
Student Voter Data Protection Act

In 2011, the Department of Education commissioned a report entitled “A Crucible Moment: College Learning and Democracy’s Future.” The report included a call to increase civic participation among college students. In response to this call the National Study of Learning, Voting, and Engagement (NSLVE) to “study student voting and registration rates” was created.¹

NSLVE requires institutions to sign over students FERPA-protected data through the National Student Clearinghouse (NSC) so the data can be sent to a voter processing company in order to see how many students are voting. This presents a problem since FERPA requires universities to obtain consent from students before sharing personally identifiable data unless the disclosure exists to:

- (A) Develop, validate, or administer predictive tests;
- (B) Administer student aid programs; or
- (C) Improve instruction.²

Lacking an obvious statutory exemption, participating institutions claim that NSLVE falls under improving instruction and subsequently began sharing data absent student consent. To make matters worse, one of the third-party voter data companies in charge of conducting NSLVE is Catalist, an openly partisan George Soros-funded progressive group. To conduct the study, Catalist takes the data from schools, matches it with their voter database, and returns it to the school with lists of voters and non-voters within the student body.

Because college students vote overwhelmingly Democrat, NSLVE provides the perfect list of potential Democrat voters. Schools will then partner with leftist organizations like Civic Nation, an offshoot of the Obama Foundation, to sponsor get out the vote efforts to target these voters.³

This practice is a blatant violation of FERPA. College students’ personal data should be protected from left-wing operatives trying to circumvent privacy laws.

Bill Specifics

- Amends FERPA to explicitly prevent private student data being shared without consent for the purpose of voter registration drives.

¹ <https://www2.ed.gov/rschstat/research/pubs/college-learning-democracys-future/crucible-moment.pdf>

² <https://www.law.cornell.edu/cfr/text/34/99.31>

³ <https://civcnation.org/>