ADVISORY 2019-10
December 4, 2019

To: All County Boards of Elections
        Directors, Deputy Directors, and Board Members

Re: Post-Secondary Student Voting Requirements

SUMMARY

This Advisory clarifies both voter registration requirements for post-secondary students and the validity of a university-issued utility bill as voter identification. When a student registers to vote from a school address, the address must be the student's actual residence, rather than a mailing or fictitious address. Further, a person cannot list a post office box ("P.O. Box"), such as a student union mailing address, as their residential address for voting purposes. If a student has registered with an address that is not a residential address, the county board of elections should advise the student to update their address.

BACKGROUND

A. Residency Requirement

A post-secondary student who is eligible to vote in Ohio may register to vote in several ways. The law requires a voter to be a resident of the precinct in which they offer to vote.[1] If a student intends to return to their hometown, it may be appropriate for the student to remain registered there and vote by absentee ballot. Alternatively, a student may register to vote with the school residence address where the student's habitation is fixed and to which, whenever the student is absent, the student has the intention of returning. Once registered, this location becomes the student's voting residence for purposes of determining the precinct in which the elector may vote.[2] Following registration, any previous voting residence is invalidated, and the student may not vote in another precinct.[3]

A student must register to vote with an *actual* residence address, whether on or off-campus. It has come to our attention that some colleges in Ohio provide students with a P.O. Box as their postal address because the campus mail center is in the student union building. Unless a student resides in that building, neither the P.O. Box nor the street address of the student union is the student's actual residence address. As explained in Chapter 3 of the Election Official Manual, a

---

[1] R.C. 3503.01(A).
[2] R.C. 3501.01(P) and 3503.02(A). *See also State ex re. May v. Jones,* 16 Ohio App.2d 140, 144 (1968).
[3] R.C. 3599.12. After graduating and moving, students should be advised to update their registration.

person cannot list a P.O. Box as a residence for voting purposes.[4] Fictitious addresses also cannot be accepted. Nonetheless, a student may provide the board of elections with an address other than the residence (such as a P.O. Box) for mailing purposes.[5]

B. Utility Bills as Voter ID

A student, like any Ohio voter, must furnish proof of identity prior to voting. One acceptable form of identification is a current utility bill.[6] A student may use a university-issued utility bill if it meets the requirements described in Directive 2008-80.

As stated in Directive 2008-80, a "utility bill" includes, but is not limited to, a bill for the service of water, sewer, electric, natural gas, heating oil, cable or satellite television, internet, or telephone. A "bill" is a statement of fees owed for such services. A utility bill is acceptable even if it shows a zero-balance due. The utility bill presented for identification must show that it was issued to the voter who has presented it. The voter's name and current address on the bill must conform to the voter's name and address in the record of the board of elections, including the poll list or signature poll book. The bill may be an original, a copy, or a printout of an electronically transmitted statement.

A compliant utility bill, whether issued by a university or otherwise, must be accepted as voter identification if it is current. According to Directive 2008-80, a utility bill is "current" if the document was issued on a date within one year immediately preceding the date of the election at which the voter seeks to vote, or has on it an expiration date which has not passed as of the date of the election.

<u>INSTRUCTIONS</u>

Boards of elections must allow post-secondary students to register to vote with a school residence address if they are otherwise eligible. However, consistent with R.C. 3503.02, boards of election must require that all students, like other Ohio voters, provide an actual residence address. If a board of elections finds that students are currently registered with only a school mailing address, those registrations must not be cancelled, but the board should advise students to update their registrations with residential addresses. Boards are encouraged to work with their local college or university administrators to communicate this information to students.

Precinct election officials should be informed that a university-issued utility bill may be accepted as voter identification if it meets the requirements of Directive 2008-80, as described in this Advisory.
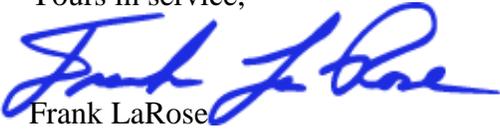
---

[4] *See Kyser v. Board of Elections of Cuyahoga County,* 36 Ohio St.2d 17 (1973). Particularly at a large university, students who live off-campus may reside in different precincts. Registering to vote with an actual residential address ensures the student is sent to the proper polling location and receives the proper ballot.

[5] Students who have been victims of domestic violence, stalking, human trafficking, rape, or sexual battery may be eligible to participate in an address confidentiality program known as Safe at Home. A voter registration form has been designed specifically for Safe at Home participants to keep residential addresses confidential. Please email mpoole@ohiosos.gov for additional information on the Safe at Home program.

[6] R.C. 3505.18.

If you have any questions concerning this Advisory, please contact the Secretary of State's elections attorneys at (614) 728-8789.

Yours in service,

Frank LaRose
Ohio Secretary of State