



To: SUNY Chief Academic Officers
From: Sandra M. Casey, General Counsel-in-Charge
Date: October 28, 2020
Re: Offers or Acceptance of Value in Exchange for Proof of Voting

The State University of New York strongly encourages students, faculty, staff, and community members to vote in all elections to have their voices heard. As we are in the last week of election season, however, the Office of General Counsel would like to remind campuses, including faculty and staff, that it is a violation of state and federal election laws to provide *benefits* to campus community members for voting. In particular, faculty should not afford any course credit or extra credit to students who show proof that they voted (or concomitant penalties for not voting).

NYS Election Law states as follows:

§ 5–106. Qualifications of voters; reasons for exclusion

1. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or any other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or for registering or refraining from registering as a voter, or who shall make any promise to influence the giving or withholding of any such vote or registration, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of an election, shall vote at such election.

In elections in which federal candidates are on the ballot, such as the current general election, it is also against federal law to offer any kind of benefit or reward for voting. See 18 U.S. Code § 597.

If you have any questions, please contact your campus counsel.

Copy: Chancellor Malatras
Provost Laursen
Chancellor Executive Leadership Team
Campus Presidents
OGC Attorneys
Community College Attorneys