

May 15, 2013

Dear Senate Finance Education Subcommittee:

We are writing to urge you to remove a blatant attack on our public universities and student voting rights from H.B. 59. H.B. 59 contains language creating a financial penalty for Ohio colleges and universities that help their students participate in our democracy. H.B. 59 adds the following to section 3333.31 of the Ohio Revised Code:

*(E) The rules of the chancellor for determining student residency shall grant residency status to a student to whom a state institution of higher education issues a letter or utility bill for use as proof that the student is a qualified elector in this state.*

*Nothing in division (E) of this section shall be used to grant residency to a student for any purpose other than for state subsidy and tuition surcharge purposes.<sup>1</sup>*

Ohio law requires voters to show an ID at the polls when they vote on Election Day.<sup>2</sup> The list of acceptable IDs includes utility bills and any government document except for certain notices from the board of elections.<sup>3</sup> Either document must contain the voter's name and current address.<sup>4</sup> Public colleges and universities in Ohio are state government entities that may provide a student with a voter ID by writing a letter with required information listed. Colleges may also issue utility bills to students living in a school residence hall.<sup>5</sup> If utilities are included in the price of living in the residence hall, the bill may indicate a zero balance. This service of providing students with voting ID is particularly essential for students who do not have an Ohio driver's license and for students who live in a dormitory because they otherwise lack the proof of residency required to vote.

The proposed budget language would require public colleges to charge in-state tuition rather than higher out-of-state rates to any student to whom the school provides a voter ID. This would apply even if the student would otherwise meet the definition of an out-of-state student for tuition purposes. If the language remains in H.B. 59, schools would be forced to choose between accepting large financial losses in the form of lower tuition rates and doing nothing to help students lacking a voter ID. Schools work to attract out-of-state students because the higher tuition rates and the increased revenues they bring in support quality education in an era of budget cuts and increased costs. These losses will eventually be passed on to all students through tuition increases or reduced course offerings. For example, Miami University estimates that the penalty would cost the school \$60 million.<sup>6</sup>

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<sup>1</sup> H.R. 59, 130th Gen. Assem., Reg. Sess. (Ohio 2013).

<sup>2</sup> OHIO REV. CODE § 3505.18(A)(1).

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Ohio Secretary of State, Memorandum Re: Clarification of Utility Bills as Voter Identification for College Students, Feb. 25, 2008.

<sup>6</sup> Jim Siegel, *Tuition saver or vote suppressor? GOP plan for college-student residency stirs controversy*, THE COLUMBUS DISPATCH, Apr. 23, 2013.

Although supporters claim that the goal of the provision is to lower tuition for Ohio students, this is a transparent and cynical attempt to make voting more difficult for them. Members of the House who inserted this language at the last minute are aware that few schools would risk the quality of their academic programs by voluntarily slashing their funding by tens of millions of dollars. As a result, students paying out-of-state tuition who lack a required type of voter ID would lose their last lifeline to exercising their constitutional right to vote in their college community. Students paying in-state tuition that were born and raised in Ohio would be punished as well. Colleges would not risk the possible legal repercussions of a state entity providing voter ID to in-state students only and would, therefore, eliminate entirely programs designed to help students obtain ID.

Federal law strongly encourages colleges to play a leading role in helping students vote and forbids discrimination against those seeking to vote in their college communities. The Higher Education Act requires most colleges and universities to make voter registration forms available to every student.<sup>7</sup> The U.S. Supreme Court held in *Symm v. United States* that discrimination against college students seeking to vote in their college communities violates the 26th Amendment to the U.S. Constitution.<sup>8</sup> The tuition provision in the budget bill takes direct aim at students' right to vote in their college communities and places Ohio in immediate risk of court challenges on constitutional grounds.

Already too few of our citizens exercise their right to vote. Rather than discouraging students from participating in the process by implementing a constitutionally questionable attack on voting rights, our elected officials should protect and promote civic participation among young people. Research shows that one of the strongest predictors of whether a young person will vote in a particular election is whether they voted in the previous election.<sup>9</sup> Voting becomes a habit. As a result, colleges and universities can play a vital role in helping students become active and engaged citizens. We urge you to eliminate from H.B. 59 financial penalties aimed at Ohio institutions of higher learning that commit to this important work.

Sincerely,

Citizens Alliance for Secure Elections - Ohio, Common Cause Ohio, Fair Elections Legal Network, Innovation Ohio Education Fund, League of Women Voters of Ohio, Miami Valley Voter Protection Coalition, Northeast Ohio Voter Advocates, Ohio AFL-CIO, Ohio Student Association, Ohio Unity Coalition, Ohio Voice, and Ohio Voter Fund.

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<sup>7</sup> 20 USC § 1094(a)(23).

<sup>8</sup> *Symm v. United States*, 439 U.S. 1105 (1979). *United States v. Texas*, 445 F.Supp. 1245 (S.D. Tex. 1978)

<sup>9</sup> RICHARD J. COLEY, EDUCATIONAL TESTING SERVICE, *FAULT LINES IN OUR DEMOCRACY: CIVIC KNOWLEDGE, VOTING BEHAVIOR, AND CIVIC ENGAGEMENT IN THE UNITED STATES* 18 (2012).