

# State of Wisconsin \ Government Accountability Board

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## MEMORANDUM

**DATE:** May 23, 2012

**TO:** Interested Parties

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Wisconsin Government Accountability Board

**SUBJECT:** Student Proof of Residence -- Certified Housing Lists & Enrollment Verification Forms

### Summary

The Government Accountability Board has received a number of inquiries regarding student housing lists that may be used as proof of residence for voter registration when accompanied by a student photo identification card. Specifically, questions have been raised as to the requirement that, to be used for proof of residence, a student housing list must certify that individual students are U.S. citizens, as well as the form that such certification must take.

This memorandum documents that, if provided by a university or college, a housing list must indicate that all students listed are U.S. citizens. The educational institution is responsible for complying with federal privacy statutes. If no certification regarding citizenship is included, the housing list may not be used to accompany a student ID to establish residency. However, any document issued by a public university, college, or technical college which contains the student's name and current address may be presented by a student and used as proof of residence, even without being accompanied by a student ID card.

### Certified Housing Lists and Citizenship Certification

Wis. Stat. section 6.34(3) lists a number of identifying documents that may be used to establish proof of residence for an elector registering during the late registration period, at the polling place, or as a hospitalized elector. One of the allowable identifying documents is a university, college, or technical college identification card containing a photograph of the cardholder if the institution issuing the card provides "a certified and current list of students who reside in housing sponsored by the university, college, or technical college and who are U.S. citizens to the municipal clerk prior to the election showing the current address of the students..." Wis. Stat. §6.34(3)(a)7.b. Another allowable form of proof of residence for these voters is a "document issued by a unit of government." Wis. Stat. §6.34(3)(a)11.

A federal law, the Family Educational and Privacy Rights Act (FERPA), restricts the disclosure of student citizenship status by most educational institutions. Universities and colleges covered by FERPA may disclose whether a student is a U.S. citizen only with the student's prior written consent. Only students who provide valid written consent may be included on the certified

housing list provided to the municipal clerk. A blanket statement that all students on a housing list are U.S. citizens cannot be used without the written consent of each student on the list.

Complying with FERPA is the responsibility of the educational institution, and clerks should rely on a student housing list as proof of residence if it includes the citizenship certification by the educational institution. Given the time and effort required to obtain individual written consent from students, however, some universities and colleges may decline to continue providing certified housing lists. If a housing list is provided, the certification regarding citizenship may be included on the list or in separate correspondence, but the certification must accompany the list at the polling place.

If no certification is included with the housing list, then that list may not be used as proof of residence for purposes of voter registration and should not be forwarded by the municipal clerk to the polling place. Clerks receiving a housing list that lacks the required certification regarding citizenship should notify the university or college that it will not be used at the polling place.

#### Other Documents from Public Institutions

College students may also use one of the alternative forms of proof of residence listed in Wis. Stat. §6.34(3)(a). One of the allowable proof of residence forms for students in the University of Wisconsin System or Wisconsin Technical College System (WTCS) is a document issued by the institution, containing the student's name and address, because those schools are considered to be a unit of government pursuant to Wis. Stat. §6.34(3)(a)11. Schools in the UW System or WTCS may issue a variety of documents to students that include the student's name and current address, which may be used as proof of residence for students registering during the late registration period or on Election Day. However, that document must be presented by the student when registering. Students at public universities and colleges may not simply rely on the institution providing to the clerk a housing list which does not contain the citizenship certification.

The Board has specifically approved documents submitted by universities and colleges as a form of proof of residence. The attached sample Enrollment Verification form is an example of a document that must be accepted as proof of residence even when it is not accompanied by a student identification card. It is a document issued by the institution as a unit of government. The fact that a student may self-report and change the address information on the document and print it out from a school website does not change the conclusion that the document is one issued by a unit of government that is an acceptable form of proof of residence.

The UW System has implemented several safeguards to discourage and prevent students from falsifying an address into the database which generates the Enrollment Verification form. The address for student living in campus housing is automatically uploaded into the enrollment verification and University mailings are sent to that address. Students may change their address in the database but falsifying an address may subject the student to penalties under the University's administrative code as well as voter fraud statutes.

Individuals with questions regarding the information contained in this document may contact Elections Specialist Nadya Perez-Reyes at 608-267-0714 or [nadya.perezreyes@wisconsin.gov](mailto:nadya.perezreyes@wisconsin.gov). Media inquiries should be directed to Reid Magney at 608-267-7887 or [reid.magney@wisconsin.gov](mailto:reid.magney@wisconsin.gov).