

**Before the United States Secretary of Education
and the Office of the Chief Privacy Officer**

**U.S. Department of Education
400 Maryland Avenue, SW.
Washington, DC 20202.**

In the matter of the complaint of Desi
Anderson v. post-secondary schools
disclosing student data to
NSC/NSLVE/ALL IN Campus
Democracy Challenge for purposes of
student voter registration drives and get-
out-the-vote campaigns

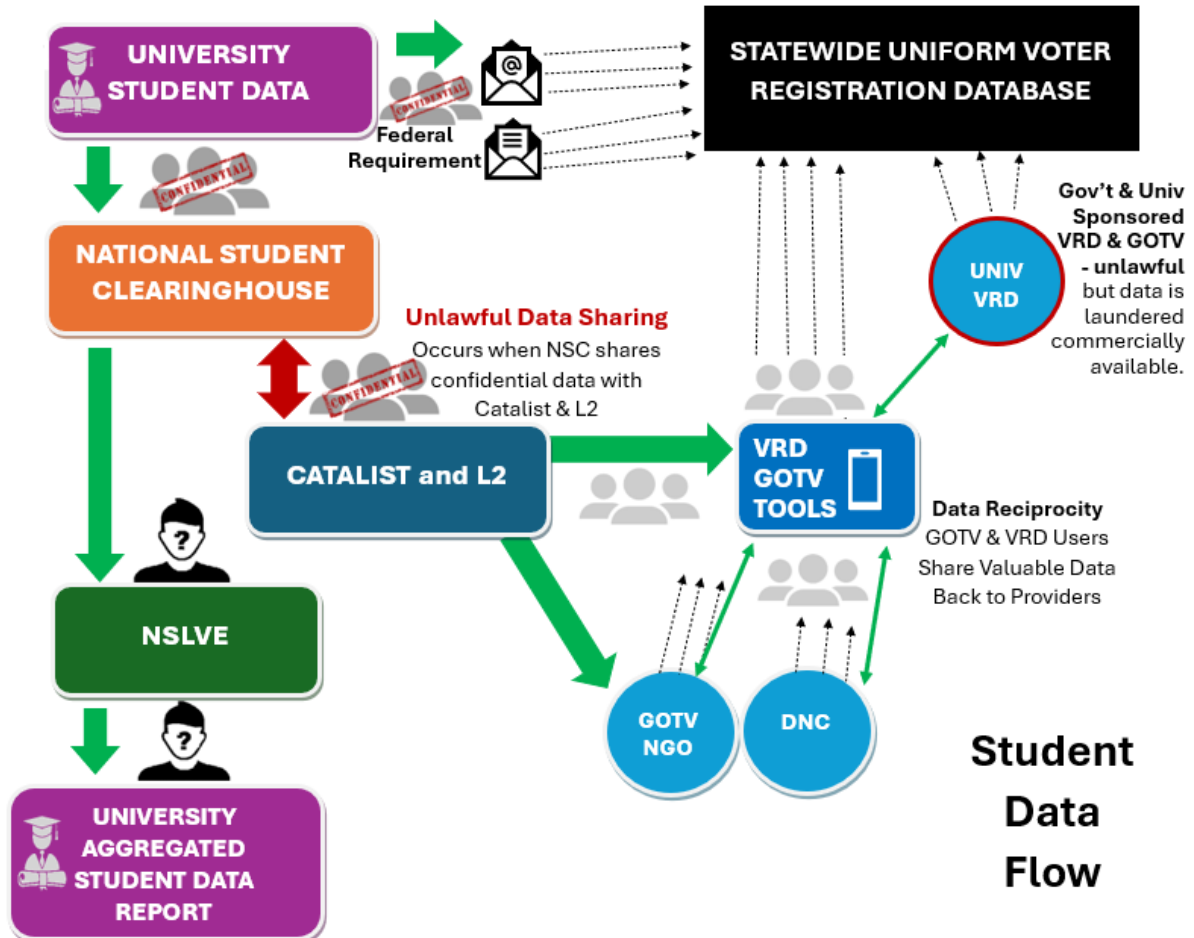
**Complaint--
Request for Investigation, Voluntary Compliance and Action**

Complainant Desi Anderson, through undersigned counsel, files this Family Educational Rights and Privacy Act (FERPA) complaint—request for investigation, voluntary compliance and action under 20 U.S.C. § 1232g. Students, non-students, elected officials and candidates are concerned about ALL IN public schools’ FERPA-violating student-only voter registration drives and get-out-the-vote campaigns. The Secretary of Education and the Office of the Chief Privacy Officer shall, under 20 U.S.C. § 1232g and 34 CFR Part 99, respectively, take action to stop the FERPA violations at post-secondary schools in multiple states participating in the ALL IN Campus Democracy Challenge (ALL IN). The focus here is on the following public post-secondary educational institutions in Illinois, Wisconsin, Michigan and Pennsylvania: Illinois State University (IL); Heartland Community College (IL); University of Wisconsin-Parkside (WI); Grand Valley State University (MI); and Pennsylvania State University (PA). Attached hereto are copies of each of these school’s NSC/NSLVE plans, incorporating FERPA-protected student data into plans to increase student voter registration and voting rates. Exs. A-E. Based on this evidence, the Secretary of Education and the Office of the Chief Privacy Officer (collectively, Department of Education) should investigate and demand voluntary FERPA compliance by stopping the sharing of FERPA-protected student data with third parties to develop plans to increase student voter registration and student voting rates. If the schools will not comply with FERPA, the Department of Education should take legal action.

- I. The public school’s FERPA violations are using FERPA-protected data to plan and implement student voter registration drives and student get-out-the-vote campaigns.**

Over several election cycles since 2016, about 1,000 colleges and universities nationwide have joined in the National Study of Learning, Voting, and Engagement (NSLVE), which compels institutions to hand over students' FERPA-protected data. This data is then passed through the National Student Clearinghouse (NSC) and shared with third-party voter processing companies. Without student consent, these companies match student information with voter databases, returning reports and lists of voters and non-voters to participating schools.

The FERPA violation occurs when referenced schools use their students' FERPA-protected data to make and implement student voter registration drives (VRD) and student get-out-the-vote campaigns (GOTV). University student data is sent by the referenced schools to the National Student Clearinghouse (NSC) for services provided. Civic Nation advocates for universities and colleges, such as UW Parkside, to authorize Tufts University's National Study of Learning, Voting and Engagement (NSLVE) and NSC to share private, FERPA protected student data with L2 or Catalist, voter data aggregators, to do the "matching" with the publicly-available voter registration and voter history data.



After the data is matched by the vendor (L2/Catalist), the student records are returned to NSC with the registration and voter history data appended to the records. The records are de-identified and sent to NSLVE for aggregation and reporting to the participating universities and colleges. Catalist and L2 are private third-party commercial vendors that

sell data to campaigns, political parties and nonprofit entities that conduct targeted voter registration drives and get-out-the-vote campaigns. Using government resources to conduct student-targeted voter registration drives and get-out-the-vote campaigns on state university campuses provides an advantage to one political party.

II. The Department of Education is statutorily obligated to take action to stop FERPA violations.

The Department of Education is legally required to take action when there are FERPA violations. First, there are Family Educational Rights and Privacy Act (FERPA) violations. These violations are occurring at a national, 1000-university and college level, associated with NSC's, NSLVE's and ALL IN's student-targeted voter registration drives and get-out-the-vote campaigns. The FERPA statute is found at 20 U.S.C. § 1232g. The FERPA regulations are found at 34 CFR Part 99. The Secretary of the Education has a legal duty to take action against federal-fund-receiving post-secondary schools who have violated or are violating FERPA. FERPA, 20 U.S. Code § 1232g, requires Secretary of Education to enforce FERPA:

(b)(7): (f)ENFORCEMENT; TERMINATION OF ASSISTANCE

The Secretary shall take appropriate actions to enforce this section and to deal with violations of this section, in accordance with this chapter, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with this section, and he has determined that compliance cannot be secured by voluntary means.

(g)OFFICE AND REVIEW BOARD; CREATION; FUNCTIONS

The Secretary shall establish or designate an office and review board within the Department for the purpose of investigating, processing, reviewing, and adjudicating violations of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

This complaint for enforcement is filed under 1232g(b)(7)(f). Similarly, under 34 CFR Part 99.66, the Office of Chief Privacy Officer is required to investigate FERPA complaints and take action to enjoin FERPA violations.

III. Verity Vote's excellent, publicly-available report, relying on publicly-available documents, details the purported FERPA violations by post-secondary schools for partisan advantage.

Heather Honey of Verity Vote has published an excellent, publicly-available report, relying on publicly-available documents, to detail the purported FERPA violations for partisan advantage: <https://verityvote.us/student-data-sharing-for-partisan-advantage/>. This report has survived much scrutiny. It essentially serves as a stand-alone

supplement to this FERPA complaint. Based on the Verity Vote report, the Department of Education must take “action” under 20 U.S. Code § 1232g(b)(7) to stop the FERPA violations associated with NSC’s, NSLVE’s and ALL IN’s student-targeted voter registration drives and student-targeted get-out-the-vote campaigns.

IV. Wisconsin administrative litigation reveals strategy of ALL IN public school to minimize its student-only VRD and GOTV.

Wisconsin administrative litigation in 2024 reveals strategy of ALL IN public school, UW-Parkside, in response to criticism, to minimize its student-only VRD and GOTV. In Wisconsin administrative litigation, UW-Parkside stipulated in the Prehearing Conference Report and Scheduling Order (Mar. 11, 2024), at page 3, that UW-Parkside is committed to a “student only” GOTV and VRD in 2024 as it did in the past:

UW-Parkside intends to engage in Get Out the Vote (GOTV) activities and Voter Registration Drive (VRD) activities in the 2024 election.

UW-Parkside’s 2022 Democratic Engagement Action Plan was developed by University of Wisconsin-Parkside in Kenosha, Wisconsin for the 2022 election. P. James Trans. 7:5 – 8:5, Ex. 5. S.J. OPP. APP. 1486, 1508–14. The purpose of the action plan was to increase student voter registrations and turnout in the 2022 midterm election. *Id.*, 9:5-15, Ex. 5. S.J. OPP. APP. 1487, 1508–14. The goals for University of Wisconsin-Parkside for the 2022 election are to “Increase the number of students who register and vote in the 2022 Midterm Election by 15% over the previous midterms.” *Id.*, Ex. 5, at 1. S.J. OPP. APP. 1508. UW-Parkside’s leadership team includes the following UW-Parkside officials: Peggy James, Dean, College of Social Sciences and Professional Studies; Debra Karp, Director of Community and Business Engagement; Steve Wallner, Dean of Students; Chancellor Deborah Ford. *Id.* UW-Parkside is working with the following nonprofit partners to reach its student voting rate goals. American Democracy Project, Andrew Goodman Foundation, Ask Every Student, Campus Compact as well as local organizations such as LIT (Leaders Igniting Transformation) and Voces de la Frontera. *Id.* The plan had the following summary of UW-Parkside voting data:

Our institution had a 2020 campus voting rate of 58%.
Our institution had a 2020 voter registration rate of 68.1%.
Our institution had a 2018 voter turnout rate of 45.1%.
Our institution had a 2018 voter registration rate of 65.3%.
Our institution has been recognized by ALL IN with the following seals: 2016 Bronze, 2018 Platinum, 2020 Bronze. NSLVE reports that UWP student voting on campus increased significantly in the 2020 presidential election, rising to 58% in 2020 from a rate of 53% in 2016. Of the students on campus, 68% registered to vote, and 85% of these students voted, resulting in a voting rate of nearly 20 percentage points above the national average. Midterm voting increased by 18% in 2018

from 2014. In 2020, election participation rates of African American and Hispanic students at UWP increased by 7% and 6% respectively. With this increase, we have begun to close the equity gap in voting that exists between non-white and white populations.

Id. Ex. 5, at 3. S.J. OPP. APP. 1510.

After UW-Parkside stipulated to the 2024 engagement in GOTV and VRD, the administrative decision inaccurately narrowed the facts to UW-Parkside sharing WEC's website address "myvote.wi.org" with UW-Parkside students. The crux of the Wisconsin administrative decision is that WEC creates, implements, and administers the statewide voter registration list, so fellow state agency UW-Parkside can't possibly violate 52 U.S.C. § 21083(a)(1)(A) by merely sharing the State's website address "myvote.wi.gov":

UW-Parkside's motion assert that there "is no allegation that Parkside created Wisconsin's computerized voter registration list." *Respondent's Memorandum in Support of Its Motion for Summary Judgment* at 7. Moreover, UW-Parkside submitted an affidavit attached to its pleadings which asserts that its activities consist of privately funded student-ambassadors working from a booth and providing any student that stops by the booth with the State's website "myvote.wi.gov" so that the student can look themselves up to determine whether or not they are registered to vote. (Second Affidavit of Debra Karp). Notably, the student-ambassadors do not register students to vote. *Id.* And UW-Parkside asserts that it does not maintain a voter registration database. (Affidavit of Debra Karp)

The Plaintiff did not dispute the above-referenced facts. Instead, the Plaintiff asserts that the sharing of the website information equates with UW-Parkside being "involved in registration." And the Plaintiff suggests that these facts are sufficient to prove that UW-Parkside has violated 52 U.S.C. § 21083(a)(1)(A). Logically, this argument means that the act of telling another person that they can visit "myvote.wi.gov" to determine their own registration status is (in the Plaintiff's opinion) the act of creating the State's voter registration list. But, 52 U.S.C. § 21083(a)(1)(A) is focused on the creation of the voter registration list by the State's chief election official, which a privately funded student ambassador clearly is not. Nevertheless, I find that the act of sharing a website address so a person can verify whether they are registered to vote is plainly not implicated by the language of the statute because that does not constitute the implementation of a voter registration list. Therefore, under the undisputed material facts, the Plaintiff's claim cannot prevail against UW-Parkside's motion—as a matter of law.

Dec. at 2-3.

But, public election data is used, directly or indirectly by NSLVE, to produce the UW-Parkside reports of student voter registration rates and voting rates—such as the 2017,

2019 and 2021 reports. James Trans. 31:16-33:19, Exs. 9-11, S.J. OPP. APP. 1492, 1527–43. UW-Parkside uses the NSLVE reports in their planning process to increase student voting rates. *Id.*

UW-Parkside's Director of Institutional Research John Standard, in a deposition, confirmed the relationship between the Wisconsin Elections Commission, UW-Parkside and NSLVE causing changes in the statewide voter registration system and list:

BY MR. KAARDAL:

Q. Well, okay, let's ask this question then. Let's get right down to the basics then. So how does a student at the University of Wisconsin-Parkside registering as a voter affect University of Wisconsin-Parkside's NSLVE report on student voter registration rates?

A. Presumably, if a student registers and the data are matched properly, then the rate would increase by a small percentage for each student that registered.

Q. So the University of Wisconsin-Parkside plan is to encourage students at the University of Wisconsin-Parkside to register to vote which then is reflected in NSLVE's student voter registration rates; is that correct?

A. Yes.

Q. Okay. So with respect to the University of Wisconsin-Parkside plan there is also a component to increasing students' voting. So when the University of Wisconsin-Parkside accounts as its goal of getting a student to vote, is that then reflected as an increase in the National Study of Learning, Voting, and Engagement's report of student voting rates?

A. In the following report, yes, if it was properly matched, then it would increase the percentage by a small amount for each student.

Q. So in your statement here it says:
UW-Parkside does not maintain a voter registration database. But you would agree that the UW-Parkside's plan that you are aware of is to affect the voter registration database by having University of Wisconsin-Parkside students register to vote?

* * *

Q. The University of Wisconsin-Parkside has a plan to increase student voter registration. When they affect a University of Wisconsin-Parkside student to register to vote, that's affected the statewide voter registration database?

A. I would say if a student or any person registers to vote, then, yes, it would increase the -- change the number of students, people, citizens, residents that are registered to vote in the database.

J. Standard Trans. 21:22-23:25, S.J. OPP. APP. 1602.

The documents for Illinois State University (IL), Heartland Community College (IL), University of Wisconsin-Parkside (WI), Grand Valley State University (MI), and Pennsylvania State University (PA) show the same pattern. Accordingly, the Department of Education should investigate to bring the schools back into legal compliance.

V. FERPA violations are associated with NSLVE and NSC as confirmed by U.S Senator Mike Lee.

"College students' personal data should not be handed over to partisan organizations under the guise of civic engagement," said U.S. Senator Mike Lee. "These practices violate federal privacy laws, and my bill [Student Voter Data Protection Act] will close the loopholes that allow institutions to disregard the consent of their students." Senator Lee's press release supporting a FERPA amendment can be found at:

https://www.legistorm.com/stormfeed/view_rss/2422384/member/2816/title/lee-targets-privacy-loophole-with-student-voter-data-protection-act.html. Senator Lee's FERPA amendment bill would make FERPA even more abundantly clear that student data cannot be shared for public schools' voter registration drives and get-out-the-vote campaigns.

Senator Lee's bill and this request for Department of Education action follow concerns that the NSLVE initiative has been used to create a voter profile of students, often without their knowledge or consent, to fuel politically motivated campaigns. By the Department of Education immediately enforcing FERPA protections against the NSC/NSLVE/ALL IN program, FERPA's purpose of seeking to preserve the integrity of student privacy is accomplished. Meanwhile, Senator Lee's bill can be enacted to ensure additional, future compliance and provide for enhanced remedies.

VI. Administrative litigation in Wisconsin reveals that only 7 of the 13 university campuses and only 3 of the 19 technical colleges participate in NSC's, NSLVE's and ALL IN's program—all without state legislative approval.

Administrative claims were pursued in a Wisconsin administrative proceeding where the administrative law judge allowed discovery, including many depositions of Wisconsin officials. Although the complainant lost before the administrative law judge on the only claims before him—HAVA—the discovery was helpful in showing:

- a divide in Wisconsin—only 7 of the 13 university campuses and only 3 of the 19 technical colleges participate in ALL IN Campus Democracy Challenge
- officials at the University of Wisconsin System seemed unaware that ALL IN was at less than 1/3 of the university campuses and technical colleges.
- state legislators in Wisconsin opined that the ALL IN Campus Democracy Challenge should be enacted by the state legislature under the Elections Clause before being implemented at any Wisconsin university campus or technical college.

The information obtained in the Wisconsin administrative litigation discovery is available: <https://www.dropbox.com/scl/fo/110f7hoyf1gltrdyycdf7/AOo3g8TlM5AOeClvZnRA2rs?rlkey=hpzt6tszn2dfjcn15d6ri5fyd&st=snksdqkl&dl=0>.

VII. The public schools' student-targeted VRD and GOTV are legally unauthorized under the Elections Clause because they have not been approved by the state legislature.

The Elections Clause appoints state legislatures with particular constitutional authority to enact laws regulating federal elections. U.S. Const., Art. IV, c. 1. The public schools' VRD and GOTV, did not go through the law-making processes authorized by the Elections Clause. For example, in Wisconsin, the Civic Nation All in Campus Democracy Challenge and all 10 participating universities and technical colleges did not go through the state legislature law-making process. (Affidavit of State Senator André Jacque ¶ 26, *id.*, 335); (Affidavit of Rep. Dave Murphy ¶ 26, *id.*, 1480). So, the result of not going through the constitutionally-required law making process is that all 10 Wisconsin public schools' plans, VRD and GOTV, are legally unauthorized under the Elections Clause. (Affidavit of State Senator André Jacque ¶ 27, *id.*, 335); App. 2875 (Affidavit of Rep. Dave Murphy ¶ 27, *id.*, 1481).

Quinn L. Williams, who is an attorney in the Office of General Counsel, University of Wisconsin, stated that he was not aware of any Board of Regents or University of Wisconsin System policies adopting plans to increase student voter registration rates or voting rates.

Q. Are you familiar with any University of Wisconsin System including -- and Board of Regents policies regarding increasing University of Wisconsin student voter registration rates or voter rates?

A. I am not.

Q. Are you aware of any Board of Regents or University of Wisconsin System requirements that University of Wisconsin campuses adopt plans to increase voter registration rates and voting rates?

A. I am not.

Q. Williams Trans. 9:6-9:16, S.J. OPP. APP. 1612.

UW-Parkside's Peggy James, one of the co-authors of UW-Parkside's 2022 plan, stated no approvals were obtained:

Q. Okay. So what was the approval process for this document?

A. Well, essentially, this was simply our document that Debra and I developed and sent to -- I believe this was the action plan that we sent to the All in Challenge. So there was no approval of -- if you are asking -- of like a chancellor, no.

Q. Was it approved by the University of Wisconsin System?

A. No.

Q. Was it approved by the Board of Regents?

A. No.

Q. Was it required by state law?

A. No.

Q. Was it required by federal law?

A. No.

P. James. Trans. 11:8-23, *id.*, 1487.

VIII. The post-secondary schools' student-targeted GOTV and VRD, is, in fact, implicated under the Help America Vote Act (HAVA), 52 U.S.C. § 21083(a)(1)(A) because such schools are an agency of the "State"; Congress created no loopholes for state agencies to circumvent HAVA's uniform and non-discriminatory requirements for government-sponsored GOTV and VRD.

To avoid a HAVA violation, the premise of the post-secondary institutions' statutory interpretation of HAVA is that a public university, community college or technical college is

not the “State” or part of the “State” referred to in 52 U.S.C. § 21083(a)(1)(A)(i). To the contrary, the complainants interpret “State” in 52 U.S.C. § 21083(a)(1)(A)(i) to include all state agencies such as the referenced public schools. Congress in 52 USC § 21083(a), in relevant part, prohibited the “State” from implementing its statewide voter registration system in a non-uniform and discriminatory manner:

Thus, each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner...

The definition of the phrase “state agency” is:

state agency: an administrative division (as of a government) the *agency* for consumer protection

See <https://www.merriam-webster.com/> (last visited on Mar. 19, 2025). In turn, the public school as the “State” or part of the “State” is subject to 52 USC § 21083(a)(1)(A)(i) requiring a post-secondary educational institution’s GOTV and VRD to be uniform and nondiscriminatory. As such, the public schools as state agencies, could not engage in student-only GOTV and VRD because such discrimination against non-students is prohibited by 52 USC § 21083(a)(1)(A)(i). Congress did not intend a loophole for public schools’ GOTV and VRD to circumvent HAVA’s uniform and nondiscriminatory requirements.

The “list” under 52 U.S.C. § 21083(a)(1)(A)(i) is the “system” for storing and managing the official list of registered voters throughout the State which is defined, maintained and administered at the State level. To avoid HAVA violations, the post-secondary institutions argue that the word “list” under 52 U.S.C. § 21083(a)(1)(A) is not synonymous with “system.” But, the statutory text supports that “list” is synonymous with “system”:

- (i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State...

52 U.S.C. § 21083(a)(1)(A)(i). Thus, the post-secondary institutions’ argument is based on a too narrow interpretation of the word “list” contradicting 52 U.S.C. § 21083(a)(1)(A)(i) which makes the word “list” synonymous with “system.”

The “uniform and nondiscriminatory manner” HAVA requirement applies to public-school-sponsored GOTV and VRD because they are connected to the statewide voter registration system and list too. In other words, HAVA non-discriminatory requirement applies to the public schools’ GOTV and VRD because it affects the statewide voter registration system and list. There is no agreement that any GOTV and VRD engaged in by state election officials must meet the “uniform and nondiscriminatory manner”

requirements. However, the public schools argue that they may engage in non-uniform and discriminatory GOTV and VRD even though state election officials are prohibited from doing so. But, if one state agency is prohibited from GOTV and VRD, then all state agencies, including the public schools, are similarly prohibited.

52 U.S.C. § 21083(a)(1)(A), including the word “implement” includes a continuing obligation on the State, and its state agencies, including public schools, to be uniform and nondiscriminatory in GOTV and VRD. The word “implement” in 52 U.S.C. § 21083(a)(1)(A) includes a continuing obligation on the State, and its state agencies, including public schools, to be uniform and nondiscriminatory in GOTV and VRD. The relevant dictionary definition of “implement” is provided below:

Implement: “carry out; accomplish; to give practical effect to and ensure actual fulfillment by concrete measures”

See <https://www.merriam-webster.com/> (last visited on Jun. 3, 2024). Implement, according to the dictionary definition means “carry out; accomplish; to give practical effect to and ensure actual fulfillment by concrete measures”—here as to the State’s ongoing statewide voter registration system and list. Thus, public schools, as part of the State, are required to carry out or accomplish its GOTV and VRD in a uniform and non-discriminatory manner.

Since the public schools’ GOTV and VRD are targeted to students only, the “uniform and nondiscriminatory manner” requirement of HAVA, 52 U.S.C. § 21083(a)(1)(A) is violated.]The public schools’ GOTV and VRD, targeting university students only, is non-uniform and discriminatory—violating HAVA, 52 U.S.C. § 21083(a)(1)(A). 52 U.S.C. § 21083(a)(1)(A) prohibits government-sponsored GOTV and VRD targeted at particular demographic groups, such as post-secondary students, because it is non-uniform and discriminatory.

IX. Students, non-students, elected officials and candidates support stopping ALL IN public schools’ FERPA-violating student-only voter registration drives and student-only get-out-the-vote campaigns.

Students, non-students and candidates are concerned about ALL IN public schools’ FERPA-violating student-only voter registration drives and get-out-the-vote campaigns.

Two Illinois students provided the following statements in support of this complaint

1. "I was shocked to learn that my personal student data was shared without my explicit consent for voter engagement efforts. As a student, I trusted my university to protect my enrollment information, not to hand it over to third-party organizations like the National Student Clearinghouse (NSC) and the National Study of Learning, Voting, and Engagement (NSLVE). I never agreed to have my

information used to track my voting habits or to be part of a targeted Get Out the Vote (GOTV) initiative run by nonprofits like ALL IN Campus Democracy Challenge.

I was never informed that my student records would be cross-referenced with voter files to measure and influence voter turnout. The fact that my data was used to shape election strategies without my knowledge or permission is deeply concerning. Regardless of political affiliation, every student should have the right to decide how their personal information is used, especially when it comes to something as personal as voting. Transparency and consent should be the foundation of any voter engagement effort, and universities should be held accountable for sharing student data without clear and informed permission." - Braiden Gonzalez, current student at ISU (worked for Desi for State Rep. campaign)

2. "I am upset to know that my personal student data was shared without my explicit consent as part of a voter engagement initiative. As a student, I provided my information to my university for academic purposes, not for political advocacy. However, without my knowledge, my enrollment records were shared through the National Student Clearinghouse and used by the National Study of Learning, Voting, and Engagement (NSLVE) to track my voting behavior. This information was then used by organizations like the ALL IN Campus Democracy Challenge to push voter participation efforts at my school.

I was never directly asked for permission to have my data used in this way, nor was I made fully aware that my enrollment status could be linked to my voting record. While I support civic engagement, I believe students should have a clear choice about how their personal information is used—especially when it is shared with third-party nonprofits for election-related efforts. The lack of transparency and consent in this process is deeply concerning, and I urge universities to prioritize student privacy over political initiatives." Ross Vancil, current student at ISU (worked for Desi for State Rep. campaign)

Desi Anderson, Illinois legislative candidate and complainant, provided the following statement in support of the complaint:

"Our colleges and universities exist to educate and prepare the nation's best and brightest students for their chosen careers—not to serve as tools for influencing local and state elections or as perpetual political battlegrounds. Unfortunately, even the most well-intentioned civic engagement initiatives on these campuses have been exploited by partisan nonprofits/non-governmental organizations working alongside political operatives to access and misuse students' private data. Programs, like the ALL IN Campus Democracy Challenge, the National Study of Learning, Voting, and Engagement (NSLVE), and the National Student Clearinghouse facilitate the

collection and analysis of student enrollment and voting data, without students' explicit consent. This data is then leveraged to shape electoral outcomes, raising serious concerns about privacy, transparency, and the integrity of our democratic process." - Desi Anderson, State Rep Candidate

In Wisconsin, non-students and students at UW campuses and technical colleges which do not participate in the Civic Nation Campus All In Democracy Challenge VRD and GOTV claim discrimination because they do not receive the benefit of Civic Nation Campus All In Democracy Challenge VRD and GOTV. Even though UW-Parkside conducts "student only" VRD and "student only" GOTV, only 10 of the 29 University of Wisconsin campuses and technical colleges do so. (UW-LaCrosse; UW-Madison; UW-Milwaukee UW-Oshkosh; UW-Parkside; UW-Stevens Point; UW-Superior; Madison College; Milwaukee Area; and Western). Students at the 19 non-participating University of Wisconsin campuses and technical colleges claim discrimination because they are not included in Wisconsin university/technical college VRD and GOTV. (Affidavits of Kevin K. Hutchinson (Gateway Technical College), S.J. OPP. APP. 307–19, Madeline Nelson (UW-River Falls), *id.*, 320–23, and Tatiana Bobrowicz (UW-Eau Claire), *id.*, 324–28); (Affidavit of Levi Ott (UW-Green Bay), *id.*, 358–61).

Non-students from UW-Parkside area claim discrimination because they are not included in Wisconsin university/technical college VRD and GOTV. (Affidavits of Jessica Adams, *id.*, 100–11, Matthew Augustine, *id.*, 112–23, Amanda Clark, *id.*, 124–35, Felix Garcia, *id.*, 136–147, Chuck Gundlach, *id.*, 148–59, Megan Gundlach, *id.*, 160–171, Merlin Hamburg, *id.*, 172–83, Angela Kretchmeer, *id.*, 184–95, Mary Magdelene Moser, *id.*, 196–207, Pamela Mundling, *id.*, 208–19, Martin Prujansky, *id.*, 220–31, Dean Romano, *id.*, 232–43, Anjanette Sorenson, *id.*, 244–46, Tim Stocker, *id.*, 247–58, Brian Thomas, *id.*, 259–270, Lance Wallen, *id.*, 271–282, Tamara Weber, *id.*, 283–94, and Kathryn Woods, *id.*, 295–306).

Moreover, UW-Parkside, as one of the ten participating state universities and technical colleges, discriminates against students at the 19 non-participating University of Wisconsin and technical college campuses. (Hutchinson Aff. ¶¶ 13-19. *id.*, 309–10); App. 380 (Nelson Aff. ¶¶ 8-11, *id.*, 322); (Bobrowicz Aff. ¶¶ 8-11, *id.*, 326). Students at the 19 universities and colleges which do not engage in Civic Nation All In Campus Democracy Challenge are discriminated against. *Id. See also*, (Affidavit of State Senator André Jacque ¶ 28, S.J. OPP. APP. 335); App. 2875 (Affidavit of Rep. Dave Murphy ¶ 28, *id.*, 1482).

The students at the 10 participating schools are beneficiaries of the schools' VRD and GOTV: UW-LaCrosse; UW-Madison; UW-Milwaukee, UW-Oshkosh, UW-Parkside, UW-Stevens Point, UW-Superior; Madison College; Milwaukee Area; and Western. (Affidavit of State Senator André Jacque ¶ 29, *id.*, 335–36); (Affidavit of Rep. Dave Murphy ¶ 29, *id.*, 1481–82).

The students at the 19 non-participating schools are not similarly benefitted because their schools are not participating: UW-Eau Claire; UW-Green Bay; UW-Platteville; UW-

River Falls; UW-Stout; UW-Whitewater; Blackhawk; Chippewa Valley Technical College; Fox Valley; Gateway; Lakeshore; Mid-State; Moraine Park; Nicolet College; Northcentral; Northeast; Northwood Tech; Southwest; and Waukesha County. (Affidavit of State Senator André Jacque ¶ 30, *id.*, 336); (Affidavit of Rep. Dave Murphy ¶ 30, *id.*, 1482).

The statewide result for state university and technical college students, because only 10 of the 29 state schools are participating, is non-uniform and discriminatory under HAVA. App. 394 (Affidavit of State Senator André Jacque ¶ 31); App. 2875 (Affidavit of Rep. Dave Murphy ¶ 31).

Additionally, the 10 participating schools which associated with Civic Nation All In Campus Democracy Challenge, to engage in VRD and GOTV focus exclusively on students, not non-students. (Affidavit of State Senator André Jacque ¶ 32, *id.*, 336); (Affidavit of Rep. Dave Murphy ¶ 32, *id.*, 1482).

The participating schools' "student only" VRD and GOTV, including those at UW-Parkside, are discriminatory against non-students. (Affidavit of State Senator André Jacque ¶ 32, *id.*, 336); (Affidavit of Rep. Dave Murphy ¶ 32, *id.*, 1482)

Eighteen non-students from UW-Parkside area claim discrimination because they are not included in Wisconsin university/technical college VRD and GOTV. (Jessica Adams Aff. ¶¶ 10-12, *id.*, 102); (Matthew Augustine Aff. ¶¶ 10-12, *id.*, 114); (Amanda Clark Aff. ¶¶ 10-12, *id.*, 126); (Felix Garcia Aff. ¶¶ 10-12, *id.*, 138); (Chuck Gundlach Aff. ¶¶ 10-12, *id.*, 150); (Megan Gundlach Aff. ¶¶ 10-12, *id.*, 162); (Merlin Hamburg Aff. ¶¶ 10-12, *id.*, 174); (Angela Kretchmeer Aff. ¶¶ 10-12, *id.*, 186); (Mary Magdelene Moser Aff. ¶¶ 10-12, *id.*, 198); (Pamela Mundling Aff. ¶¶ 10-12, *id.*, 210); (Martin Prujansky Aff. ¶¶ 10-12, *id.*, 222); (Dean Romano Aff. ¶¶ 10-12, *id.*, 234); (Anjanette Sorenson Aff. ¶¶ 10-12, *id.*, 246); (Tim Stocker Aff. ¶¶ 10-12, *id.*, 249); (Brian Thomas Aff. ¶¶ 10-12, *id.*, 261); (Lance Wallen Aff. ¶¶ 10-12, *id.*, 273); (Tamara Weber Aff. ¶¶ 10-12, *id.*, 285); (Kathryn Woods Aff. ¶¶ 10-12, *id.*, 297).

Finally, non-profits are woven into the public schools' student data, VRD and GOTV. University student data is sent to the National Student Clearinghouse (NSC) for services provided. Civic Nation advocates for universities and colleges to authorize Tufts University's National Study of Learning, Voting and Engagement (NSLVE) and NSC to share private, FERPA-protected student data with L2 and Catalist to do the "matching" with the publicly-available voter registration and voter history data. After the data is matched by the vendor (L2/Catalist), the student records are returned to NSC with the registration and voter history data appended to the records. The records are de-identified and sent to NSLVE for aggregation and reporting to the participating universities and colleges. Catalist and L2 are private third-party commercial vendors that sell data to campaigns, political parties and nonprofit entities that conduct targeted voter registration drives and get out the vote activities. Using government resources to conduct student-targeted voter registration drives and get out the vote campaigns activities on state university campuses provides an advantage to one political party.

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Electronically signed by Erick G. Kaardal

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