

ARTICLE

# “Isn’t It Terrible That All These Students Are Voting?”: Student Suffrage in College Towns

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## Abstract

The 1971 passage of the Twenty-Sixth Amendment to the US Constitution was a significant step in advancing voting rights that offered a new route for young people to participate in public life. While met with enthusiasm in many quarters, the question of where a substantial segment of the youth vote—college students—would cast their ballots was a concern even before the amendment’s ratification. After ratification, it became a serious point of conflict, with opponents to college-town voting arguing that students should be forced to vote where their parents lived. In numerous towns these arguments turned to efforts to deny or complicate registration and voting, intimidate students, or gerrymander to reduce students’ influence. At times, these efforts were explicitly aimed at Black students. This article examines these efforts to prevent students from voting in their college towns in the 1970s, demonstrating that they could serve the strategy of disenfranchising the newly franchised.

**Keywords:** voting rights; town and gown; Twenty-Sixth Amendment; youth vote; college students

The recent past has seen widespread assaults on voting rights in the United States, including the closing of polling stations, restrictions on absentee ballots, and strict voter identification laws. These actions, frequently justified with claims related to election security, work to constrict voting by placing financial and time-related burdens on the people least likely to be able to overcome them. Much of the concern over and pushback against these efforts has rightfully focused on the harm done to members of minoritized populations. Yet, a number of them have been aimed at members of another demographic viewed to be more liberal than the general population—college students. In 2019, for example, legislation in Texas shut down most polling places on college campuses; an unsuccessful 2023 effort would have eliminated the remainder. In 2023, Idaho banned the use of student identification cards for voting purposes, joining Texas and four other states that had already done so; several other states have laws

severely restricting their use.<sup>1</sup> A bill proposed in Mississippi in 2022 would have limited college students' ability to request mail-in ballots.<sup>2</sup> In 2021, Montana passed multiple pieces of legislation that worked to limit student voting, including one banning get-out-the-vote efforts and campus-based voter registration; all four of these laws have since been ruled unconstitutional by the state's highest court.<sup>3</sup> New Hampshire, with the most out-of-state college students per capita, has been called "ground zero for student voting rights" for its repeated efforts to disenfranchise students.<sup>4</sup> As University of California-Berkeley voting rights expert Charlotte Hill noted, "Republican legislatures ... are pretty transparently trying to keep left-leaning groups from voting."<sup>5</sup>

These and similar challenges highlight ongoing efforts to restrict student voting, but such efforts are not new. In the United States, legal battles over where students should vote date back at least to the early nineteenth century, often involving the principle of students neither gaining nor losing the right to vote while in school and away from home; it is a principle that suggests students need to do more than be students to acquire a new domicile for voting purposes. The issue took on new importance amid student activism in the late 1960s and, especially, after the 1971 ratification of the Twenty-Sixth Amendment to the US Constitution extended voting rights to citizens aged eighteen and older. Even as they weighed ratification, multiple state legislatures raised concerns about, and debated legislation intent on limiting, college students' ability to vote where they went to school.<sup>6</sup> After the amendment passed, students in numerous college towns faced restrictions on registration and difficulties in casting ballots. As one poll worker in Ann Arbor, Michigan, was overheard asking in the 1970s, "Isn't it terrible that all these students are voting?"<sup>7</sup>

In this article, I use historical methods to examine the struggles over where college students could vote in the 1970s. Using student and mainstream newspapers, as well as court decisions and other primary sources, I demonstrate that the national efforts to expand voting rights through the lowering of the voting age were met with local efforts

<sup>1</sup>Fredreka Schouten and Shania Shelton, "Republican-Controlled States Target College Students' Voting Power ahead of High-Stakes 2024 Elections," CNN, May 2, 2023, <https://www.cnn.com/2023/05/02/politics/gop-targets-student-voting/index.html>; Neil Vigdor, "Republicans Face Setbacks in Push to Tighten Voting Laws on College Campuses," *New York Times*, March 29, 2023.

<sup>2</sup>"Voting Laws Roundup: February 2022," Brennan Center for Justice, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022>

<sup>3</sup>Nicholas Iovino, "Montana Democrats Challenge Statewide Ban on College Voter Drives," *Courthouse News Service*, Oct. 12, 2021, <https://www.courthousenews.com/lawsuit-says-montanas-ban-on-college-voter-drives-is-unconstitutional/>; Matthew Brown, "Montana Judge Knocks Down Republican's Tighter Voting Laws," Associated Press, Oct. 3, 2022; Sam Wilson, "Lawsuit Challenges New 'Double Voting' Law in Montana," *Independent Record* (Helena, MO), Oct. 3, 2023, [https://helenair.com/news/state-regional/government-politics/montana-double-voting-lawsuit-legislature-elections/article\\_b0654932-620d-11ee-81c2-2bf64b87d7f0.html](https://helenair.com/news/state-regional/government-politics/montana-double-voting-lawsuit-legislature-elections/article_b0654932-620d-11ee-81c2-2bf64b87d7f0.html); Alex Sakariassen, "Montana Supreme Court Declares 2021 Voting Laws Unconstitutional," *Montana Free Press*, March 27, 2024, <https://www.montanafreepress.org/2024/03/27/montana-supreme-court-declares-2021-voting-laws-unconstitutional/>

<sup>4</sup>Ben Wessel, "New Hampshire Is the Ground Zero for Student Voting Rights," *Democracy Docket*, Feb. 17, 2021, <https://www.democracydocket.com/news/new-hampshire-is-ground-zero-for-student-voting-rights/>

<sup>5</sup>Schouten and Shelton, "Republican-Controlled States."

<sup>6</sup>Raymond Lahr, "Threat of Student Vote Power Stirs States to Act," *Atlanta Journal and Constitution*, July 11, 1971.

<sup>7</sup>Judy Rokowsky, "The Yo-Yo of A<sup>2</sup> Politics," *Michigan Daily* (University of Michigan), Dec. 12, 1979.

to undermine the Twenty-Sixth Amendment by limiting students' rights to vote in many—though certainly not all—college towns.<sup>8</sup> Where students could vote was a key issue for both students and other residents of their college towns. Without widespread absentee balloting and with transportation more challenging than it is now, preventing students from voting in their college towns could prevent them from voting at all. Moreover, many students felt more connected to and informed about issues in their college towns, and they believed that they should be able to vote where they lived most of the year. Some local non-student voters countered that students were not permanent residents and that many left during the summer. They were concerned that students could upend local power structures, support candidates and causes that would create long-standing tax burdens, and bring new liberal policies to traditionally conservative towns. They acted on that concern by working to deny students their newly earned voting rights.

This article builds on and contributes to the limited existing literature on the topic, including Jennifer Frost's *Let Us Vote!": Youth Voting Rights and the 26<sup>th</sup> Amendment*. Frost recently upended the existing narrative that the fight for voting rights for people under the age of twenty-one was purely a top-down effort; she demonstrated that the interactions of grassroots activism and political leadership were instrumental. Yet, while Frost's book fundamentally extended understandings of the struggles over young people's voting, it basically ended with the passage of the Twenty-Sixth Amendment. She addresses the issues at the center of this paper in two of the last three pages before her conclusion, noting, "Registration dates, times, and locations were limited. Nobody made it easy, but then that was the point."<sup>9</sup>

Multiple law review articles have addressed legal issues related to student voting, most often calling for expanded voting rights or offering new legal frameworks for considering claims about student voting. Lal, for example, pointed to diverging judicial rulings, with some finding that all voter registrants should be treated identically but others allowing registrars to ask students questions that they didn't ask others.<sup>10</sup> Bollhofer focused on different ways that domicile has been interpreted and called for new national legislation and nationwide absentee balloting to ensure the student franchise.<sup>11</sup> Overwhelmingly, these articles point to historic legal decisions but

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<sup>8</sup>This argument is built on three main data sources. Most prominently, available digitized editions of more than seventy-five student newspapers from more than forty states were either read in full for the years 1970–1980 or, when the search functions proved comprehensive and trustworthy, searched for combinations of terms such as *student*, *voter*, *registration*, *gerrymandering*, and *apportionment* both with and without quotes in the same years. Additional town, alternative, and national newspapers were considered on a more limited basis. Finally, the digitized archives of the American Civil Liberties Union include hundreds of documents on the student vote.

<sup>9</sup>Jennifer Frost, *Let Us Vote!": Youth Voting Rights and the 26th Amendment* (New York: NYU Press, 2022), 296.

<sup>10</sup>Rakesh C. Lal, "What Johnny Didn't Learn in College: The Conflict over Where Students May Vote," *Beverly Hills Bar Association Journal* 26 (Winter 1992), 28.

<sup>11</sup>Joseph A. Bollhofer, "Disenfranchisement of the College Student Voice," *Fordham Urban Law Journal* 11, no. 3 (1983), 489–525.

emphasize modern challenges, leaving detailed historical analysis of the attempts to restrict student voting aside.<sup>12</sup>

The most thorough study of student voting eligibility in the period is Eshelman's *Where Should Students Vote?* Based on a survey of registrars' views, legal cases, and attorney general rulings, Eshelman painted a confused picture of student voting rights in their college towns. He categorized states as being lenient or strict and argued that some moved in one direction, while others moved in the opposite. Most importantly, in a finding that resonates with those in this study, he found more permissive rules in western US states than in eastern ones, but with a great deal of variety within states.<sup>13</sup> While Eshelman looked nationally, Bellamy looked narrowly at lawsuits in Fort Valley, Georgia. Those suits, discussed more fully below, sought to disenfranchise Black students at Fort Valley State College (now University).<sup>14</sup>

Few other studies of the history of college-town student voting exist. In a few pages of his memoir, lawyer David Richards recounted his experiences battling racist restrictions on Black student voting in Waller County, Texas; the suits resulted in the US Supreme Court's one decision in a student voting case.<sup>15</sup> In *College Towns*, Gumprecht mentioned local tensions and political changes resulting from student voting but did not address efforts to limit it.<sup>16</sup> In a pair of studies, Brown and Pluta Brown examined 1970s student voting in Iowa, the first of which focused on linkages between student activism, voting behaviors, and election outcomes in Iowa City (home to the University of Iowa). The second considered local reactions to and outcomes of student voting in three Iowa college towns. Brown and Pluta Brown demonstrated that local registrars exercised wide latitude in deciding whether to adhere to state-level decisions.<sup>17</sup> Highlighting the importance of local concerns in the efforts to restrict or facilitate student voting, they wrote, "National politics is not typically where student voters can have a substantial impact; local politics is where their concentrated numbers give them an advantage."<sup>18</sup>

<sup>12</sup>See, for example, Elizabeth Aloi, "Thirty-Five Years after the 26th Amendment and Still Disenfranchised: Current Controversies in Student Voting," *National Black Law Journal* 18, no. 2 (2019), 283–304; Yael Bromberg, "Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment," *University of Pennsylvania Journal of Constitutional Law* 21, no. 5 (2019), 1105–66; and Patrick J. Toy, "No Place to Call Home: A Current Perspective on the Troubling Disenfranchisement of College Voters," *Washington University Journal of Law and Policy* 22, no. 1 (2006), 591–617.

<sup>13</sup>Kenneth L. Eshelman, *Where Should Students Vote? The Courts, The States, and Local Elections* (Lanham, MD: University Press of America, 1989).

<sup>14</sup>Donnie D. Bellamy, "Whites Sue for Desegregation in Georgia: The Fort Valley State College Case," *Journal of Negro History* 64, no. 4 (1979), 316–41.

<sup>15</sup>David Richards, *Once Upon a Time in Texas: A Liberal in the Lone Star State* (Austin: University of Texas Press, 2002), 154–60.

<sup>16</sup>Blake Gumprecht, *The American College Town* (Amherst: University of Massachusetts Press, 2008), 36, 148, 190–91, 296–334.

<sup>17</sup>Clyde Brown and Gayle K. Pluta Brown, "Moo' U' and the 26th Amendment: Registering for Peace and Voting for Responsive City Government," *Peace & Change* 29, no. 1 (2004), 48–80; Clyde Brown and Gayle K. Pluta Brown, "Iowa University Towns and the Twenty-Sixth Amendment: The First Test of the Newly Enfranchised Vote," *Annals of Iowa History* 68 (2009), 395–442.

<sup>18</sup>Brown and Pluta Brown, "Iowa University Towns," 441.

This article considers the national resistance to those local political impacts and, in so doing, responds to Rousmaniere's recent call for more research on the dynamics of college students in their college towns. In her study of college student housing, Rousmaniere demonstrated that relations between colleges and their towns were increasingly difficult in the 1970s as student populations grew and institutions disengaged from community issues.<sup>19</sup> Those difficulties were clear in the struggles over campus town voting detailed below.

### Contextual Considerations

This discussion of student voting in college towns is located in two larger conversations that can be only briefly introduced here: the broader struggle for voting rights and the postwar changes in higher education. Battles over voting rights have existed since before the country's founding, and the extension of rights has been uneven; even periods of general expansion saw localized setbacks and were often followed by widespread retrenchment. The 1870 ratification of the Fifteenth Amendment prohibiting the denial of voting rights due to race, for example, led to a brief expansion of voting and electoral successes for Black Americans in the South, but was followed by a brutal backlash that made voting for Black men difficult and dangerous. Both Black and White women were, of course, still denied suffrage, and immigrants and members of religious minority groups lost rights in other parts of the country in the late nineteenth century, as well.<sup>20</sup> By the mid-twentieth century, most women and members of religious minority groups over twenty-one had largely achieved the right to vote, but fundamental challenges remained for Black women and men. As May wrote, voting "was a forbidden act, a dangerous act. There were nearly impossible obstacles to overcome: poll taxes, literacy tests, and hostile registrars."<sup>21</sup>

A series of midcentury Supreme Court rulings helped increase federal oversight of state elections. In 1944's *Smith v. Allwright*, for example, the Supreme Court overturned a recently set precedent by ruling that White-only party primaries were unconstitutional; Thurgood Marshall, the lead attorney in both *Smith* and the more famous *Brown v. Board*, believed that the former was a more significant victory. In the 1960s, a string of decisions further expanded federal oversight of state elections: 1962's *Baker v. Carr* allowed for challenges to state legislature apportionment to be tried in federal court; 1963's *Gray v. Sanders* found that Georgia's weighting of rural districts more heavily than urban districts in primaries violated the Fourteenth Amendment's equal protection clause; 1964's *Reynolds v. Sims* struck down Alabama's apportionment method; and 1966's *Harper v. Virginia* eliminated the poll tax and thereby extended equal protection to include safeguards against discrimination in voting based on economic status.<sup>22</sup>

<sup>19</sup>Kate Rousmaniere, "What Happened to Your College Town: The Changing Relationship of Higher Education and College Towns, 1940-2000," *History of Education Quarterly* 61, no. 3 (Aug. 2021), 320-40.

<sup>20</sup>Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000).

<sup>21</sup>Gary May, *Bending toward Justice: The Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013), ix.

<sup>22</sup>Keyssar, *Right to Vote*, 245-46; 269-71; 285-87.

The *Harper* ruling came two years after the ratification of the Twenty-Fourth Amendment, which made poll taxes unconstitutional for federal elections, and a year after the landmark Voting Rights Act. The Voting Rights Act banned literacy tests and racial discrimination in voting, increased federal oversight of elections in multiple southern jurisdictions, and mandated preclearance for voting changes in such jurisdictions. *Harper* was a result of that act's directive that the attorney general challenge the use of poll taxes in state and local elections. Though numerous difficulties remained, these were significant milestones that expanded the electorate in the years before the Twenty-Sixth Amendment.

The mid-twentieth-century changes in higher education are likewise significant. The substantial expansion of higher education began in the interwar period but increased dramatically after World War II, in part because of the Servicemen's Readjustment Act (GI Bill). As Clark has argued, the GI Bill made a fundamental difference in college going, not primarily because it provided opportunities for GIs, but because it changed the very idea of college going in the United States.<sup>23</sup> The size and scope of the enterprise increased dramatically: the number of postsecondary institutions increased from 1,708 in 1939-1940 to 2,225 in 1969-1970, and the number of students increased from almost one and a half million to more than eight million. College became central to US life in ways that it had not previously been.<sup>24</sup>

The expansion of higher education brought with it new issues, including a student movement that advocated both institutional and societal change. Informed by the tactics of the civil rights movement, activists pushed for racial justice, the nation's withdrawal from Vietnam, and the end to parietal rules; on many campuses, the last of these was most important. The 1961 *Dixon v. Alabama* federal appellate court ruling was the beginning of the end of *in loco parentis* in higher education, though it took a decade of effort to make *in loco parentis* fully recede.<sup>25</sup> The widespread activism of the era changed the relationship between colleges and students, and changed views about higher education more broadly. In 1966, Ronald Reagan famously won the California governorship partly on the basis of on his attacks on student activists, and the cultural and political rift only grew in the years after. Mainstream public opinion turned against student activists and, even as mass student protest receded, a political backlash against higher education remained.<sup>26</sup> That backlash had a significant impact on the industry of higher education, and perceptions of students as radicals informed college-town reaction to student voting.

<sup>23</sup>Daniel A. Clark, "The Two Joes Meet. Joe College, Joe Veteran": The G.I. Bill, College Education, and Postwar American Culture," *History of Education Quarterly* 38, no. 2 (May 1998), 165-89.

<sup>24</sup>National Center for Education Statistics, *Digest of Education Statistics, 1990* (Washington, DC: US Department of Education, 1991), 166.

<sup>25</sup>*Dixon v. Alabama State Board of Education*, 294 F.2d 150 (1961). The Dixon case involved Alabama State College's expulsion of students for their civil rights activism. The court found in favor of the students and guaranteed their due process rights. For a discussion of Dixon, the activism involved, and the outcomes, see Philip Lee, "The Case of Dixon v. Alabama: From Civil Rights to Students' Rights and Back Again," *Teachers College Record* 116, no. 12 (2014), 1-18.

<sup>26</sup>Ellen Schrecker, *The Lost Promise: American Universities in the 1960s* (Chicago: University of Chicago Press, 2021), 39, 263-69, 309-15, 444, 448-50.

## The Youth Vote

As Frost demonstrates, the fight to secure the youth vote took decades. In 1942, as Congress considered President Franklin Delano Roosevelt's proposal to lower the draft age from twenty to eighteen, members from both parties introduced constitutional amendments to extend the franchise to eighteen-to-twenty-year-olds; one of the leading proponents, West Virginia representative Jennings Randolph, asked, "Who will say they are old enough to use bullets, but too young to use ballots?"<sup>27</sup> National surveys showed that a slim majority supported lowering the voting age and, in 1943, Georgia lowered its state voting age to eighteen. Yet opposition remained strong inside Congress and beyond it. In the decades after the war, bipartisan efforts for expanding the franchise continued, as did opposition from members of both parties. In the aftermath of the *Brown* decision, southern senators used states' rights claims to block further efforts.<sup>28</sup>

While others have emphasized the period from 1969 to 1971, Frost argues that a decade's worth of activism for youth suffrage marked it as a "sixties movement," alongside work for civil rights and other causes. Indeed, by the end of the decade, advocates drew from voting rights activism aimed at enfranchising Blacks in the South. The Vietnam War again highlighted the disconnect exemplified by the fact that eighteen-year-olds were being drafted but were barred from voting; and the unrest of the late 1960s pointed to the need to provide young people with other outlets to influence politics. Organizations such as Let Us Vote (LUV) formed specifically to advocate for the youth franchise; they joined existing progressive groups in advocating for extending voting rights to eighteen-year-olds. A number of them came together in the Youth Franchise Coalition (YFC), founded in January 1969, and the cause was furthered by the NAACP's Youth Mobilization Conference a few months later. In 1970, amid increased state-level activity to change the voting age, Congress passed the Voting Rights Act of 1970, including Title III, which lowered the voting age to eighteen.<sup>29</sup>

On June 22, 1970, President Richard M. Nixon signed the act but also encouraged a legal challenge to its Title III, claiming that lowering the voting age needed to be done by constitutional amendment. The new law and a quick legal challenge created chaos in most states, as only Georgia and Kentucky allowed eighteen-year-olds to vote (Alaska and Hawaii set the age at nineteen). It was unclear whether states should align their laws with the new federal legislation or wait for a Supreme Court decision. The Supreme Court's December 1970 *Oregon v. Mitchell* ruling upheld most of the Voting Rights Act amendments, including those abolishing both literacy tests and state residency requirements for presidential and vice-presidential elections. The court allowed the voting age minimum of eighteen to stand in federal elections, but ruled that Congress did not have authority to impose the new age in state and local elections. This split decision complicated voter registration in the vast majority of states and led to swift corrective action.

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<sup>27</sup>Frost, "Let Us Vote!" 14.

<sup>28</sup>Frost, "Let Us Vote!" 43–44.

<sup>29</sup>Many in the House of Representatives believed that Title III was unconstitutional but voted in favor of the full Senate version to prevent the filibustering of a conference version. Frost, "Let Us Vote!" 188–203, 251–59; Alexander Keyssar, *Right to Vote: The Contested History of Democracy in the United States*, rev. ed. (New York: Basic Books, 2009), 227.

Within weeks, Congress began the process of amending the Constitution, and both houses agreed on the proposed amendment before the end of March. Advocacy groups such as the YFC and Common Cause worked to ensure support and, on July 1, 1971, the thirty-eighth state approved what became the Twenty-Sixth Amendment to the US Constitution.<sup>30</sup> Its text read:

Section 1: The rights of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2: The Congress shall have power to enforce this article by appropriate legislation.

It was silent on where young people could vote, and a proposed constitutional amendment to restrict student voting soon failed, leaving the situation unclear.<sup>31</sup>

### *Residency and Domicile of College Students*

The Twenty-Sixth Amendment's passage provided eleven million young people the right to vote and brought new urgency to the long-standing concerns about student residency. While courts had previously ruled on other matters pertaining to college student residence, the first known US case involving voting rights was heard in state court in 1813, when an Andover Theological Seminary student gained the right to vote locally by proving that he was emancipated from his father, was self-sufficient, and had no intent to return to his father's home. The ruling was based on his being over twenty-one and already having lived on his own for several years. The court noted, "A residence at a college or other seminary, for the purpose of instruction, would not confer a right to vote in the town where such an institution exists, if the student had not severed himself from his father's control."<sup>32</sup> Sporadic court cases continued, consistently finding that underaged students living away from home did not acquire or forfeit residence for voting reasons.<sup>33</sup> By the early twentieth century, at least one college's administration routinely advised students twenty-one and over on whether they could vote in town or not—including warning them of the consequences of doing so illegally.<sup>34</sup> The post-World War II expansion of higher education and the mobility of veterans attending college raised new considerations.<sup>35</sup> Throughout, there were concerns about residence

<sup>30</sup> Oregon v. Mitchell, 400 U.S. 112 (1970); Frost, "Let Us Vote!"; Bromberg, "Youth Voting Rights," 1123–34.

<sup>31</sup> Richard G. Singer, "Student Franchise: Home Is Where the Vote Is," *The Nation*, Sept. 13, 1971, 204.

<sup>32</sup> Putnam v. Johnson, 10 Mass. 488, 9 Tyng 488 (1813), 487.

<sup>33</sup> Don G. DeCoudres, Thomas E. Ellis, and Orrin R. Ford, "Student Voting: The Domicile Requirement," *Cumberland-Stamford Law Review* 3, no. 3 (1972), 474–96; Christopher J. Reynolds, "State Residency Requirements for the Purposes of Voting: The Eligibility of Students to Vote in their College Communities," *American University Law Review* 21, no. 4 (1972), 774–95. See also, Fry's Election Case, 71 *Pennsylvania* 302 (1872).

<sup>34</sup> See, for example, James W. Garner to the editor, *Daily Illini* (University of Illinois), April 7, 1908; "Dr. Willard Submits Counsel's Statement on Voting Privileges for University's Student Body," *Daily Illini*, March 31, 1935.

<sup>35</sup> John J. Mooney and J. Robert LaPlan, "Where Can a Student Vote," *Albany Law Review* 12 (1948), 54–67.



and domicile. The former refers to the place a person is living; the latter refers to what is considered their ongoing or more permanent home. In many voting cases, “residence” in legislation is interpreted as “domicile.”<sup>36</sup>

Amid the increasing pressure to change the voting age, the place where students would vote became an urgent issue. A 1966 Michigan ballot referendum to lower the voting age, for example, failed over this specific issue. States’ considerations of ratification of the Twenty-Sixth Amendment included debates over and proposed legislation regarding where college students would vote. The fear that they would vote in college towns dampened support for and slowed voting on the amendment.<sup>37</sup>

In at least a handful of cases in the late 1960s, students twenty-one and older pushed for their right to vote where they went to school. Notably, after being denied the ability to register in 1968, eight University of Michigan students filed suit against the Ann Arbor, Michigan, city clerk, arguing that holding students to different residency requirements than other citizens illegally impeded their voting rights. In summer 1971, less than two months after the ratification of the Twenty-Sixth Amendment, the state supreme court agreed. The case changed the electorate in Ann Arbor and other college towns in Michigan. Student-driven victories by progressive candidates in Ann Arbor and East Lansing, home to Michigan State University (MSU), led to more liberal policies such as marijuana decriminalization in the former and groundbreaking LGBTQ non-discrimination legislation in both. They also exacerbated national concerns over student voting in college towns.<sup>38</sup>

In California, after the state attorney general ruled that unmarried youths under the age of twenty-one would be “normally” considered residents of their parents’ homes for voting reasons, nine students sued for the right to register in their college towns. In a resounding opinion released on the same day as the Michigan ruling, the California Supreme Court declared, “Whether a youth lives in Quincy, Berkeley, or Orange County, he will not be brought into the bosom of the political system by being told that he may not have a voice in the community in which he lives, but must instead vote wherever his parents live or may move to.” Pointing to the activism that led to the Twenty-Sixth Amendment, the decision included:

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<sup>36</sup>See Joseph A. Bolhofer, “Disenfranchisement of the Student Vote: When Is a Resident Not a Resident,” *Fordham Urban Law Journal* 11, no. 3 (1982–83), 489–526; and DeCoudres, Ellis, and Ford, “Student Voting.” For a recent, useful discussion of residence and domicile in relation to college student tuition, see Camille Walsh, “The Right to Residency: Mobility, Tuition, and Public Higher Education Access,” *History of Education Quarterly* 61, no. 3 (Aug. 2021), 297–319.

<sup>37</sup>Frost, “Let Us Vote!” 126. Raymond Lahr, “Threat of Student Vote Power Stirs States to Act,” *Atlanta Journal-Constitution*, July 11, 1971; Wayne King, “College Town Puzzle: 18-Year-Old Vote,” *New York Times*, July 12, 1971.

<sup>38</sup>“Protest Moves Inside as A2 Courts Controversy,” *Michigan Daily*, Dec. 12, 1979; Agis Salpukas, “Student Voters Aided in Michigan,” *New York Times*, Aug. 28, 1971; “*Wilkins v. Bentley*: Getting Out the Student Vote in Michigan,” *Michigan Law Review* 70, no. 5 (1972), 920–54; Scott Kamen, “The People’s Republic of Ann Arbor: The Human Rights Party and College Town Liberalism,” *Michigan Historical Review* 46, no. 2 (2020), 31–69; “Human Rights Party Wins in Ann Arbor Council Race: East Lansing Should Be Encouraged,” *Joint Issue* (Lansing, MI), May 3–17, 1972; “Oops, E. Lansing First with Hiring Law,” *The Advocate*, May 10, 1972.

America's youth entreated, pleaded for, demanded a voice in the governance of this nation. On campuses by the hundreds, at Lincoln's Monument by the hundreds of thousands, they voiced their frustration at their electoral impotence and their love of a country which they believed to be abandoning its ideals. Many more worked quietly and effectively within a system that gave them scant recognition. And in the land of Vietnam, they lie as proof that death accords youth no protected status. Their struggle for recognition divided a nation against itself. Congress and more than three-fourths of the states have now determined in their wisdom that youth "shall have a new birth of freedom"—the franchise. Rights won at the cost of so much individual and societal suffering may not and shall not be curtailed on the basis of hoary fictions that these men and women are children tied to residential apron strings.<sup>39</sup>

As a state court ruling, it only applied to California but, as in Ann Arbor and East Lansing, the ensuing election of self-proclaimed radicals to city office in Berkeley raised national concerns.

These early cases portended sweeping legal decisions, but those did not happen. While many courts ruled in favor of students' college-town voting, others did not. As Eshleman argued, the rulings operated along "a double track."<sup>40</sup> His review of forty cases found roughly half tilted toward campus-town voting and half tilted away. For example, while the ruling in the California case above prohibited registrars from asking questions of students that they would not ask of others, a US district court in Greenville, South Carolina, found the opposite—that *not* asking such questions would be a violation of duty. Still, federal court decisions were more likely to favor students' abilities to vote in their college towns, while state courts were more likely to limit their college-town voting rights. State context mattered, though, as half of the state cases decided against students were in New York.<sup>41</sup> These conflicting rulings created an unclear and varied legal situation, but the 1972 *Dunn v. Blumstein* US Supreme Court decision was a boon to local student voting. In a case involving the denial of a new Vanderbilt University professor's right to vote in Nashville, Tennessee, the court struck down one-year state and three-month county residency requirements as unconstitutional; it suggested thirty days as a more reasonable requirement.<sup>42</sup> The ruling removed a key impediment used to block student voting rights—prior to *Dunn*, registrars could more easily deny registration on the basis that leaving a college town for the summer violated residency requirements. That removal, though, was contingent upon local officials adhering to it.

These legal decisions occurred in the context of state legislation and attorneys general's opinions. As noted, state legislatures debated bills restricting college-town voting both before and after the ratification of the Twenty-Sixth Amendment; they

<sup>39</sup>Jolicoeur v. Mihaly, 5 Cal. 3d 565 (1971).

<sup>40</sup>Eshleman, *Where Should Students Vote?*, 29.

<sup>41</sup>Eshleman, *Where Should Students Vote?*, 29-66; Jolicoeur v. Mihaly; Dyer v. Huff, 382 F. Supp. 1313 (D.S.C. 1973).

<sup>42</sup>*Dunn v. Blumstein*, 405 U.S. 330 (1972).

were frequently proposed by representatives of college towns.<sup>43</sup> When the Twenty-Sixth Amendment passed, only six states explicitly treated students like other voters in their election laws, but residency rules for students were soon liberalized in many states through legislation, attorneys general rulings, or lawsuits.<sup>44</sup> In October 1971, for example, Ohio's strict legislation preventing students' college-town voting was struck down by a three-judge court panel, finding that the legislation imposed "a different and more onerous test than that applied to nonstudents."<sup>45</sup> In June 1972, Kenneth J. Guido Jr., director of legal research for Common Cause, declared, "College students have virtually won their battle to vote where they go to school. Now we are faced with a cleanup operation to make sure this is fully implemented and that the opinions of attorney generals and judges are complied with."<sup>46</sup> Yet the situation remained far from settled. Common Cause estimated that courts, legislatures, or attorneys general acted in support of college-town student voting in 75 percent of states but many of those decision were ambiguous. Moreover, states like New York passed strict laws limiting student voting, attorneys general rulings were nonbinding, and the "cleanup operation" would prove lengthy, difficult, and ultimately incomplete.

### *For and Against College-Town Voting*

In 1971, law professor and voting rights advocate Richard Singer argued that "one of the overwhelming political questions" of the time was where students should vote.<sup>47</sup> Those arguing for students voting in their college towns pointed to their residency (generally at least nine months a year and sometimes twelve), the goal of removing barriers to voting in an era when absentee balloting was not universally available, and the fact that students paid taxes in and were affected by the local laws of their college towns.<sup>48</sup> Perhaps most importantly, the 1970 US census counted students as residents of their college towns, which then directed federal money to those towns. As the census was the basis for congressional and legislative districts, if students were precluded from voting where they were counted in the census, the very idea of "one person, one vote" would be compromised.<sup>49</sup> Some student advocates also saw the potential for remaking their

<sup>43</sup>Singer, "Home Is Where the Vote Is"; Mary Ann Diehl, "CVR to Lobby against Voter Bill," *Daily Illini*, Oct. 10, 1971.

<sup>44</sup>By September 1971, sixteen states and the District of Columbia had opened the possibility for student voting in college towns. A *Washington Post* editorial lauded this trend but warned "the opposition remains formidable." "College Students as Voters," *Washington Post*, Sept. 18, 1971.

<sup>45</sup>James P. Herzog, "Townspeople Oppose Vote for Kent State Students," *Christian Science Monitor*, Oct. 21, 1971.

<sup>46</sup>"Most States Aid Student Voters; 4.5 million Are Expected to Vote in November," *New York Times* June 4, 1972.

<sup>47</sup>Allen L. Otten, "Political Science 101: Should Collegians Vote at Home or at School? Many Disputes Erupt," *Wall Street Journal*, April 15, 1971.

<sup>48</sup>The 1970 Voter Rights Act set standards for absentee voting in presidential and vice-presidential elections, but state laws varied in relation to other elections, and absentee balloting was not always available for primaries, referenda, or local elections. In many states, registration had to be done in person and in short time windows that could conflict with academic terms.

<sup>49</sup>"Student Voting and Apportionment: The 'Rotten Boroughs' of Academia," *Yale Law Journal* 81, no. 1 (1971), 35–60.

living conditions and experiences, including through the possibility of a transformative student voting bloc. As one wrote in 1971, "I sometimes find it difficult to restrain my excitement when I imagine what our home could be... . We can change the drug laws and free ourselves from the paranoia about a cop busting through our door; we can make the police truly a group of public servants and not people who keep us in line."<sup>50</sup>

The arguments against students' college-town voting at times relied on the aforementioned principle that students do not necessarily gain or lose residency merely by being in school, and some legitimate confusion did exist. Frequently, arguments against college-town voting noted that students were "transients" and would be gone in a few years, ignoring the fact that many other residents in a mobile society would be gone in a few years. In fact, students were, statistically, more stable residents than non-students of the same age.<sup>51</sup> Repeatedly, statements of those involved demonstrated fear of the potential outcomes of students' local voting, including that they could vote for expensive long-term projects even though they might leave in a few years. For example, the clerk of Champaign County, where the University of Illinois at Urbana-Champaign (UIUC) is located, noted, "The local citizens are worried that the students would saddle them with high taxes and big bond issues."<sup>52</sup> A state representative who introduced legislation against college-town voting commented, "I tremble to think what will happen in Champaign... . The students are for give-away government, and they have no interest in cost."<sup>53</sup> A councilman in College Park, home to the University of Maryland, told a student audience: "People who live here twelve months of the year should have the right to govern themselves in a fashion unimpaired by people who only live here nine months of the year."<sup>54</sup> The mayor of Ithaca, New York, warned of students voting for "luxury items" when "they know damned well they're not going to be round" to pay for them.<sup>55</sup>

In the aftermath of 1960s student protests, fears of extremism were prominent, especially in towns like Amherst, Massachusetts, where college students could potentially outvote non-student residents. A student reporter wrote that, when students received the vote, "the first reaction of the townspeople was one of understandable fear and misapprehension. Many ... were under the impression that it was only a matter of time before Amherst would fall into a state of chaos and utter confusion."<sup>56</sup> One resident stated, "The feeling around here is, it's time to move."<sup>57</sup>

<sup>50</sup>"The Youth Ghetto in East Lansing," *Joint Issue*, Nov. 11, 1971.

<sup>51</sup>Lawrence Gottlieb, memo, July 18, 1972, manuscript number c17676, Student Rights: Voting Rights, Southern Regional Office Files, Part II: Southern Regional Office, American Civil Liberties Union Papers.

<sup>52</sup>Steven V. Roberts, "Student Voting Impeded," *New York Times*, Nov. 11, 1971.

<sup>53</sup>Wayne King, "College Town Puzzle: 18-Year-Old Vote," *New York Times*, July 12, 1971.

<sup>54</sup>Tom Kapsidelis, "City Candidates Air Platforms; Lomax, Reeves Differ on Student Voting Rights," *The Diamondback* (University of Maryland, College Park), Oct. 22, 1975.

<sup>55</sup>Jess Wittenberg, "Area Politicians Differ on Law as A.C.L.U. Starts Court Test," *Cornell Daily Sun* (Cornell University), Sept. 14, 1971.

<sup>56</sup>Robert Medeiros, "Student Votes Are Real," *Massachusetts Daily Collegian* (University of Massachusetts-Amherst), Oct. 13, 1971.

<sup>57</sup>Bill Kovach, "Amherst City Fears Youth Vote," *New York Times*, Aug. 2, 1971.

While some concerns about student voting were policy- or finance-related, others directly implicated power and party politics—Champaign’s Republican clerk vehemently opposed students voting in their college towns, but Democrats a few hours away in the town where Southern Illinois University was located eagerly welcomed it.<sup>58</sup> Noting that most students would register as Democrats, the Republican town chairperson in Amherst worried, “They’re almost sure to defeat some of our officeholders. They could take over the local party machinery if they organized.” A representative to town meetings who suggested reinstating the poll tax to discourage student voting expressed more personal concern: “I would hate to have stiff competition for the town meeting spot. I’ve gotten elected for 27 years without campaigning. If I had competition, I’d have to get out and campaign.”<sup>59</sup> Moreover, as is discussed below, in some districts with historically Black colleges and universities (HBCUs), these efforts were designed to maintain White control by disenfranchising Black students.

### Local Efforts to Restrict Student Voting

Many college towns and counties allowed college students to vote locally, but others resisted through both official means and citizen-led efforts. Some officials ended their resistance when met with a court ruling, attorney general decision, or legislative intervention, but others persisted in their attempts to keep their town elections free of student influence. Many of these efforts were intended to stop students from registering to vote because preventing people from registering was and is “a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered.”<sup>60</sup> Officials scheduled registration opportunities and elections in ways that made them difficult for students and tried to suppress the vote through intimidation. Some local officials also made voting difficult even for registered student voters, or they mitigated the impact of students’ votes through gerrymandering. To be clear, these actions against local student voting were not undertaken everywhere, but they were significant and worked to disenfranchise the newly franchised in dozens of college towns.

### Residency Requirements

In February 1972, a University of Missouri student hoping to register in Columbia, Missouri, quoted comedian Mort Sahl in quipping, “I think it’s nice to give the kids the right to vote—now if only they’d give them the right to register.” He was departing a bus commissioned to take students to the county clerk’s office as part of a voter registration drive sponsored by the school’s student government. If they heard it, the students boarding the bus for their return trips to campus likely did not find the comment funny. They had tried to register but had been turned away because they were

<sup>58</sup>“Youth Vote: Gown v. Town,” *Newsweek*, Aug. 31, 1971, 28. See also, Jacquin Sanders, “The 18-Year-Old Vote: What Will it Mean to College Towns?,” *Washington Post*, Aug. 29, 1971.

<sup>59</sup>Kovach, “Town of Amherst Fears Student Votes.”

<sup>60</sup>Stanley Kelley Jr., Richard E. Ayres, and William G. Bowen, “Registration and Voting: Putting First Things First,” *American Political Science Review* 61, no. 2 (1967), 359–79, 362.

students and deemed ineligible. As one responded, “You’re wasting your time. If you plan to go home for summer vacation, they won’t let you register.”<sup>61</sup>

In the aftermath of the Twenty-Sixth Amendment’s passage, many officials simply refused to register students to vote. For example, in Gainesville, Florida, where the University of Florida is located, the city council passed an ordinance to deny all students whose parents did not live in the county the right to vote. This not only stripped local voting rights from eighteen-to-twenty-year-olds, it removed them from older students who had previously been allowed to vote without trouble.<sup>62</sup> The head of the advocacy group Student Vote testified before Congress that seventy miles south, in Inverness County, Florida, “the city attorney refused to register young people, saying that in his opinion the Constitutional Amendment was invalid. ‘Besides,’ he said, ‘nobody told me I had to register them.’”<sup>63</sup> At times, narrow openings existed, such as in Muncie, Indiana, where Ball State University students could register if they were married *and* were local homeowners.<sup>64</sup> In Murfreesboro, Tennessee, a Middle Tennessee State University student claimed that a local registrar-at-large stated, “I’ll let the ones register that I want to register.” The student’s successful federal lawsuit enabled 250 students to register.<sup>65</sup> In Alabama, two local registrars, backed by the Alabama State Sovereignty Commission, sued other registrars in the state to try to prevent them following the attorney general’s ruling that students could vote in their college towns.<sup>66</sup>

As in Muncie, blanket refusals frequently turned into stringent residency requirements designed to disenfranchise. The most common of these methods was questioning students in ways that no other people trying to register were questioned. University of Missouri students, for example, were asked if they would be going to their parents’ home over the summer and, if so, if they were taking their belongings.<sup>67</sup> Students at Northern Arizona University had to respond to seventeen questions, including about what they were studying, whether they were married, where they vacationed, and if they possessed an Arizona hunting license.<sup>68</sup> University of North Carolina at Chapel Hill (UNC) students reported being asked if they intended “to

<sup>61</sup> Carolyn White, “Students Struggle with Voter Registration,” *Columbia Missourian*, Feb. 4, 1972.

<sup>62</sup> King, “College Town Puzzle: 18-Year-Old Vote.” An attorney general’s opinion led to the reestablishment of student rights.

<sup>63</sup> “Prepared Statement of Morris B. Abram, Jr.,” *Voter Registration: Hearings before the Committee on Post Office and Civil Service, United States Senate, Ninety-Second Congress, First Session, Volume 94* (Washington, DC: US Government Printing Office, 1971), 183.

<sup>64</sup> Mark Lacagnina, “Muncie Residency Issue: BSU Students Refused Registration before 1971 City Elections,” *Ball State Daily News* (Ball State University), Oct. 29, 1975.

<sup>65</sup> Bennie Barrett, “Student Wins Right of Voter Registration,” *Sidelines* (Middle Tennessee State University), Nov. 3, 1972; “County Registers 29,500 Voters,” *Sidelines*, Nov. 9, 1972.

<sup>66</sup> The Alabama State Sovereignty Commission was founded by the state government in the early 1960s to fight desegregation and civil rights. “700 Students Register without Major Incident,” *Auburn Plainsman* (Auburn University), April 6, 1972; Harriet Swift, “UA Students Sue Registrars,” *Crimson-White* (University of Alabama), Aug. 7, 1972; Nance v. Jackson, 56 F.R.D. 463 (1972).

<sup>67</sup> White, “Students Struggle with Voter Registration.”

<sup>68</sup> “Voter Registration Residency Questions,” *The Lumberjack* (Northern Arizona University), Oct. 8, 1971; “Harassment Ends: Resident Questionnaire Dropped,” *The Lumberjack*, Dec. 9, 1971.

live here for the rest of your life.”<sup>69</sup> In Cambridge, Massachusetts, the Massachusetts Institute of Technology student newspaper reported that a registrar asked “many questions, which most people saw as completely irrelevant to registration (e.g., ‘Do you have a dog?’).”<sup>70</sup> In New Haven, Connecticut, registrars were barred from asking students questions that they did not ask non-students; they responded with an onerous twenty-six-item questionnaire that they administered more broadly. They rejected students at substantially higher rates than others, even when they offered similar answers.<sup>71</sup>

Champaign’s clerk used multiple means to dissuade UIUC students from voting. In addition to being questioned in ways that later would be ruled illegal, students faced shifting procedures and inconsistencies in what counted as proof of residence. Indeed, the clerk would not specify the evidence that he would accept, claiming it was “up to the student to prove residency.”<sup>72</sup> Elsewhere, he asserted that he could ask for as many pieces of evidence as he wanted.<sup>73</sup> A graduate student member of the local Coalition for Voter Registration noted, “As quick as he picks a new way to block students from voting, someone points out to him the illegal aspects in his procedures. The people and court will sooner or later get tired of a county clerk who has no consistent guidelines or standards.”<sup>74</sup> Multiple reports indicated that the county routinely allowed students to fill out registration paperwork, told them that they were finished, and then mailed them mimeographed letters a few weeks later telling them their applications were incomplete.<sup>75</sup>

In Centre County, Pennsylvania, commissioners instituted strict residency requirements for students, enforced a sixty-day local residency mandate *after* the attorney general ruled such a requirement was unlawful, and required that before Pennsylvania State University students could be registered, they had to provide evidence in “black and white” that they were permanent residents of the county. Non-students were not asked for any proof.<sup>76</sup> A federal judge finding in favor of students in one of multiple lawsuits noted, “The policy followed by defendants in determining the residence of new voters was adopted as a result of apprehension over the student vote and had the effect of discouraging and depriving students at Penn State from exercising their right to vote.”<sup>77</sup>

<sup>69</sup>“Questionable Questioning?” *Daily Tar Heel* (University of North Carolina at Chapel Hill), Oct. 1, 1977.

<sup>70</sup>Norman D. Sandler, “Registrars Turn Away 82,” *Tech* (Cambridge, MA), Oct. 6, 1972.

<sup>71</sup>“Suit Challenges City Registrars,” *Yale Daily News* (Yale University), Sept. 29, 1971; David Goldberg, “Figures Show Student Voters Met Discrimination by City,” *Yale Daily News*, Oct. 28, 1971.

<sup>72</sup>Robert Bayer, “Assembly Must Define Residency’: Bing Defends Registration Policies,” *Daily Illini*, Nov. 3, 1971.

<sup>73</sup>Robert Bayer, “Meager Crowd Meets Same Troubles: Bicyclists Ride to Register to Vote,” *Daily Illini*, Nov. 5, 1971.

<sup>74</sup>Mary Ann Diehl, “ACLU Statewide Meeting to Consider Voting Suit,” *Daily Illini*, Oct. 16, 1971.

<sup>75</sup>See, for example, Robert G. Bayer, “CVR Suit Aims to Stop Student Voter Discrimination,” *Daily Illini*, Oct. 16, 1971; Mary Ann Diehl, “Registrants Told Forms Incomplete,” *Daily Illini*, Oct. 12, 1971.

<sup>76</sup>See, for example, Nancy Lowrey, “Town Fears Student Voters,” *Daily Collegian* (Pennsylvania State University), Aug. 12, 1971; “U.S. Court to Hear Case on Students’ Registration,” *Daily Collegian*, Sept. 27, 1971; Karen Carnabucci, “Against Centre County: Students Eye Suit,” *Daily Collegian*, Jan. 22, 1972.

<sup>77</sup>Elaine Herscher, “Student Vote Power a Definite Possibility,” *Daily Collegian*, Oct. 10, 1972.

When Maryland's attorney general ruled that college-town voting was in the hands of local registrars, the clerk for the county that housed the University of Maryland responded by instituting a proof-of-residency requirement for students, though without sharing what information would suffice. As a student politician argued, the requirement was "an extra way for [elections officials] to try to keep us down."<sup>78</sup> Indeed, strict residency requirements were not only designed to turn down students who failed to meet the tests but to discourage students from even trying to register.

### *Time, Place, and Information Complications*

The lengthy registration processes engendered by questionnaires and interviews were joined by other strategies designed to make registering and then voting inconvenient, time-consuming, and, at times, unworkable. These were significant actions as "local officials, by varying the convenience of registration procedures, may be able to affect appreciably not only the size, but also the composition of local electorates."<sup>79</sup> Moreover, similar strategies were employed to make voting inconvenient—at times arduous—and to deter students from casting their ballots.

In Ann Arbor, for example, registering to vote was easy for several years, with door-to-door voter registration drives and multiple registration sites around campus and town. A change in control of the city council led to a ban on door-to-door registration, the end of special registration events, and the closing of several registration sites. Five of the six remaining registration sites were in solidly Republican neighborhoods, and the only ward not to have one was the ward dominated by student voters. Amid ensuing efforts to restrict registration accessibility, a student noted, "This is a partisan move reflecting concern with the new residents gaining political power."<sup>80</sup> University of Idaho students could register to vote on campus for county, state, and national elections, but had to go downtown to register for city elections. An editorial in the student newspaper suggested, "Perhaps by confusing the registration system, the city of Moscow hopes to keep down student registration."<sup>81</sup> In 1972 in East Baton Rouge, where Louisiana State University is located, state lawmakers held an impromptu meeting at the clerk's office and convinced him to close registration in the parish for the ensuing month. The clerk justified the closure by pointing to a state law requiring that registration be closed thirty days before an election—but there was no election in thirty days, only a convention, and no other parish in the state closed its office.<sup>82</sup> Officials in multiple Pennsylvania counties defied the state attorney general's order to extend the

<sup>78</sup>Barbara Armstrong, "Burch: Students Can Vote at School; Registrars to Determine Eligibility," *The Diamondback*, Sept. 23, 1971.

<sup>79</sup>Kelley Jr., Ayres, and Bowen, "Registration and Voting," 368–69.

<sup>80</sup>David Stoll, "Charges Civil Liberty Violations," *Michigan Daily*, Feb. 21, 1974; Bill Heenan, "AA Threatens Student Rights," *Michigan Daily*, Oct. 5, 1974.

<sup>81</sup>"Let Us Register," *Idaho Argonaut* (University of Idaho), Nov. 15, 1974.

<sup>82</sup>Kris Gautreau, "Registration Office Closure Discussed at YD Meeting," *Daily Reveille* (Louisiana State University), March 17, 1972.



registration period for students, only complying under a later court order.<sup>83</sup> When the Muncie election board lost a lawsuit and was required to register students, it refused to do so until it received the widely known order in writing, significantly cutting into the already curtailed registration period.<sup>84</sup>

Champaign's clerk limited voter registration hours, ended the county's use of deputy registrars, and, at first, refused to hold voter registration on the campus of either UIUC or Parkland College. When he finally relented and took a mobile registration van to UIUC, students waited in line for hours before the van pulled away with well more than half as many students still waiting as those who had gotten through the process.<sup>85</sup> As an observer wrote, reflecting on the selective use of the van, "Though this was initially intended to prevent the poor and black citizens from interfering with local government by making it a hardship to register, [the clerk] used it very well against the students."<sup>86</sup> Others described the clerk as "symbolically standing in the doorway of the courthouse, barring entrance of students into the American political process."<sup>87</sup>

Even when they could register, students trying to vote in their college towns faced both challenges designed to make it more difficult for them and other situations that had more benign intent but still posed hardships. In Amherst, for example, students complained about an election being held between semesters, when residence halls were closed. The board tentatively agreed to change the date, but then reversed course because of other complicating factors. In Tuscaloosa, Alabama, students argued that city voting dates should be changed, as they occurred during the break between summer and fall terms. Students sued to get redress, with the University of Alabama student body president noting, "We hope to eventually demonstrate that the city of Tuscaloosa has been purposefully trying to exclude student and faculty voters both at the University and Stillman College from voting in Tuscaloosa city elections."<sup>88</sup> In Lee County, Alabama, where Auburn University is located, students' efforts to move the election date from summer break to during the academic term were met with resistance, including from the mayor, who thought it would benefit students. He stated, "I may not be viewing this objectively, but to me, citizenship is a 12-month proposition."<sup>89</sup> Elsewhere, students complained about primaries and other elections being held during the summer, especially as absentee voting was not always an option. In Humboldt, California, student opposition to a new dam project led citizens to push for the referendum to be held during the summer months, when fewer might be around. The local

<sup>83</sup>Doug Struck, "Federal Court Orders Registration; Students May Vote in County," *Daily Collegian*, Sept. 19, 1971; Marc Hecker, "Lancaster Leaders Refuse Voter Registration Extension," *College Reporter* (Franklin and Marshall College), Sept. 17, 1971.

<sup>84</sup>"Judge Issues Decision; Student Registration OK'd," *Daily News* (Ball State University), Oct. 1, 1971.

<sup>85</sup>See, for example, Robert G. Bayer, "CVR Plans Walk to Courthouse," *Daily Illini*, Oct. 26, 1971; Robert Bayer, "County to Buy Voter Sign-up Van," *Daily Illini*, Nov. 16, 1971; and Robert Bayer, "172 Students Register as Mobile Van Visits Campus," *Daily Illini*, March 3, 1972. Following student protests and threatened legal action by the attorney general, the clerk again allowed deputy registrars in summer 1973.

<sup>86</sup>Robert Feretich to the editor, *Daily Illini*, Oct. 30, 1973.

<sup>87</sup>P. Scott Shearer and Ken Anspach to the editor, *Daily Illini*, Sept. 27, 1973.

<sup>88</sup>Ron Casey, "Lee Asks Hinton for Change in Voting Dates," *Crimson-White*, July 24, 1972; Terry Johnson, "AWS Files in U.S. District Court to Delay Tuscaloosa City Elections," *Crimson-White*, July 23, 1973.

<sup>89</sup>Jackie Smith, "City Voting Date Change Faces Opposition," *Auburn Plainsman*, Feb. 22, 1973.

county supervisor, though, refused to go along, as he correctly viewed it as a blatant attempt to disenfranchise students.<sup>90</sup>

In fall 1972, Chapel Hill and neighboring Carrboro agreed to hold matching referenda on a proposed new bus system that was heavily supported by students. Chapel Hill held its vote in February 1973, but Carrboro's aldermen waived, reversed their decision, and then held additional meetings on the issue; the key issue was that the system would largely serve students, and non-student residents did not want to help finance it. After a significant delay, Carrboro's aldermen agreed to the referenda but put off scheduling it until it was too late to be held while classes were in session.<sup>91</sup> Many considered the postponement an effort to dissuade students from voting; the student body president would later point to "the intentional delay of the referendum" as evidence that the aldermen's actions "have been designed to prevent student involvement in issues that affect them."<sup>92</sup> When the referendum failed after light student turnout, its timing was blamed.<sup>93</sup>

Voting was made challenging through other means, including by holding polling in places that were difficult to get to or that could not handle the capacity of student voters. In 1972, reports in East Lansing indicated that many students had to wait in line for several hours to vote, some of them in the rain; one polling site in a student neighborhood had to stay open for five extra hours—until one a.m.—to try to handle the crowd. A student investigation revealed that eleven of the twenty-five precincts in town did not have enough voting machines; all nine precincts with significant student populations were among them. While the city clerk blamed students themselves for the delays, other officials admitted that there were not enough voting machines but denied that it was intentional.<sup>94</sup> Others disagreed, including a local activist who charged: "This is a deliberate attempt on the part of the city to stop students from voting. People should feel indignant, the waiting was really intolerable; some people just cannot wait for hours to vote and are therefore disenfranchised."<sup>95</sup> Students at UIUC faced ninety-minute waits to vote, leading many to leave the line and others to file a lawsuit.<sup>96</sup>

### Intimidation

Some opponents of campus voting attempted to intimidate students at the point of registration, during voting, and in between. For example, in the lead-up to a vote to allow the sale of alcohol in Morehead, Kentucky, numerous students registering to vote

<sup>90</sup>Karen Sipma, "Election to Be Held in July, August? Plans to Cut Student Dam Vote Feared," *The Lumberjack*, Jan. 31, 1973.

<sup>91</sup>Marty Shore, "The Bus Filibuster," *Variation* (*Daily Tar Heel* supplement), May 1973; Peter Barnes, "Public Bus System before Voters Today," *Daily Tar Heel*, Feb. 20, 1973; Rick Sluder, "Community Bus System: Carrboro Vote May 5," *Daily Tar Heel*, April 23, 1973.

<sup>92</sup>Janet Langston, "Carrboro Mayor Disclaims Bus Referendum Allegations," *Daily Tar Heel*, Oct. 4, 1973.

<sup>93</sup>"Register Now for Carrboro Transit Vote," *Daily Tar Heel*, March 28, 1973; Shore, "The Bus Filibuster"; Langston, "Student Participation Sought in Carrboro," *Daily Tar Heel*, Jan. 25, 1974.

<sup>94</sup>Carol Thomas, "Cause of Delays at Polls Disputed by Local Officials," *State News* (Michigan State University), Nov. 10, 1972; Craig Gehring, "Long Lines Tied to Lack of Voting Booths," *State News*, Nov. 14, 1972; Mary Kay, "Colizzi Beats Carr," *Joint Issue*, Nov. 16, 1972.

<sup>95</sup>Kay, "Colizzi Beats Carr."

<sup>96</sup>Rick Pope, "Student Voters Face Another Wait," *Daily Illini*, Nov. 8, 1972.

were confronted by members of the Morehead Citizens Temperance League; one of them stated, "We're challenging everybody." The students were immediately sent to a separate room and faced strict questioning under oath aimed at unveiling evidence that they were not, in fact, residents. The head of the board undertaking the questioning admitted believing that too many students were registering. The board denied or purged most students.<sup>97</sup> In Denton, Texas, where North Texas State University students had previously won a lawsuit allowing them to vote, a contentious wet/dry referendum included a mailing campaign that sent misleading flyers to students. The false information included that students "could face dismissal from school and charges of voting illegally" if the address on their college application differed from that on their voter registration.<sup>98</sup> In 1975 in New Haven, after Yale University student voters helped to unseat the incumbent mayor, his allies launched a new group to investigate student voting and residency. Its leader, a former mayoral candidate himself, claimed, that voting by students "poses a number of serious moral, ethical, and legal questions."<sup>99</sup> The effort was designed to intimidate students and excite non-student voters for the next election. Elsewhere, students were threatened with perjury charges and told that they could lose financial aid if they registered locally.

For several years in the early-to-mid-1970s, student voting in Orange County, North Carolina, was free from controversy but those years were bracketed by efforts to challenge and intimidate students. In 1971, a local resident protested the registration of students living in UNC residence halls. After a blanket challenge to all dormitory residents was rejected, he filed 120 separate challenges and threatened to swear out warrants for perjury for students who registered but failed to file property taxes in the county.<sup>100</sup> More destructive, in the mid-1970s a group of citizens and former officeholders formed the Orange Committee in an attempt to return conservative Democrats to power. In 1977, the committee sought to overturn the election victories of two new county officials, claiming that two thousand UNC students had voted illegally.<sup>101</sup> The effort failed but the Orange Committee soon launched a multi-pronged effort to intimidate voters, including warning students that if they registered in the county their parents would lose tax deductions. These were, according to a local party official, a "scare tactic" and a "total falsehood."<sup>102</sup>

In 1978, the group went to court to challenge the registration status of as many as ten thousand voters based on their residing in a neighborhood known to house many students. It was, according to a local lawyer, an attempt "to intimidate and harass qualified

<sup>97</sup>John Cooper, "Student Voters Register; A Number Are Challenged," *Trail Blazer* (Morehead State University), March 30, 1971.

<sup>98</sup>Vicky Bridges, "An Editorial: Student Voice Matters," *Campus Chat* (North Texas State University), Aug. 4, 1977.

<sup>99</sup>John Harris, "New Haven Group Will Probe Legality of Yale Student Voters," *Yale Daily News*, Oct. 29, 1975.

<sup>100</sup>"Election Board Denies Student Voting Challenge," *Daily Tar Heel*, Nov. 4, 1971.

<sup>101</sup>See, for example, Jeff Cohen, "Move Challenging Student Balloting Seen as Political," *Daily Tar Heel*, Feb. 22, 1977.

<sup>102</sup>Some students claimed that the Orange Committee contacted their parents directly. David Stacks, "Cohen Charges Local Democrats with Scare Tactics," *Daily Tar Heel*, Oct. 12, 1977.

voters and prospective voters.”<sup>103</sup> It resulted in a special process set up at polling places. On Election Day, anyone whom the committee alleged was voting illegally was asked to sign an affidavit stating whether or not they were an undergraduate student. Those who swore that they were not undergraduates were allowed to vote, but those who indicated that they were undergraduates were then removed for a hearing to determine their eligibility.<sup>104</sup> Thus, the students were treated differently than other voters. Concurrently, the Orange Committee sued the County Board of Elections for violating state law by inappropriately registering students, creating further worry among students. The purpose, according to then president of the UNC Young Democrats Club and current state governor Roy Cooper, was to impede “students who wish to vote but are scared they will be subpoenaed into court because they are registered.”<sup>105</sup> These were, in essence, intimidation projects designed to discourage students from voting.

### *Gerrymandering/Apportionment*

Amid the Orange Committee’s efforts to suppress UNC students’ vote, the school’s newspaper editorialized, “Not since the days of gerrymandering has there been such a blatant attempt to change the make-up of an electorate for political gain.”<sup>106</sup> While the sentiment captured the broader conditions in Orange County, it missed the fact that gerrymandering continued.

For example, even though it had potentially more student voters than non-student voters, Pullman, Washington, was more accepting of student voters than many college towns. Yet, less than three weeks after the Twenty-Sixth Amendment was ratified, it redrew its boundaries for city elections and clustered most students into one of the three wards. The Washington State University student newspaper reported that it was an intentional act to mitigate student influence.<sup>107</sup> In Bowling Green, Ohio, a 1972 proposal to redistrict from four to six wards was both supported and opposed because one or two of the wards would have been dominated by students. The mayor opposed the plan because “students identify only temporarily with the city.”<sup>108</sup> A four-ward system was retained.<sup>109</sup> After students were instrumental in passing a referendum that prevented the building of a shopping mall in East Lansing, a group of citizens launched a brazen effort: they petitioned for a referendum to “de-annex” part of MSU’s campus

<sup>103</sup>Rachel Brown and Robert Thomason, “Board to Appeal Decision; Orange Committee Upheld in Student Voting Challenge,” *Daily Tar Heel*, Oct. 12, 1977.

<sup>104</sup>See, for example, “Student Voting Challenged in Court,” *Daily Tar Heel*, Feb. 27, 1978; Robert Thomason, “Lawyers Want Injunction on Voter Registrations; Student Vote in Question,” *Daily Tar Heel*, Feb. 28, 1978; Robert Thomason, “Complies with State Law; Orange Board Okays Plan to Handle Voter Check,” *Daily Tar Heel*, April 19, 1978; and Robert Thomason, “Poll Site of Challenge Hearings,” *Daily Tar Heel*, April 21, 1978.

<sup>105</sup>David Stacks and Steve Huettel, “Re-registration Necessary to Cleanse Student Votes,” *Daily Tar Heel*, Feb. 28, 1978.

<sup>106</sup>“The Right to Vote: Stacking the Political Deck,” *Daily Tar Heel*, Feb. 23, 1977.

<sup>107</sup>Molly Martin, “Voters Organize Local Election Campaign,” *Summer Evergreen* (Washington State University), July 26, 1971.

<sup>108</sup>“Council May Redistrict Wards Monday,” *BG News* (Bowling Green State University), Jan. 12, 1973. See also Kathi Hatton, “Council Candidates Interviewed,” *BG News*, Nov. 1, 1973.

<sup>109</sup>“City Council to Retain Four-Ward Voting System,” *BG News*, Jan. 16, 1973.

from the city to remove students from voter rolls. Had they been successful, a referendum would have been held during the summer for the sole purpose of removing students from the town's electoral rolls.<sup>110</sup> Concerns over the fairness of apportionment plans also existed in Champaign; Dekalb, Illinois; Athens, Georgia; and elsewhere.<sup>111</sup>

A protracted struggle took place in College Park, Maryland. In 1967, officials approved an apportionment plan for the city council based on the number of city residents minus the number of students that lived on campus. It then maintained those districts after the 1970 census, even though students were considered residents for census purposes. Within a few years, students began advocating for change, contending that the districts were far out of proportion to one another. If the eight thousand on-campus students were included in base numbers for drawing lines, the imbalance in districts would far exceed the 5 percent allowed by the US Supreme Court—the student-heavy districts would have populations three times as large as others. Under this arrangement, votes in those districts were diluted. In 1975, a six-month-long working commission consisting of students and government officials failed to reach resolution, and the city council voted against reapportionment; among the questionable arguments made by some officials was that the 1970 census data was out-of-date, so the city would rely on the 1967 data instead. An editorial in the student newspaper called the commission a “pacification ploy” that was never intended to lead to redistricting.<sup>112</sup>

With ACLU backing in 1975, three students filed a lawsuit alleging discrimination. A 1977 partial victory required that when the city created new districts, it had to include students living in campus residence halls who were registered to vote in town; the new plan did not, however, include the thousands more who were not registered. Students appealed the newly apportioned districts, and the state's highest court found that the new plan was insufficient: as all off-campus students, regardless of registration status, were counted in the new apportionment plan, on-campus students were being treated differently. Finally, in 1982, fifteen years after the illegal voting districts were implemented, ten years after students sued, and five years after the courts ordered that the initial districts be redrawn, College Park's new districts were approved by the courts. Despite students' contentions that the approved plan was still unlawful, the city was permitted to redraw the lines not by including non-registered students, but by excluding everyone who was not registered from the apportionment counts. When the US Supreme Court denied a final appeal, the new districts were deemed legal, but continued to diminish the potential power of the student vote.<sup>113</sup>

<sup>110</sup>Carol Schuck, “Student Vote Attacked,” *Lansing (MI) Star*, April 19-25, 1979; J. D. Snyder, “East Lansing Pushes to Zap Campus,” *Lansing (MI) Star*, June 21-27, 1979; Debbie Creemers, “Area Group Petitions to De-Annex,” *State News* (Michigan State University), June 22, 1979; Jeff Minihan, “Attorney Says De-Annex Petition Invalid,” *State News*, July 13, 1979.

<sup>111</sup>Don Yarling, “Champaign Districts Set by Population,” *Daily Illini*, Nov. 22, 1972; “Lower Voting Age Causes Concern,” *The Independent* (Durango, CO), Oct. 20, 1972; Joel Burke, “Gerrymandering Charged; SGA Seeks Ward Change,” *Red & Black* (Athens, GA), Nov. 18, 1977.

<sup>112</sup>“Taste of Tyranny,” *The Diamondback*, Aug. 25, 1975.

<sup>113</sup>*DuBois v. City of College Park*, 447 A.2d 838 (Md 1982). Extensive coverage of the original case, appeals, and plans appeared in the student newspaper. See, for example, Rowan Scarborough, “Redistricting Suit Filed; Nov. 15 Hearings Called,” *The Diamondback*, Oct. 10, 1975; Tom Osterman, “Revised Districts

Of course, charges of gerrymandering could be launched from both those supporting and those opposing the local student vote. In Ann Arbor, a slim majority of the city council approved new districts in late 1972 as part of a compromise plan supported by the Democrats and the more progressive Human Rights Party (HRP). Observers believed that the strategy was to create a solidly HRP ward consisting of 75 percent student voters. The student paper editorialized at the time, “The intention all along was not to avoid gerrymandering, but to devise a gerrymander acceptable to a majority of council members.”<sup>114</sup> After Republicans won control of the council five months later, they amended the legislation to redraw boundaries in ways that fundamentally improved their chances of maintaining power. The Republican effort, ultimately defeated in state court, was termed a “political power play” and a “joke.”<sup>115</sup>

### Racial Discrimination and Student Voter Registration

Although this article offers a broad view of the efforts to restrict college student voting, racially motivated anti-voting efforts warrant special attention owing to the centrality of race in the broader battles over voting rights in the United States. In 1971, for example, country music singer and former Mississippi gubernatorial candidate Jimmy Swan openly opposed lowering the voting age because it would allow more Black people to vote: “For the young whites, I don’t think it would make much difference. I think they’d vote like their mammies and pappies... . But—and I’m talking to you as an ol’ Mississippi redneck now—you know our problem is with the young militant blacks. That’s where we’d have the troubles.”<sup>116</sup> Martha Witt Smith, who worked on voting issues for the Alabama State Sovereignty Commission and was a plaintiff in the Alabama registrar’s lawsuit mentioned above, similarly opposed the Twenty-Sixth Amendment because she believed it would increase the relative number of Black voters.<sup>117</sup> The Orange Committee’s anti-student work expanded, but its initial actions to overturn an election was widely understood as an effort to unseat a Black lawmaker for racist purposes; a Chapel Hill alderman later compared the group to the Ku Klux Klan.<sup>118</sup> In Marshall County, Mississippi, registrars used answers on questionnaires to deny registration to students from Rust College and Mississippi Industrial College—HBCUs with a total of one White student between them. Numerous White residents of Marshall County with identical or similar questionnaire responses were registered without issue. Ruling for the students in 1974, a US District Court judge

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Proposed; Campus Voters Included,” *The Diamondback*, Jan. 19, 1978; Don Lee, “City Voting Plan Approved,” *The Diamondback*, May 5, 1981; and Don Lee, “Voting Lawsuit Heads to Supreme Court,” *The Diamondback*, May 5, 1981.

<sup>114</sup>“Last’ Chance Boundaries,” *Michigan Daily*, Dec. 6, 1972.

<sup>115</sup>Keith Richburg, “City Limits,” *Michigan Daily*, Feb. 20, 1979; Gordon Atcheson, “Political Power Play: GOP Seeks New Ward Plan,” *Michigan Daily*, May 16, 1973.

<sup>116</sup>David A. Andelman, “18-Year-Old Vote Is Stalled across Nation,” *New York Times*, Feb. 6, 1971.

<sup>117</sup>Susan Youngblood Ashmore, *Carry It On: The War on Poverty and the Civil Rights Movement in Alabama, 1964-1972* (Athens: University of Georgia Press, 2008), 289.

<sup>118</sup>Gerry Cohen, “Don’t Be Afraid to Register: Right-Wing Orange County Residents Begin Harassing Student Voters,” *Daily Tar Heel*, March 14, 1978.

wrote, "It is clear to the court that the registrar applied different standards to student voter applicants than to non-student voter applicants in determining whether applications should be accepted for registration."<sup>119</sup>

In Waller County, Texas, Black students at Prairie View A&M University, an HBCU, were likewise denied the opportunity to register because it could have shifted power to Black voters.<sup>120</sup> The method that Tax Assessor-Collector LeRoy Symm used was a highly detailed voter-registration questionnaire that he required of all students but not of people who appeared on the tax rolls or whom he (overwhelmingly falsely) claimed to personally know; in effect, all students and *only* students were given the questionnaire.<sup>121</sup> It was, as one faculty member at the institution noted, "a seemingly open attempt by Symm and other county officials to execute the old familiar 'stall routine' to prevent lawfully qualified students from voting."<sup>122</sup> The case played out for most of the decade and included multiple legal challenges, charges by a secretary of state that Symm was acting illegally, an emergency declaration from a different secretary of state ordering him to register students, a US Department of Justice finding that he was discriminating against Black students, a gerrymandering lawsuit, and attempted intervention by state legislators. Seventy-two Texas counties were home to colleges; all of those counties except Waller followed state rulings and court orders to let students vote locally.<sup>123</sup> It was, according to a state legislator, "one of the most outrageous chapters in Texas civil rights history."<sup>124</sup>

Protected by a White federal district judge who would later be excoriated for his actions, Symm persisted until the US Department of Justice shifted pending civil rights cases to a different judge.<sup>125</sup> In 1978, a three-judge District Court panel ruled that, through the use of the questionnaire and his application of the "unconstitutional presumption" that students were not residents, Symm had violated students' Twenty-Sixth Amendment rights. The redistricting issue was then quickly settled.<sup>126</sup> Symm appealed to the US Supreme Court, which summarily affirmed the lower court's decision. While this ruling ended the use of questionnaires in Waller County, the fact that it was summarily affirmed, and thus had no written opinion, mitigated its national precedential

<sup>119</sup>Frazier v. Callicutt, 383 F. Supp. 15 (N.D. Miss. 1974).

<sup>120</sup>The institution was known as Prairie View A&M College of Texas beginning in 1947 but was renamed Prairie View A&M University on August 27, 1973.

<sup>121</sup>Tax assessor-collectors were responsible for voter registration in the state. Several years later, a federal district court found that most residents whom Symm claimed to know reported that they did not know him. United States v. State of Texas, 445 F. Supp. 1245 (S.D. Texas 1978).

<sup>122</sup>Ed Wendt, "PV Students File Suit against Waller County on Voter Registration Battle," *The Panther* (Prairie View A&M University), Jan. 14, 1972.

<sup>123</sup>Julia Jones, "PV Students Lose Vote; Official Blocks Registration," *The Battalion* (Texas A&M University), March 28, 1974; "Prairie View Students Get Voting Rights," *The Battalion*, Feb. 27, 1976; Mary Alice Woodham, "Voter Registration Questionnaires Could Affect Prairie View Election," *The Battalion*, Sept. 12, 1977; "Waller County: Voter Registration Policy under Fire," *The Panther*, Sept. 22-27, 1977; Richards, *Once Upon a Time in Texas*, 155-60.

<sup>124</sup>"Prairie View Students Get Voting Rights."

<sup>125</sup>United States v. State of Texas, 445 F. Supp. 1245 (S.D. Texas 1978); Symm v. United States, 439 U.S. 1105 (1979).

<sup>126</sup>United States v. State of Texas; Richards, *Once Upon a Time in Texas*, 159-60.

value.<sup>127</sup> Moreover, as multiple legal actions over the past four decades have shown, voting rights for Black students in Waller County remain contested and tenuous.<sup>128</sup>

A different, but also pernicious, set of events occurred in Fort Valley, Georgia, home to Fort Valley State, the state's 1890 Morrill Act institution. In 1972, citing the inclusion of students in the census, the state's attorney general ruled that in-state college students had the legal right to vote in their college town if they considered it to be their domicile.<sup>129</sup> With this right established, students at Fort Valley State participated in the 1972 local election, which had six Black candidates with ties to the college pursuing, as Donnie D. Bellamy wrote, "what had generally been regarded by the white power structure as 'white only' positions."<sup>130</sup> During the election, which would result in two Black candidates being elected to citywide offices, the city's chief registrar filed a lawsuit against the institution's governing board, the University System of Georgia (USG). He claimed that because Fort Valley State was an HBCU, it distorted the electorate by attracting Black students and, thus, disenfranchising White voters. His suit intended to make the college "racially unidentifiable"—forcing the system to reduce the percentage of Black students at Fort Valley State from nearly 100 percent to 15 percent, which was the proportion of enrolled Black students in USG.<sup>131</sup> In essence, he sought to deny educational opportunity for Black students in hopes of retaining White political power in Fort Valley. As Fort Valley State's student body president claimed, the registrar was "struggling hard to pursue white supremacy."<sup>132</sup> The initial suit was dismissed, but a second version with additional plaintiffs launched a broader attack on the university. It claimed that Fort Valley State was an inferior educational institution and sought either its closure or a fundamental change in the racial makeup of the student population and staff of the school. Initiated to disenfranchise Black voters, it ultimately led to increased White oversight of and presence at the HBCU.<sup>133</sup>

## Conclusion

A month after the Twenty-Sixth Amendment passed, a member of the board of registration in the county where Clemson University is located stated, "We don't want to deny anyone the right to vote. Anyone who is a resident of South Carolina may register to vote here—except students."<sup>134</sup> That was an important caveat in 1971 and remains so today, amid widespread efforts to disenfranchise students for political gain.

<sup>127</sup>Symm v. United States; Ryan D'Ercole, "Fighting a New Wave of Voter Suppression: Securing College Students' Right to Vote through the Twenty-Sixth Amendment's Enforcement Clause," *Washington & Lee Law Review* 78, no. 4 (2021), 1659–716.

<sup>128</sup>See, for example, Ronald D. Server, "Prairie View A&M Students Walk the Walk of Political Engagement," *Peer Review* 10, no. 2/3 (2008), 25–27; Alexa Ura, "Texas' Oldest Black University Was Built on a Former Plantation. Its Students Still Fight a Legacy of Voter Suppression," *Texas Tribune*, Feb. 25, 2021, <https://www.texastribune.org/2021/02/25/waller-county-texas-voter-suppression/>.

<sup>129</sup>Jane Leonard, "College Towns Eying Power of Student Vote," *Atlanta Journal*, June 4, 1972.

<sup>130</sup>Bellamy, "Whites Sue for Desegregation in Georgia," 317.

<sup>131</sup>"Suit Filed to Integrate Ft. Valley State," *Atlanta Daily World*, April 27, 1972.

<sup>132</sup>Leonard, "College Towns Eying Power of Student Vote."

<sup>133</sup>Bellamy, "Whites Sue for Desegregation in Georgia."

<sup>134</sup>Kathy Hubbell, "Realities of the Student Vote," *The Tiger* (Clemson University), Aug. 13, 1971.



Voting rights, seemingly guaranteed in the Constitution, its amendments, and in multiple pieces of legislation, have been and remain contested. As they pertained to college students in the 1970s, these efforts largely focused on where students could vote. Local officials and citizens sought to prevent presumed student voting blocs from changing college-town governance, passing bonds or referenda, and swinging state legislative elections. The impediments and restrictions that officials enacted could prevent students from voting at all. Legislative acts, attorneys general's decisions, and court rulings provided students with opportunities for college-town voting in most places by the late 1970s, but not everywhere. And, even where rights seemed secured, new challenges arose; it was easier, for example, for students to vote in Chapel Hill in 1972 than in 1977, and efforts at the end of the decade threatened the local voting rights of college students in East Lansing. New challenges have continued to arise in the decades since, especially in the past few years.

In the 1970s, these efforts were usually local but could be coordinated. In Alabama, the State Sovereignty Commission's Martha Witt Smith campaigned broadly against student college-town voting, convinced registrars in Lee County to reject Auburn students, and filed lawsuits to impede students' rights. A court eventually ordered the commission to stop its interference with registration.<sup>135</sup> Local conservative politicians in places like East Baton Rouge and Champaign worked together, and some states passed legislation to prevent students' college-town voting. Today, these efforts are even more coordinated as part of broader political strategies. They are top-down, widespread, and intended to reshape the electorate. But, just as with many of the cases discussed here, frequently they are cynically justified.<sup>136</sup>

While this study could not consider student voting in every locale, its consideration of evidence from more than seventy-five college towns in more than forty states, as well as attention to legal cases, allows for some understandings related to geography. Broadly speaking, voting in college towns was more difficult in the east than in the Plains and in the west. New York, for example, passed perhaps the most restrictive legislation just days after the Twenty-Sixth Amendment was ratified.<sup>137</sup> In South Carolina, a 1972 legal ruling against Furman University students allowed for the continued use of harsh residency questionnaires. North Carolina (excepting Chapel Hill for a while) and Virginia were likewise quite restrictive. The situation was often different west of the Mississippi River, with fewer explicit residency restrictions and less evidence of widespread impediments. These general patterns conform to broader trends in access to voting in the era, but must be understood as tentative and due to multiple circumstances. For example, both New York and California passed legislation banning college-town student voting, the latter of which would have run counter to this broad east/west trend. In California, the aforementioned state supreme court ruling removed the restrictions but multiple legal challenges in New York failed to do so. Moreover, while the general pattern is true, it does not hold everywhere. Virginia

<sup>135</sup>"700 Students Register without Major Incident," *Auburn Plainsman*, April 6, 1972; "Local Registrars Approve Student Voting Applications," *Auburn Plainsman*, April 13, 1972; Harriet Swift, "UA Students Sue Registrars," *Crimson-White*, Aug. 7, 1972.

<sup>136</sup>D'Ercole, "Fighting a New Wave of Voter Suppression," 1663–66.

<sup>137</sup>King, "College Town Puzzle."

and the Carolinas were restrictive, for example, but based on an attorney general's ruling, Georgia was largely not. Both Alabama and Florida saw substantial restrictions significantly recede after, respectively, a court ruling and an attorney general's opinion.

The variations within states are perhaps more important, especially in states that did not have precedential legal rulings. The restrictions on Ball State students, for example, seemed especially problematic since students everywhere else in Indiana could vote in their college towns. The liberality in Chapel Hill voting for much of the 1970s stood in contrast to the tight restrictions faced by students in the rest of the state. While observers expected difficulties in Amherst owing to the significant student population, they did not materialize. Yet students in Cambridge struggled for the local vote. An indication of the role that racial discrimination played in some of these cases was that officials in seventy-one of seventy-two counties with colleges in Texas followed both the state attorneys general's advice and a 1973 federal court ruling by registering students; Waller County did not. The absence of federal guidance—US attorney general John Mitchell declined to offer an opinion on the issue and legislative efforts failed—and the nonbinding nature of advice provided by state attorneys general left the situation unresolved and ripe for abuse. Moreover, regardless of legal decisions, local challenges and intimidation about where students could vote endured.

This article contributes to the limited—but useful—historical literature on difficulties in town/gown relations in the mid-to-late twentieth century. Focusing on urban institutions, for example, both Cole and Bradley showed that colleges and universities often negatively affected their cities through expansion and gentrification that caused special harm to racially minoritized communities.<sup>138</sup> In his chapter on town/gown difficulties, Gumprecht highlighted student misbehavior and rowdiness, the encroachment of students into single-family-home neighborhoods, and the expansion of college campuses.<sup>139</sup> Rousmaniere's treatment of housing in college towns demonstrated that the growing student enrollments exacerbated existing tensions and created new ones.<sup>140</sup> Here, the focus is on the conflict over voting rights in college towns.

As I have argued throughout, in multiple such towns, citizens and elected officials worked to make voting more difficult for college students by impeding registration and holding elections at times and in places that were difficult and inconvenient for college students. College students and their families were intimidated and threatened. And, even when students could vote locally, the power of their votes could be diminished through gerrymandering and apportionment schemes.

College students' struggles for college-town voting rights highlight the difficulties of town/gown relations but also fit in a larger struggle. As Michael Waldman wrote, "The fight to vote has always been at the heart of our national story, and raucous debates

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<sup>138</sup>Eddie R. Cole, *Campus Color Line: College Presidents and the Struggle for Black Freedom* (Princeton, NJ: Princeton University Press, 2021); Stefan M. Bradley, *Harlem vs. Columbia University: Black Student Power in the 1960s* (Champaign: University of Illinois Press, 2010). On twenty-first-century challenges, see Davarian L. Baldwin, *In the Shadow of the Ivory Tower: How Universities Are Plundering Our Cities* (New York: Bold Type Books, 2021).

<sup>139</sup>Gumprecht, *American College Town*, 298–330.

<sup>140</sup>Rousmaniere, "What Happened to Your College Town."

over how to expand democracy have always been at the center of American politics.”<sup>141</sup> Amid widespread concern that they needed an outlet other than protest to voice their political opinions, young people won a crucial national battle in that fight with the passage of the Twenty-Sixth Amendment. Yet, in many college towns, fears over mass student protest were replaced by fears of mass student voting, leaving college students’ local voting rights contested and the fight unresolved.

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<sup>141</sup>Michael Waldman, *The Fight to Vote* (New York: Simon and Schuster, 2016), x.

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