

Date of Hearing: June 15, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

ACA 7 (Gonzalez) – As Introduced February 11, 2016

**SUBJECT:** Voting age: school and community college district governing board elections.

**SUMMARY:** Permits 16- and 17-year-olds to vote in school and community college district governing board elections. Specifically, **this measure** proposes a constitutional amendment that would permit a United States citizen who is at least 16 years of age and a resident of California to vote in a school or community college district governing board election in which that person would be qualified to vote based on residence.

**EXISTING LAW:**

- 1) Permits a person who is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and is at least 18 years of age at the time of the next election to register to vote in any local, state, or federal election.
- 2) Allows a person who is at least 16 years old and otherwise meets all voter eligibility requirements to register to vote. Provides that the registration will be deemed effective as soon as the affiant is 18 years old at the time of the next election. Provides this option will be operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with specified provisions of federal law.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Purpose of the Measure:** According to the author:

ACA 7 would allow individuals age 16 years and older to vote in their local school board and community college district governing board elections.

Currently, 16- to 18-year-olds continue to increase their advocacy at local and statewide levels, but lack actual electoral power and have traditionally low engagement in politics. The 18-year-old voting age requirement does not allow many young people to cast votes until they are moved out of their family's home and out of high school – two environments where they are able to confer with parents and teachers about the civic importance of voting and the role of government on our lives. Furthermore, once able to vote at age 18, many face additional obstacles, such as moving frequently, which make beginning to vote at this age difficult.

Across the nation and worldwide, a movement has been growing to more fully engage young people in democracy and democratic processes. In 2014, the United Nations called for countries to increase their engagement efforts with young

people in democratic processes. Alaska, Arizona, New Mexico and Washington have all had proposals to lower the voting age, and local efforts in California have begun progressing as well. Two cities in Maryland – Takoma Park and Hyattsville – have actually had success in lowering the voting age by amending their city charters. In 2013, the turnout of newly enfranchised voters in Takoma Park was nearly double the turnout of voters over age 18.

Research suggests that not only do 16- and 17-year-olds have the maturity to make these informed political decisions, but that a lower voting age could lead to instilled voting habits in these young adults and greater civic engagement throughout their lives. Some academic research even suggests that a lower voting age may lead to an increase in parental voter turnout as 16- and 17-year-olds bring home discussions of civic engagement and their opportunity to participate.

In particular in this discussion, it is important to highlight the clear nexus of enfranchisement and local educational boards. Young adults must rely on their parents to vote for the best choices in board members, while others may have parents that are unable to vote due to citizenship status or other reasons. This leaves these students whom society has deemed can drive, work, and pay taxes without a means to have meaningful representation in decisions— like the formation of Local Control and Accountability Plans (LCAPs) — which impact their daily lives in school. While students may engage in protests, show up to meetings, or even form youth committees, to engage in the process, none of these actions allow them to exert the accountability over educational boards that a vote does. The lack of meaningful representation of these students and in many cases even their parents may mean that these local educational decisions are neglecting a significant part of the community. Being able to vote in local educational board elections would give these young adults a true voice, and force local educational boards to be accountable to their true constituencies.

- 2) **Age of Majority:** This measure breaks with traditional notions of the age of majority and the responsibilities and privileges attached thereto. For the most part, California law does not allow minors to enter into civil contracts, including marriage, or to be held to the same standards of accountability in criminal matters, absent extenuating circumstances.

With a few limited exceptions (most notably the legal drinking age and, as of earlier this month, the legal smoking age), California confers the legal rights and responsibilities attendant with adulthood on those individuals who are 18 years of age or older. The committee should consider whether it is appropriate to confer one specific legal right—the right to vote—on certain individuals who have not yet reached the age of majority.

- 3) **Limited Voting Rights:** While this measure would establish a framework under which 16- and 17-year olds could be allowed to vote in elections for public office, those 16- and 17-year olds would have only limited voting rights. Voters under the age of 18 would be able to vote for school board and community college district board members, but would not be able to vote on other offices or measures that appear on the ballot.

Under existing state law, eligibility to participate in public elections generally is governed by a single set of qualifications: namely, that a person must be a United States citizen, at least 18 years of age, a resident of the jurisdiction, not mentally incompetent, and not imprisoned or on parole for the conviction of a felony. (The one notable exception is for elections in landowner voter districts, where only landowners in the district are eligible to vote in elections conducted by the district. The United States Supreme Court has found that landowner voter districts can be constitutionally permissible only where a district does not "exercise what might be thought of as 'normal governmental' authority, but its actions disproportionately affect landowners." *Salyer Land Co. v. Tulare Water District* (1973) 410 US 719.) Having different qualifications for voting on different offices or measures, instead of a uniform set of voting qualifications, is a significant departure from existing policy in California.

- 4) **Election Administration Complications:** By allowing 16- and 17-year olds to vote in certain elections, but not in others, this measure could complicate the administration of elections. For example, in school districts that consolidate their governing board elections with statewide elections, this measure presumably would require the creation of a separate ballot that contains school district governing board races, but not the other races and measures that appear on the ballot at the same consolidated election. Poll workers would need to be trained and new procedures would need to be developed to ensure that each voter received the correct ballot.
- 5) **San Francisco Charter Amendment:** Last month, the San Francisco County Board of Supervisors voted to place a charter amendment on the ballot at this November's statewide general election that would authorize 16- and 17-year-olds to vote in municipal elections. The charter amendment—if approved by voters—would allow 16- and 17-year-olds to vote in elections for the offices of Assessor-Recorder, City Attorney, District Attorney, Mayor, Public Defender, Sheriff, Treasurer, and members of the Board of Supervisors, Board of Education, and Governing Board of the Community College District, as well as any local measures that appear on the ballot. The charter amendment would not permit 16- or 17-year-olds to vote for federal or state office, or to vote on state ballot measures.

Article II, Section 2 of the California Constitution provides, "A United States citizen 18 years of age and resident in this State may vote." Because this provision of the Constitution describes voter qualifications, it is unclear whether the San Francisco charter amendment may extend the right to vote in local elections to 16- and 17-year-olds absent an amendment to the Constitution.

- 6) **Amendment Requested:** The California School Boards Association (CSBA), which has a position of "support if amended" on this measure, urges an amendment that would expand the scope of this constitutional amendment to permit 16- and 17-year-olds to be granted voting rights for "all non-federal elected positions and ballot measures." In its letter to the committee outlining its position, CSBA writes:

ACA 7 presupposes that 16- and 17-year-olds are capable voters, but only allows them to vote in a limited capacity. This establishes two different classes of voters in California: one that has full voting rights, and one that does not. This raises

significant questions of fairness and equality not just to the voters themselves, but to the individual candidates that would be elected by those voters.

Under ACA 7, school and community college board members would be subject to a different electorate than every other elected official at every level of state and local government, creating the unfounded perception that school board members fall into a different, or even a "lower" class of government than does any other elected position. This undermines the role of governing board members statewide.

- 7) **Related Legislation:** AB 2517 (Thurmond), which is pending in this committee, allows a charter city to permit 16- and 17-year olds to vote in school district elections if those elections are governed by the city's charter. AB 2517 was heard in this committee on April 27, 2016, but was pulled by the author prior to a vote. AB 2517 is no longer eligible to be acted on by this committee or by the Assembly absent a suspension of the Joint Rules.

ACA 2 (Mullin), which is pending on the Inactive File on the Assembly Floor, allows a person who is 17 years of age, and who will be 18 years old at the time of the next general election, to vote in any intervening primary or special election that occurs before the next general election.

- 8) **Previous Legislation:** ACA 7 (Mullin) of 2013, ACA 2 (Furutani) of 2009, ACA 17 (Mullin) of 2005, and ACA 25 (Mullin) of 2004, all were similar to ACA 2 of the current legislative session (as described above). All of these measures were approved by the Assembly Elections & Redistricting Committee (or, in the case of ACA 25 of 2004, the Assembly Elections, Redistricting, and Constitutional Amendments Committee), but none of the measures passed off the Assembly Floor.

SCA 19 (Vasconcellos) of 2004, initially proposed to lower the voting age to 14 years, with votes by 14- and 15-year olds counting as one-quarter of a vote, and votes by 16- and 17-year olds counting as one-half of a vote. SCA 19 subsequently was amended instead to lower the voting age to 16, with all votes counting equally as a single vote. SCA 19 failed passage in the Senate Appropriations Committee.

ACA 23 (Speier) of 1995, proposed lowering the voting age to 14, but was never set for a hearing in the Assembly Elections, Reapportionment, and Constitutional Amendments Committee.

- 9) **Approval by Voters:** As a constitutional amendment, this measure requires the approval of the voters to take effect. Legislation making statutory changes necessary to implement this measure would also be required.

Existing law requires measures submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. The statutory deadline to place a measure on the ballot for the November 8, 2016, statewide election is June 30, 2016. If this measure is chaptered after June 30, 2016, it would appear on the ballot at the 2018 statewide primary election, or at any

statewide special election that is held prior to that date, but at least 131 days after this measure is chaptered.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alliance for Boys and Men of Color  
Alliance San Diego  
AYPAL  
Brothers, Sons, Selves Coalition  
California Equity Leaders Network  
California Immigrant Policy Center  
California School Boards Association (if amended)  
California Walks  
Californians for Justice  
Center for Community Action & Environmental Justice  
Children's Defense Fund – California  
Fathers and Families of San Joaquin  
Fresno Interdenominational Refugee Ministries  
The Greenlining Institute  
InnerCity Struggle  
Khmer Girls in Action  
Movement Strategy Center  
Policy Link  
Service Employees International Union, California State Council  
Social Justice Learning Institute  
Southeast Asia Resource Action Center  
Urban Habitat

**Opposition**

None on file.

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