



The Negative Impacts of Voter ID on Students

- 1. All students in Nebraska have the right to vote at their campus address.** The Nebraska Supreme Court ruled a long time ago that students in Nebraska may choose to vote either at their campus address or their permanent address.¹
- 2. Almost 5,000 out-of-state freshmen comes to Nebraska every year, LR1CA would require these students to pay to vote in Nebraska.** Requiring a photo ID, like the voter ID law proposed in 2015 (LB 111), requires out of state students to trade in their valid, out of state license or ID card and pay \$26.50 to obtain a Nebraska license in order to receive a ballot on Election Day.²
- 3. Students from out state Nebraska would also be required to pay to vote at their campus address.** Past voter ID proposals included a requirement the ID address match the voter registration (LB 111, 2015).³ A Nebraska citizen student attending a Nebraska institution away from home who chooses to exercise their right to register to vote at their school address would have to pay to update their valid license just to be able to cast a ballot where they are legally registered. Furthermore, they would have to update their license every time they move when would otherwise be allowed to keep their license at their parent's address.
- 4. Out-of-State students and students from Nebraska may not be ineligible for a free state ID.** Past proposals attempting to delineate free IDs for voting purposes have limited the free IDs to state identification cards and eligible recipients to indigent individuals. Nebraska students would not be able to simultaneously keep their driver's license and receive a free ID. Out of state students would need to relinquish their out-of-state driver's license before obtaining a free Nebraska state ID ⁴
- 5. Students are not currently required to update their license from their permanent home address.** Including an address matching requirement would require students to update their license just so they can vote. A current address requirement on a license would force students, who move frequently within the 5 year duration of a valid license, to continually update, paying \$26.50 on each occasion, just so they can vote. This amounts to a hindrance and impediment on students.⁵
- 6. Student ID is not a sufficient.** While most student ID cards issued by post-secondary institutions include a photo ID, they may not be considered "a government-issued photographic ID", a definition consistently seen in photo voter ID legislation.⁶

- 7. Making an exception for a student ID does not alleviate the burden.** Even if the bill were to be amended to include student IDs as one of the listed forms of acceptable IDs those student IDs issued in Nebraska do not include an address and thus would not meet the remaining requirements of the bill.

¹ The Nebraska Supreme Court held in *Berry v. Wilcox*, 44 Neb. 82, N.W. 249 (1895) that Nebraska Wesleyan students from other parts of the states, in Lincoln solely for their studies and returned to their parents residences over school breaks with intention to leave Lincoln upon the conclusion of their studies, were legally registered to vote in Lincoln. The Court rejected a stringent definition of residence and determined “a permanent abode, in the sense of the statute, means nothing more than a domicile, a home, which the party is at liberty to leave, as interest or whim may dictate, but without any present intention to change it”, finding that, while the intent was short-lived, there were many objective facts indicating their intent to permanently reside at their campus address.

² Individuals who come to Nebraska for educational purposes are not legally considered Nebraska citizens until they have worked full-time for 2 years. However, under Nebraska case law and federal law, students are allowed to vote at their school address if they so choose. Under Nebraska law, based on statutory language of §60-488, a full-time student may drive in Nebraska so long as they have a driver’s license from their home state and will continue to have immunity as a non-resident (and thus the 60 day replacement requirement that only applies to those with Nebraska licenses does not apply to them).

³ Under Section 5 of LB 111, in proposed language to 32-914(2)(c), the voter is required to present to the poll worker a government-issued photo ID which shows the same name and residence address of the voter that is on the precinct list of registered voters. A student who has a license with their parent’s address would be unable to vote at their campus address unless they spent another \$26 to replace their already valid driver’s license.

⁴ Nebraska law forbids individuals from simultaneously holding a Nebraska driver’s license AND a Nebraska state ID. Therefore students originally from Nebraska, attending school in Nebraska away from their parents’ address, would not be able to obtain a free state ID without being forced to surrender their valid Nebraska driver’s license. Furthermore, individuals who move from out-of-state and apply for either a state ID or a state driver’s license must surrender their out-of-state ID cards before receiving a Nebraska driver’s license or state ID – so out-of-state students would either be forced to surrender the right to drive or pay \$26 to vote.

⁵ According to the Department of Motor Vehicles individuals attending school in Nebraska on a full-time basis and whose vehicles are currently registered in their home state do not have to register their vehicle in Nebraska. <http://www.dmv.nebraska.gov/dvr/mvreg/nonresidnt.html#students> . It should also be noted that out of state students are not considered residents upon moving to Nebraska. Students with a permanent address elsewhere in Nebraska may consider that their legal residence (DMV defines legal residence as the establishment of a permanent home, where the individual is habitually present and where, when they depart, there is intent to return) and thus may not be required to replace their Nebraska driver’s license within 60 days pursuant to Nebraska laws.

⁶ The last photo voter ID proposal, LB 111 (2015) Student IDs do not fall under the first two definitions in Section 1 of the bill– it is neither a (1) Nebraska driver’s license or state ID nor is it (2) a document issued by the United States. While it is a document issued by a government entity (where the college is a public university), it would still need to include a photo (at the discretion of the university) and be approved by the Secretary of State pursuant to (3) of Section 1. However, even if it meets the requirements and is approved by the Secretary of State is would still be insufficient under an address matching proposal as it does not include the individuals address. For example, UNL’s N-Card includes only the name, student ID and issued date. The application does not even require the student provide their campus or school address.