopted the only sensible position: "The student who gives the most usual answer when his right to vote in a college town is challenged—that his plans as to a future residence are uncertain, and depend upon employment and other opportunities, but that he considers the town his home for the present and has no intention of returning to his parents' home—will also be allowed by the courts in most states to vote in his college town."[32]

In determining the intent to make a home in the college county, courts in other states have recognized that the old concept of the "semicloistered college life" has little to do with the modes of life of many college students today. When many of the cases restrictive of student registration were decided our society was far less mobile, and the general assumption, which surfaces in some of the cases, was that the student would return to his county of birth at the end of his college education. That assumption is simply no longer valid.

2. The Constitutional Aspects of the Problem

The Supreme Court has developed a particularly stringent application of the equal protection clause in voting cases. Characterizing the electoral franchise as being:

[32] Annot., 98 ALR2d 488, 497-98 (1953). *See, e.g.*, Chomeau v. Roth, 72 S.W.2d 997 (Mo. App. 1934); Swan v. Bowker, 135 Neb. 405, 281 N.W. 891 (1938); *Re* Robbins v. Chamberlain, 297 N.Y. 108, 75 N.E.2d 617 (1947); Application of Goldhaber, 55 Misc.2d 111, 285 N.Y.S.2d 747 (Onondaga County, 1967); State *ex rel* May v. Jones, 16 Ohio App.2d 140, 242 N.E.2d 672 (1968). *Cf.* Pedigo v. Grimes, 113 Ind. 148, 13 N.E. 700 (1887); Everman v. Thomas, 303 Ky. 156, 197 S.W.2d 58 (1946); Kegley v. Johnson, 207 Va. 54, 147 S.W.2d 735 (1966).

> close to the core of our constitutional system.[33] [and] the essence of a democratic society . . . [and] the heart of representative government.[34]

The Court has discarded usual norms of equal protection:

> [T]he general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a "rational basis" for the distinctions made are not applicable. See *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 670 (1966). The presumption of constitutionality and the approval given "rational" classsifications in other types of enactments are based on an assumption that the institutions of state government are structured so as to represent fairly all the people. However, when the challenge to the statute is in effect a challenge of this basic assumption, the assumption can no longer serve as the basis for presuming constitutionality.[35]

Before the right to vote may be validly restricted, at least four elements must coalesce:

(a) The state interest relied on to justify the restrictive classification must be "*compelling*,"[36] not merely "rational" or "legitimate."[37]

(b) Even assuming a sufficiently compelling state interest, the classification must be closely scrutinized to determine whether it is necessary, and the purpose has been accomplished with "precision;"[38] *e.g.*, "whether all those excluded are in fact substantially less interested or affected than those the statute includes [as voters]."[39]

(c) The state, not the challenging party, has the burden of demonstrating that the standards have been met.[40]

---

33 Carrington v. Rash, 380 U.S. 89, 96 (1965).

34 Reynolds v. Sims, 377 U.S. 533, 555 (1964).

35 Kramer v. Union Free School Dist., 395 U.S. 621, 627-28 (1969).

36 Compare the First Amendment's requirement of an "overriding and compelling state interest" in, *e.g.*, *DeGregory v. New Hampshire*, 383 U.S. 825 (1966). In fact, the First Amendment is an inevitable element of voting cases. The rationale is expressed in *Stromberg v. California*, 283 U.S. 359, 369 (1931); "The maintenance of the opportunity for free political discussions to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means . . . is . . . fundamental. . . ." That voting and the First Amendment are inseparable is explicit in *Hadnott v. Amos*, 394 U.S. 358, 364 (1969); *Williams v. Rhodes*, 393 U.S. 23 (1968); *Bond v. Floyd*, 385 U.S. 116 (1966). Where the franchise is *not* taken away, and the only question is one of ease of voting, the less stringent test still applies. *McDonald v. Bd. of Election Comm'rs of Chicago*, 394 U.S. 802 (1969).

37 *See, e.g.*, *Cipriano v. City of Houma*, 395 U.S. 701 (1969); *Kramer v. Union Free School Dist.*, 395 U.S. 621 (1969); *Harper v. Virginia Board of Elections*, 383 U.S. 663, 670 (1966). The California Supreme Court has recently been persuaded that, in view of this new test, *Lassiter v. Northhampton County Election Bd.*, 360 U.S. 45 (1959), which upheld a literacy test, is no longer good law. *Castro v. California*, 38 U.S.L.W. 2522 (Cal. Sup. Ct. March 24, 1970).

38 Wesberry v. Sanders, 376 U.S. 1, 18 (1964).

39 Kramer v. Union Free School Dist., 395 U.S. 621, 632 (1969). *See, e.g.*, Cipriano v. City of Houma, 395 U.S. 701 (1968); Carrington v. Rash, 380 U.S. 89 (1965).

40 *See, e.g.*, *Kramer v. Union Free School Distr.*, 395 U.S. 621, 633: "Nor do appellees offer any justification for the exclusion of seemingly interested and informed residents. . . ." *See also*, *Hadnott v. Amos*, 394 U.S. 358, 364 (1969); *Gaston County v. United States*, 395 U.S. 285 (1969).

(d) The prerequisites, procedures, and conditions for the use of the franchise must not be more burdensome, confusing or cumbersome than is necessary.[41]

Measured by these standards, the exclusionary interpretation of the Tuscaloosa Board seems inexorably unconstitutional. As already seen, the exclusion of students as a group serves no legitimate state policy, and indeed frustrates the only policy or interest which the state general residency statute protects: allowing interested and involved voters to vote in elections which concern them. Moreover, in achieving the other three putative ends of residency requirements, the state may use the much less drastic methods of the waiting period, without further requirements as to intent or domicile. It should not be allowed to sweep too broadly, striking groups which, at least superficially, appear to fall without the state purpose.

Viewed from an equal protection standpoint, the classification of students as "more transient" similarly fails. The classification does not, as we have seen, deal with either the *most* transient, or the *most* interested. In several recent cases, the Supreme Court has addressed itself specifically to the precision which is necessary in classifications affecting the franchise. In *Kramer v. Union Free School Dist. No. 15*,[42] the Court was faced with a state statute which restricted voters in school district elections to those who (1) owned or leased taxable real property or (2) are parents or had custody of children enrolled in the local public schools. Leaving aside the question of whether the state could properly limit the franchise, even in a "special" or "limited" election,[43] the Court held that the elimination was too broad in this instance:

> Whether classifications allegedly limiting the franchise to those resident citizens 'primarily interested' deny those excluded equal protection of the law depends, *inter alia*, on whether all those excluded are in fact substantially less interested or affected than those the statute includes. In other words, the classifications must be tailored so that the exclusion of appellant and members of his class is necessary to achieve the articulated state goal. Section 2012 does not meet the exacting standard of precision we require of statutes which selectively distribute the franchise. The classifications in § 2012 permit inclusion of many persons who have, at best, a remote and indirect interest in school affairs and, on the other hand, exclude others who have a distinct and direct interest in the school meeting decisions.[44]

---

[41] *See, e.g., Hadnott v. Amos*, 394 U.S. 358 (1969); *Harper v. Virginia Board of Elections*, 393 U.S. 663 (1966); *Harmon v. Forssenius*, 380 U.S. 528 (1965); *Lane v. Wilson*, 307 U.S. 268, 275 (1939). Compare the First Amendment doctrine of not allowing unnecessarily burdensome conditions particularly as applied in cases involving permit requirements, *e.g., Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

[42] 395 U.S. 621 (1969).

[43] *See, infra.*

[44] 395 U.S. 621, 632.

In two later cases, the Court followed this reasoning. In *Cipriano v. City of Houma*,[45] restriction of the franchise in bond elections to property owners was struck down. In *Evans v. Cornman*,[46] the Court struck down a decision by the Permanent Board of Registry of Montgomery County that persons living on the grounds of the National Institutes of Health were on a federal enclave and, as such, not Maryland residents. In view of the statistical evidence adduced earlier, as well as the general exclusion of so many people from the franchise, it is doubtful whether an interpretation of the kind challenged in *Harris* could be sustained.

The Court has spoken only once directly to the issue of voting and transiency. In *Carrington v. Rash*,[47] the Court invalidated a Texas statute which raised an irrebutable presumption of nonresidency against military personnel, holding that the state must at least give any person who wished to establish Texas as his residence, an opportunity to present evidence as to his domicile. The irrebutable presumption technique was too crude a weapon. The Court specifically discredited the idea that attempting to prevent "transients" from voting in local elections was proper,[48] requiring the restriction to be "reasonable in light of its purpose."[49] The state, said the Court, could not fence out from the franchise[50] those who were clearly interested in the outcome of the election.

The *Carrington* case involved an irrebuttable presumption, while the present exclusion of student voters involves only a rebuttable presumption. It might, therefore, be considered that *Carrington*, if not directly adverse to students here, is at least not authority for their position. But a closer reading will perhaps indicate more support for the proposition which invalidates exclusion of students than believed. In the first place, military personnel are totally at the mercy of their superiors, unable to stay in any given locale for one day more than their orders permit. Students, on the other hand, are not so controlled. Even if their tenure at the university may be terminated by the administration, they may remain in the town as long as they consider desirable. Of course at that point they would no longer be students, according to the exclusionary rule. But in all probability they would have to remain in the town for at least six months, in addition to the time already spent there, before they could be registered, since their time at school does not count as residency. Secondly, the *Carrington* case indicated a willingness, when the "new" tests had not yet been applied to the franchise, to specifically circumscribe it with the most durable protections. In that event, it demonstrates

[45] 395 U.S. 701. *Cf.* City of Phoenix v. Kolodziejski, 399 U.S. 204,. *See also* Stewart v. Parish School Board of the Parish of St. Charles, 310 F. Supp. 1172 (E.D. La. 1970).

[46] 398 U.S. 419 (1970).

[47] 380 U.S. 89 (1965).

[48] *Id.* at 95-97.

[49] *Id.* at 93.

[50] *Id.* at 94.

again, as I have already suggested, that the burden shifts to the state to justify its exclusion—that *now*, the state cannot require the applicant to carry the burden once he has demonstrated compliance with the waiting period. *Carrington*, therefore, seems to at least indicate hospitality for bringing the broadest protection possible to excluded groups on the basis of "transiency."

The *Cornman* case indicates yet another branch of the argument against the interpretation adopted by the District Court in *Harris*, a new view of the meaning of the franchise, upon which we have already touched. This is the requirement, becoming more explicit with each case, that those who have an "interest" in an election should be allowed to vote as residents, unless there are clearly compelling reasons to the contrary. This is exceptionally close to the position previously outlined here—that sufficing the waiting period should meet all legitimate criteria of the state.

Cornman itself involved the decision of the Montgomery County Permanent Board of Registry that persons living on the federal enclave at the National Institute of Health were not residents of the state of Maryland for purposes of enfranchisement. Several perturbed voters sought a declaratory judgment that this application of the Maryland voter residency law was unconstitutional. The lower court held for the plaintiff-applicants,[51] and the state appealed.

The Court's opinion is somewhat confusing. At issue in the case, at least as originally propounded, was the residency status of the NIH voters. The Court apparently dismissed that question early in its decision, saying that:

> They are not residents of Maryland only if the NIH grounds ceased to be a part of Maryland when the enclave was created. However, that 'fiction of a state within a state' was specifically rejected by this Court in *Howard v. Commissioners of Louisville*, 344 U.S. 624, 627 (1953), and it cannot be resurrected here to deny appellees the right to vote.[52]

This would seem to settle the question. But Maryland then apparently made another argument, which was not directly raised by the case as framed by the Court, that Maryland could nevertheless exclude these residents because they were not "primarily or substantially interested in or affected

---

[51] *Cornman v. Dawson*, 295 F. Supp. 654 (D. Md. 1969). The District Court declared, at 569: "A state may not subject an individual who resides within its geographical boundaries to substantial obligations of citizenship and at the same time deny such individual the correlative right to exercise a voice in defining the nature and extent of such obligations." *Accord*, *Arapajolu v. McMenamin*, 113 Cal. App. 2d 824, 249 P.2d 318 (1952); *Rothfels v. Southworth*, 11 Utah2d 169, 356 P.2d 612 (1960).

[52] 398 U.S. 419 at 421-22. The *Howard* case was not really determinative of either issue in *Cornman*, since it involved the ability of the City of Louisville to levy an occupational tax against residents of a federal enclave. The case was controlled by 4 U.S.C. §§ 105-110, known as the Buck Act, which explicitly gave the city the right to levy such a tax on such persons, without declaring whether or not they were "residents." Indeed, the need for special legislation to allow state taxation would seem to indicate non-residency. At any rate, no such statute was present in *Cornman*, and the state, moreover, was attempting to have the federal enclave inhabitants declared non-residents, not residents.

by electoral decison." The state relied on several facts, including the fact that NIH residents did not pay real property taxes, and that NIH residents could only be prosecuted in federal courts by federal authorities for a crime committed on NIH grounds. The Court rejected both of these arguments, by pointing to the "numerous and vital ways in which NIH residents are affected by electoral decisions." These voters, said the Court,

> are as concerned with state spending . . . as other Maryland residents. . . . [They] are required to register their automobiles in Maryland and obtain drivers permits and license plates from the State; they are subject to the process and jurisdiction of state courts; they themselves can resort to those courts in divorce and child adoption proceedings; and they send their children to Maryland public schools.[53]

Students in a university town are no less directly affected. They too are required to register their automobiles in the university town or county, and to pay the university town or county sales tax. They are directly affected by the way in which the local officials, particularly the police and judicial officials, operate. The situation at the University of Alabama is typical. In the last year there have been literally hundreds of arrests of students, both involved in political demonstrations and for the usual college-age frivolities. These students are directly affected by the political views and the philosophical attitudes which the local police officials and the mayor hold. Their futures are likely to be directly affected by whether the police take a lenient or tough attitude toward their activities, whatever they be. It is in the university town, for all practical purposes, that their future is made, not in the "home town" from which they emerged several years previous.

The Supreme Court's stress in *Cornman* on the relationship between "interest" and "residence" which it had already begun to discuss in *Kramer* and *Cipriano*, is a salutary one. It seeks to make democracy more responsive by giving to those who are directly affected by decisions the power of the ballot over the decision-makers. The Court, in *Cornman*, could have dismissed the second argument briefly, with a short curt sentence or two to the effect that Maryland had not carried its burden here. Instead, the Court seemingly went out of its way to lay down criteria, indicia, for the determination of what persons should be allowed to vote in what elections. Of course, the case does not technically control the student case at hand here, since the Court apparently decided that the NIH dwellers were Maryland residents before going into the issue of "Interest and concern." But the Court's basic stance promotes the belief that students are residents where they spend nine months, or more, of every year, at least when their intent is unclear or undetermined. *Cornman*, *Kramer* and *Cipriano* all seem to so hold.

---

[53] *Id.* at 424.

Still another infirmity in the present posture of the law is indicated by the fact that the United States Census Bureau, for purposes of counting population, considers students as residents of the University town.[54] Whatever impact this might have otherwise on the merits of the case, the fact is that to allow students to be counted for purposes of determining districting but not to be counted for purposes of electing the officials from that district might well contravene the "one-man, one-vote" thesis of the Supreme Court.[55] Thus, for example, let us assume that the Census Bureau finds 10,000 students and 40,000 non-students in town A, and 50,000 non-students in town B. Now, assuming that all students are "non-native", this means that Congressman B is being elected by 50,000 people, whereas Congressman A is being elected by 40,000. Townspeople in B, therefore, are having their votes diluted by 20%. This gross disparity is obviously inconsistent with the Court's mandate in the voting cases, and would arguably be enough to strike down the districting.

CONCLUSION

There are voices in this country declaring that the political process is dead, closed to the cries of the young and the new voter. Many young people, including vast portions of the student population, have been said to be apathetic about the power of the ballot, believing that no meaningful reforms can be achieved through the franchise, through the system. If students were given the ability, at an early age in their college career, to help manage the university towns in which they reside, if they were able to make their voices heard as a bloc, with the power of the vote behind it, some of this distress might be alleviated, and it might occur that we could reach out and pull many of these disenchanted ones back. Certainly that is the thought behind the lowering of the voting age to 18. But that action may well be sterile, at least for many of the college young, if they are forced to vote in a place to which they hold no real allegiance. This, again, will appear to be the "system's" method of giving with one hand and taking away with the other. For of what use is a vote in Fairbanks, Alaska, if Nome is where your heart is?[56]

---

[54] U.S. Bureau of the Census, Policy Statement (1966), conveyed to the author by letter from Mr. Conrad Tauba, of the Bureau, August, 1970. California has recently agreed. Opinion No. 70/115 of California Attorney General Thomas Lynch, August 12, 1970 (mimeo).

[55] Reynolds v. Sims, 377 U.S. 533 (1964).

[56] This article has been directed at intra-state, intra-county discrimination. The analysis clearly applies, however, to inter-state students as well, and with perhaps more force because of *Shapiro v. Thompson*, 394 U.S. 618 (1969). It should be noted, of course, that residency for purposes of tuition may be governed by considerations not present in the issue posed here. Colorado, after providing that a student may change his residence simply by filing a sworn affidavit with the county clerk, Colo. Rev. Stat. 49-3-4(1) (1963), adds, *id.*, sec. (3), that "No provision in this section shall apply in the determination of residence or non-residence status . . . for any college or university purpose." *See Kirk v. Calif. Bd. of Regents*, 273 Cal. App. 2d 430, 78 Cal. Rptr. 260 (1969), *appeal dismissed*, 396 U.S. 554 (1970).

ADDENDUM

A total of 24 states, including Alabama, have provisions similar to Tit. 17, sec. 17 of the Alabama Code. Most are identical in wording. This addendum lists these states, and citations to cases or other interpretations of the words. Additionally, interesting variations of the wording, or supplemental statutory provisions are recorded. Finally, in those states which do not have statutes *specifically* dealing with student voter residence, a cursory attempt has been made to list relevant case law. In those states, however, the listing is not intended to be exhaustive.

Alabama
Tit. 17, sec. 17

Alaska
Elections, sec. 15.05.020 (4)

Arizona
Const., Art. 7, sec. 3
Clark v. Clark, 71 Ariz. 194, 225 P.2d 486 (1951).

Arkansas
Ptak v. Jameson, 215 Ark. 292, 220 S.W. 592 (1949).

California
Cal. Election Code, sec. 14283. "This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector where he resides while attending that institution, when in fact the student has abandoned his former residence."

Colorado
Rev. Stat. 49 - 3 - 4 (1)
(2) : (However) . . . if a student shall . . . file with the county clerk a written affidavit under oath . . . that he has established a domicile in that state, that he has abandoned his parental or former home as a domicile, and that he is not registered . . . in any other political subdivision, of this state or any other state. . . . (he shall be registered).
(3) : No provision in this section shall apply in the determination of residence or nonresidence status . . . for any college or university purpose.
Parsons v. People, 30 Colo. 388, 70 P. 689 (1902).
Gray v. Huntley, 77 Colo. 478, 238 P. 53 (1925).

Idaho
Code, sec. 34-403
Hawkins v. Winstead, 65 Idaho 12, 138 P.2d 972 (1943).

Illinois
Anderson v. Pifer, 315 Ill. 164, 146 N.E. 171 (1925).
Welch v. Shumway, 232 Ill. 148, 83 N.E. 549 (1907).

Indiana
Pedyo v. Grimes, 13 N.E. 700 (1887).

Iowa
Frakes v. Farragut Community Sch. Dist., 121 N.W.2d 636 (Iowa 1963).
Vanderpoel v. O'Hanlon, 53 Iowa 246, 5 N.W. 119 (1880).

Louisiana
Holmes v. Pino, 131 La. 687, 60 So. 78 (1912).

Maine
Stat., T. 21, sec. 242 (4)
Sanders v. Getchall, 76 Me. 158 (1884).

Massachusetts
Putnam v. Johnson, 10 Mass. 488 (1813).
Opinion of the Justices, 46 Mass. 587 (1843).

Michigan
Comp. L. Ann. sec. 168.11 (b)
O'Brien ex. rel. Miller v. Miller, 266 Mich. 127, 253 N.W. 241 (1934).
People v. Osborn, 170 Mich. 143, 135 N.W. 921 (1912).

Minnesota
Const., Art. 7, sec. 3
1922 Op. Atty. Gen., No. 274, p. 218

Missouri
Const., Art. 8, sec. 6
New v. Corrough, 370 S.W.2d 323 (1963).
Chomeau v. Roth, 230 Mo. App. 709, 72 S.W.2d 997 (1934).
Goben v. Murrell, 195 Mo. App. 104, 190 S.W. 986, reh. den. 195 Mo. App. 104, 197 S.W. 432 (1916).

Montana
Const., Art. IX, sec. 3

Nebraska
Swan v. Bowker, 135 Neb. 405, 281 N.W. 891 (1938).

Nevada
Rev. Stat. 293.487
1920 Atty. Gen. Op. 168

New Hampshire
Rev. Stat. Ann. 54: 10

New Mexico
Const., Art. VII, sec. 4

New York Consol. Law. S.
Elec. Law, sec. 151
Robbins v. Chamberlain, 297 N.Y. 103, 75 N.E.2d 617 (1947).
Watermeyer v. Mitchell, 275 N.Y. 73, 9 N.E.2d 783 (1937).
Re Blankford, 241 N.Y. 180, 149 N.E. 415 (1925).
Re Garvey, 147 N.Y. 117, 41 N.E. 439 (1895).
Re Goodman, 146 N.Y. 284, 40 N.E. 769 (1895).
Re Goldhaber, 55 Misc.2d 11, 285 N.Y.S.2d 747 (1967).
Reiner v. Bd. of Election, 54 Misc.2d 1030, 283 N.Y.S.2d 963, affirmed, 28 A.D.2d 1095, 285 N.Y.S.2d 584, affirmed 20 N.Y.2d 865, 285 N.Y.2d 95, 231 N.E.2d 785 (1967).
Re Hoffman, 187 Misc. 799, 65 N.Y.S.2d 107 (1946).
Re Gardiner, 101 Misc. 414, 167 N.Y.S. 26 (1917).
Re Singer, 118 N.Y.S.2d 91 (1952).

North Carolina
Gen. Stat. sec. 163-57 (7) relates to teachers, but not students

Ohio
Rev. Code Ann. 3503.05
State *ex. rel.* May v. Jones, 16 Ohio App. 2d 140, 45 O.O.2d 427, 242 N.E.2d 612 (1968).
Spahr v. Powers, 57 O.O. 50, 129 N.E.2d 97 (1954).

Pennsylvania

Penn. Stat. Ann. (Purd) T. 25, sec. 2813

In re Absentee Ballot of Schrum, 79 York 62 (1966).

South Carolina

Const., Art. 2, sec. 7

1963 Op. Atty Gen. Nos. 1709, 1729, pp. 173, 216

1962 Op. Atty. Gen. No. 1585, p. 157

Texas

Vernons' Stat. Ann., Elec. Code, Art. 5.08

". . . A student shall not be considered to have acquired a residence at the place where he lives while attending school unless he intends to remain there and to make that place his home indefinitely after he ceases to be a student." Amended in 1967, after Carrington v. Rash, 380 U.S. 89 (1965).

Clark v. Stubbs, 131 S.W.2d 663 (Tex. Civ. App. 1939).

Utah

Code Ann. 20 - 2 - 14 (2)

Vermont

Stat., Ann. T. 17, sec. 66

"Such student may adopt the town where such college or seminary is located as his place of residence by filing in the clerk's office . . . his declaration to that effect . . ."

1968 Op. Atty. Gen. No. 80

Virginia

Const., sec. 24

Kegley v. Johnson, 207 Va. 54, 147 S.E.2d 735 (1966).

Washington

Rev. Stat. Ann. 29. 01. 40

Wisconsin

Seibold v. Wahl, Wis. 159 N.W. 546 (1916).

Wyoming

Code 22 - 118.3 (k) (2)