

VOTING QUALIFICATIONS

In 1963 a LWNYS consensus resulted in support for reduction of the New York State residence requirement to three months, retention of the requirement for literacy in English and the voting age of 21, and elimination of the 90-day waiting period for newly naturalized citizens. Two years later, however, in 1965, with passage of the Federal Voting Rights Act, literacy in Spanish was permitted, and in 1967, the legislature reduced the residency requirement to three months, only to have the 1970 Federal Voting Rights Act further reduce the residency requirement to 30 days in the election district. In 1969, a court ruling eliminated the 90-day waiting period for naturalized citizens.

In 1988 LWNYS successfully supported passage of legislation giving newly naturalized citizens the right to register in person at the Board of Elections up to ten days before an election. This law permits those who were naturalized after the 30-day registration deadline to participate in the next election.

In 1969, a LWNYS re-evaluation resulted in a change in position on the voting age to support the franchise for 18 year olds. League members then worked for ratification of the 26th Amendment to the United States Constitution. The League supported the right of 17 year olds who would be 18 by Election Day to register and urged that they be allowed to participate in a primary election to choose candidates for that election.

In 1972, LWNYS members concurred in a position supporting the right of students to establish residence in their college communities for voting purposes. A class action suit on this issue was brought in 1980 and is still awaiting a decision. At present the right to vote in college communities is determined by local boards of elections; the League monitors those boards who attempt to exclude voting at college residences by using any standard, practice or procedure not used by all applicants. The League continues to lobby for a law to make the students' voting right mandatory statewide. In **April 2009**, the League testified before the NYS Senate Elections Committee on specific election legislation which is needed to clarify the right of college students to register and vote where they want to. Legislation has been routinely introduced in the Assembly which would change the definition of residence in the election law to conform to that set forth in *Ramey v. Rockefeller* to clarify the meaning of "gaining or losing a residence," and to make more specific the criteria by which a board of elections may determine a voter's qualification to vote in a particular election district. Of particular concern to the League is that under the current law residency requirements for voter registration are applied arbitrarily and often in a discriminatory fashion specifically in dealing with college students. The eighteen to twenty-four year age group is a mobile population in transition; however, they should not be selectively targeted by local boards of election in applying different residency standards than other applicants.

In 1977 the LWNYS supported legislation establishing a procedure permitting voters whose poll cards are missing from the ledger on Election Day to vote by affidavit ballot pending confirmation of their registration. Similar provisions were added to the law in 1981 to enable voters who claim their enrollment records are incorrect to vote in primary elections. The 1985 session saw the strengthening of the affidavit system; League-supported legislation now requires election officials to inform voters of their right to an affidavit ballot. In addition, provisional ballots are required by the HAVA federal legislation in 2002.