

TESTIMONY OF MARVIN KRISLOV, PRESIDENT OF OBERLIN COLLEGE
U.S. House of Representatives, Committee on House Administration
Hearing on: "Ensuring the Rights of College Students to Vote."
1310 Longworth House Office Building
Thursday, September 25, 2008

Thank you, Mr. Chairman, and good afternoon. My name is Marvin Krislov. I am the president of Oberlin College in Oberlin, Ohio. I assumed that position in the summer of 2007. Prior to Oberlin, I had served the University of Michigan as vice president and general counsel since 1998. I also teach in the politics department at Oberlin and have taught courses dealing with election law and policy.

I appreciate the opportunity to offer my perspective on student voting issues and to speak about the efforts led by students at Oberlin College and other Ohio institutions of higher education that have helped enfranchise students throughout our state.

The most significant, recent development came on February 22 of this year when, at the urging of students from Oberlin and other Ohio colleges, the office of Ohio Secretary of State Jennifer Brunner issued a memorandum ruling that colleges and universities can issue utility bills to their students thus enabling them to fulfill the state's proof of voter residency requirements. These bills require no payment since they reflect services such as telephone, Internet access, and electricity already provided to students through their tuition and fee payments. Oberlin now issues such bills to our students.

That ruling was the result of a two-year struggle by student and statewide organizations to make it easier for Ohio's college students to exercise their right to vote. The progress we are making on student voting issues is due to the hard work, intelligence and persistence of student leaders at Oberlin and other schools. I am proud of their determination to be engaged citizens and to defend their voting rights.

While we have made progress, much work remains. As you know, Ohio has been a "battleground state" in many presidential elections. In recent elections, such as 2000, 2004, and 2006, there were significant complaints that many Ohioans, primarily poor people, African-Americans, and college students, encountered obstacles when they tried to vote. Countless news articles have reported that Ohio precincts with a high percentage of students or people of color were often provided with an insufficient number of voting machines. Prior to the 2004 election, some election officials let it be known they would vigorously challenge out-of-state students who chose to vote in Ohio by requiring a photo identification card bearing a current voting address. In 2004, such identification was not legally required in Ohio.

The problems caused by these actions are well-documented. In the 2004 elections there were lengthy lines and delays at polling places in precincts with a high percentage of students and/or African American residents. Some students, faculty and staff at Kenyon College in Gambier, Ohio, waited in line for up to 12 hours to vote. In Oberlin, some

students, faculty and staff and Oberlin citizens not affiliated with the college waited up to five hours to cast their ballot.

In 2006, Ohio voting law was changed. All Ohioans are now required to produce at their polling place a current and valid photo ID, such as an Ohio driver's license, which does not need to show a current address; or a state ID or a government ID; or a military identification that shows the voter's name and current address. If they do not have a photo ID, a citizen can still vote by producing a copy of a current utility bill, bank statement, government check or paycheck, or other government document that shows the voter's name and current address, including from a public college or university.

While it is established law that students have the right to vote in communities where they live and attend college, practical obstacles to student voting still exist. While the majority of Oberlin students have a driver's license, these are often issued by the state where their parents reside. Most of our students live in residence halls or co-ops and receive mail at the Oberlin College Mail Room. Their Oberlin-issued student IDs do not have home addresses because the students frequently move each year from one residence hall to another, or to an off-campus address. Those factors apply to most students at Ohio's colleges and universities.

Fortunately, Ohio's college students actively worked to address voter ID issues, and to register to vote. Oberlin students, assisted by our Office of Communications, have worked and continue to work with our local authority, the Lorain County Board of Elections, as well as with the Office of Secretary of State, to overcome obstacles to voting. The utility bills we issue students are accompanied by a letter explaining how to vote in Ohio if the student so chooses.

I hope that colleges and universities and state government officials across the country adopt this policy. The first experience young people have with democracy should not be frustrating. Studies show education is the most important socioeconomic factor in voter turnout, meaning the more educated a person is the more likely he or she is to vote, and that men and women who begin voting as youths continue to vote throughout their lives.

I also hope Oberlin's example can help lead to greater cooperation between colleges and communities and states that will further our national goal of a vibrant democracy.

Ensuring student voting not only upholds their constitutional rights, but strengthens our democracy by promoting broader participation from the next generation. Those efforts further our American values and deserve support from college and universities, as well as all levels of government.

Thank you.

PREPARED STATEMENT

Thank you, Mr. Chairman, and good afternoon. My name is Marvin Krislov. I am the president of Oberlin College in Oberlin, Ohio. I assumed that position in the summer of 2007. Prior to Oberlin, I had served the University of Michigan as vice president and general counsel since 1998. I also teach in the politics department at Oberlin and have taught courses dealing with election law and policy.

I appreciate the opportunity to offer my perspective on student voting issues and to speak about the efforts led by students at Oberlin College and other Ohio institutions of higher education that have helped enfranchise students throughout the state.

At the urging of students from Oberlin and other Ohio colleges, the office of Ohio Secretary of State Jennifer Brunner issued a memorandum on February 22, 2008, ruling that colleges and universities can issue utility bills to their students that enable them to fulfill the state's proof of voter residency requirements. These bills require no payment since they reflect services such as telephone, Internet access, and electricity already provided through students through their tuition and fee payments. Oberlin now issues such utility bills to its students.

That decision was the result of a two-year struggle by student and statewide organizations to make it easier for Ohio's college students to exercise their right to vote. The progress on student voting issues in Ohio would not have happened without the hard work, intelligence and persistence of student leaders at Oberlin and other colleges and universities. At Oberlin, our efforts have been spearheaded since 2004, by an informal student voter coalition comprised of the Oberlin College Democrats, the Oberlin College Republicans, the Oberlin College chapter of the American Civil Liberties Union, the Ohio Public Interest Research Group, the Roosevelt Institution at Oberlin College, and representatives from the Student Union and the college administration.

This group has driven this process which has made registering to vote and voting easier for all Ohioans. I am proud of their determination to be engaged, active citizens. Regardless of which party they support, their participation in the voting process strengthens our democracy.

My interest in voting rights is long standing. For many years, I have taught a course in the law of elections, first at the University of Michigan, and now at Oberlin College. In that class, I stress that holding free and fair elections is an issue that transcends party affiliations. Free and fair elections are the basis of our democracy, and registering to vote and voting are fundamental rights of American citizens. The health of our democracy depends on active, informed voters. Given the many difficult issues facing our country and our planet, such as climate change, health care, education, security and economic dislocations, we need as much participation from the electorate in order to find solutions.

Since becoming the 14th president in Oberlin's storied, 175-year history, I have strongly urged our students, faculty and fellow Ohioans to vote. To help inform my students, I

have invited speakers including the Ohio State Democratic and Republican Party chairs, and Brad Smith, former chair of the Federal Election Commission. In keeping with Oberlin's tradition of promoting debate and discussion, the college invites speakers representing a variety of political viewpoints to campus. For example, Newt Gingrich, the former Speaker of the House and an ardent Republican, addressed our campus and community last night. Adrian Fenty, the mayor of Washington D.C., a Democrat, and a 1992 Oberlin graduate will address our community Saturday evening.

PROBLEMS WITH COLLEGE STUDENT VOTING IN RECENT OHIO ELECTIONS

Even before I became Oberlin's president in 2007, I was aware of Ohio's significance as a "battleground state" in presidential elections. I was also aware that there had been significant complaints that in the 2000, 2004, and 2006 elections, many Ohioans, primarily poor people, African-Americans, and college students, had encountered many obstacles when they tried to exercise their right to vote. As has been reported by many news organizations and individuals, including Eve Sandberg, an Oberlin professor of politics who testified on March 7, 2007, before the House Judiciary committee on "Protecting the Right to Vote: Election Deception and Irregularities in Recent Federal Elections," Ohio precincts with a high percentage of students or people of color were often provided with an insufficient number of voting machines. Voters were also misinformed about the identification requirements. Election officials let it be known that they would vigorously challenge out-of-state students who chose to vote in Ohio by requiring a photo identification card bearing a current voting address. In 2004, such identification was not legally required in Ohio.

The confusion over Ohio's voting requirements, its use of voting machines, and its problems with voting machine technology and performance are well-documented. In the 2004 election there were lengthy lines and delays at polling places in precincts with a high percentage of students and/or African American residents. Some students, faculty and staff at Kenyon College in Gambier, Ohio, waited in line for up to 12 hours to vote. In Oberlin, some students, faculty, staff and Oberlin citizens not affiliated with the college waited up to five hours to cast their ballot. Across the state, some citizens grew frustrated waiting and left without voting. Those that eventually reached the polling booths were often forced to cast provisional ballots because of residency issues.

In 2006, Ohio voting law was changed to require a photo ID. Currently, in order to vote, all Ohioans are required to produce at their polling place a current and valid photo ID, such as an Ohio driver's license (which does not need to show a current address), a state ID or a government ID; or a military identification that shows the voter's name and current address; or a copy of a current utility bill (including a cell phone bill), bank statement, government check or paycheck or other government document that shows the voter's name and current address, including from a public college or university. If a voter cannot show any identification, they can still vote by provisional ballot if they can provide the last four digits of their Social Security number when they vote. If they don't have a Social Security number and they swear to that fact, they can still vote by provisional ballot.

The state enacted these requirements shortly before the 2006 elections. That timing caused considerable confusion among voters. According to Professor Sandberg, even the non-partisan League of Women Voters of Ohio had difficulty getting the rules from the Secretary of State's office as they tried to write and publish the voting guides they traditionally produce before Federal and state elections.

The 2006 law remains in force. While the statute states that students have the right to vote in communities where they live and attend college, practical obstacles to student voting still exist. According to data from the non-partisan Student Association for Voter Empowerment, 19 percent of the 44 million voters aged 18-29 report that they do not currently possess a government-issued ID. While the majority of Oberlin students have a driver's license, these are often issued by the state where their parents reside. The great majority of our students live in residence halls or co-ops and receive mail at the Oberlin College Mail Room. Their Oberlin-issued student IDs do not have home addresses because the students frequently move each year from one residence hall to another, or from a residence hall to an off-campus address, and vice-versa. Those factors apply to most students at Ohio's private and public colleges and universities.

STUDENT LEADERS PUSH FOR UTILITY BILL RULING

Fortunately, Ohio's college students have actively worked to address voter ID issues, and to register to vote in Ohio. Oberlin students, assisted by the Office of Communications at Oberlin College, have worked and continue to work with our local authority, the Lorain County Board of Elections, as well as with the office of Ohio Secretary of State Brunner.

At the urging of students from Oberlin, Kenyon and other Ohio schools, Brian Shinn, assistant general counsel and elections counsel to Secretary of State Brunner issued a memorandum on February 22, 2008, ruling that colleges and universities can issue utility bills to their students that enable them to fulfill the state's voter residency requirements. The bills require no payment since they reflect services such as telephone, Internet access, and electricity that the students have already covered through their tuition and fee payments.

Oberlin College now issues utility bills to our students, accompanied by a letter explaining how to vote in Ohio if the student so chooses. I believe it is an important step forward in allowing college students to participate fully in the democratic process. I hope that colleges and universities and state government officials across the country would adopt this policy.

Some critics have assailed that decision, claiming it allows transient "outsiders" who did not grow up in a given community, do not pay local taxes, and may leave upon graduation, to affect the outcome of elections.

Those views contradict the Constitution and the facts. Voting in America is not restricted to taxpayers or property owners. Federal law guarantees college students the right to vote

where they go to school. Many students have jobs and pay state and local taxes on their earnings. All students pay taxes applied to goods and services, such as sales tax. And in our highly mobile society, millions of voters no longer reside where they grew up. Yet denying such people the right to vote, which is guaranteed even to the homeless, would be unthinkable.

More needs to be done. Beyond issuing utility bills or pursuing other initiative that make it easier for students to vote, state and local governments should make an effort to inform young people all about how to vote and why voting is important. Colleges and universities should do so as well. This can be done in non-partisan fashion.

WHY COLLEGE STUDENT VOTING MATTERS

I hope that colleges and universities and state government officials across the country adopt this policy of issuing utility bills to enable college students to register to vote. The first experience young people have with democracy should not be frustrating. Studies show education is the most important socioeconomic factor in voter turnout, meaning the more educated a person is the more likely he or she is to vote, and that men and women who begin voting as youths continue to vote throughout their lives. (Fowler, James H. "Habitual Voting and Behavioral Turnout," *Journal of Politics* 68 (2): 335–344 (May 2006).

“Convince a young citizen to vote, and he or she will read the newspaper differently, recognize the names of people on the ballot when they're mentioned on television or by a neighbor, and eventually become highly informed. Get them to the polls once, and they will likely vote again and again,” says Eric Plutzer, a professor of political science and sociology at Penn State University, and author of the article, “Becoming a Habitual Voter: Inertia, Resources and Growth in Young Adulthood,” which was published in 2002 in the *American Political Science Review*.

Alienating college voters could have long-lasting, negative consequences for our democracy by creating a mass of educated, informed people who do not vote, care, or believe in the process. That would be particularly devastating since studies show the more educated a person is, the more likely he or she is to vote. Until the 2004 presidential election, youth voter turnout, meaning those voters under the age of 30, had been in decline since 1972, the first election in which 18-year-olds could vote. That decline accounted in large measure for the broader decline in turnout across the general population.

In 2004, however, youth turnout rose significantly. That trend appears to be continuing. Compared to the 2000 presidential primary elections, the number of 18-to-29 year olds who voted in this year's primaries soared, doubling or tripling in some states. A report released on March 5, 2008, by The Center for Information & Research on Civic Learning & Engagement (CIRCLE) showed that 25 percent of people in Ohio between the ages of 18 and 29 voted in the recent primary elections, compared to 15 percent who voted in the state's 2000 primary. In the 2008 youth voting group, about 80 percent were college students or college graduates, according to CIRCLE.

OBERLIN'S ADDITIONAL MEASURES TO ENCOURAGE STUDENT VOTING

Colleges, communities and government need to do all they can to encourage and enable students to vote. In Oberlin, students have formed the non-partisan Oberlin Voter Coalition in which they are working with college and community officials to register voters. Oberlin College is also working with our local chapter of the League of Women Voters of Ohio on voter education for students, as well as newcomers to our community who are not affiliated with the college. The coalition is also arranging transportation for students and other voters to the Lorain County Board of Elections offices in East Lorain, Ohio, to take advantage of Ohio's option for voting early. To address problems that arose in previous elections, Oberlin College is also encouraging the Lorain County Board of Elections to have a sufficient supply of provisional ballots on hand in case they are needed and to have sufficient numbers of poll workers to expedite the voting process on Election Day.

We also encourage our students to take part in electoral politics. Through the Oberlin Initiatives in Electoral Politics' Cole Scholars Program, 10 to 15 students are placed as interns in political campaigns or an elections-related setting, where they work for eight weeks during the summer. This program is funded by Oberlin alums Richard and Dorothy Cole. Many students also work as volunteers during the academic year for candidates they support.

BRIEF HISTORY OF RIGHTS OF COLLEGE STUDENTS TO VOTE

Debates over voter residency requirements in general and student voting in particular are not unique to Oberlin or Ohio. Nor are they new. Professor Alexander Keyssar, the Matthew W. Stirling Professor of History and Social Policy at Harvard University wrote in his book, "The Right to Vote—The Contested History of Democracy in the United States," that as residency rules were codified in the late 18th and early 20th century, a time when women were barred from voting, establishing residency rules for students at colleges, seminaries and other institutions of higher education, proved difficult.

"In many states, there was substantial sentiment in favor of prohibiting students from gaining residence in the communities where they attended college: claiming that students were not truly members of the community, political leaders cited anecdotes of students being paraded to the polls to vote en masse, of unscrupulous politicians enlisting students to cast their ballots, and of students (who did not pay taxes) voting to impose tax increases on permanent residents. There was, however, a notable degree of resistance to such laws, grounded perhaps in a reluctance to keep respectable, middle-class, native born men from voting. 'I cannot see the propriety of.....discriminating against intelligent young men attending college,' insisted a Pennsylvanian in 1873. Many states did end up specifying that students could not gain legal residence by attending educational institutions, although the courts---and occasionally the legislatures as well---made exceptions for those who did not have other domiciles and could establish their intention to remain in the community where they were studying." (pp. 149, Keyssar, *The Right to Vote—The Contested History of Democracy in the United States*, Basic Books, New York, 2000).

Over the years, decisions in Federal and state courts have settled the issue of whether students have the right to vote where they go to school. Federal and state court rulings pertaining to students expanded the definition of residency to having the intention of remaining in a locale “for the time at least” from having the intention of remaining in a locale permanently or indefinitely. By the 1980s, the courts ruled that even the homeless could establish residency for voting purposes.

The arguments Professor Keyssar cites against allowing college students to vote in the 19th century sound remarkably similar to the arguments put forth today against allowing college students to vote where they go to school. The challenges confronting American society and the world, however, such as climate change, health care and poverty have changed dramatically. Finding solutions to those issues is beyond the capacity of any one state or nation. It will require the broadest possible consensus which must include our youth.

MORE COLLEGES AND UNIVERSITIES SUPPORT STUDENT VOTING

That is not just my view. Oberlin College is a member of Campus Compact, a rapidly growing organization with a membership of more than 1,100 colleges and universities, representing more than a quarter of all higher education institutions. Membership has grown by an average of 70 campuses per year over the past five years, a trend that reflects both an increased commitment to the civic purposes of higher education and greater awareness of the value of our work.

Campus Compact has launched an initiative to register more students, to get them to be more informed and involved, and to get them to the polls to vote. A statement by Campus Compact summarizes what I believe is the position of many leaders of institutions of higher education: “As the next generation of leaders and citizens, young people are a powerful force in today's political scene. Democracy is a two way street: today's youth has the responsibility to educate themselves and participate in our democracy; and also has the right to be heard and respected by elected officials and candidates.”

I hope the example of Oberlin College can help lead to greater cooperation between colleges and communities and states that will further our national goal of a vibrant democracy and inspire the next generation to engage in civic life.

As President Lyndon Baines Johnson said in his address on March 15, 1965, urging a joint session of Congress to pass new voting rights legislation. “Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right.”

Ensuring student voting not only upholds their constitutional rights, but strengthens our democracy by promoting broader participation from the next generation. Those efforts further our American values and deserve support from college and universities, as well as all levels of government.

Thank you.