

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

ACA 4 (Mullin) – As Introduced January 18, 2019

**SUBJECT:** Elections: voting age.

**SUMMARY:** Allows a 17 year old who will be 18 by the time of the next general election to vote at any primary or special election that occurs before that general election. Specifically, **this bill** permits a United States (US) citizen who is 17 years of age, is a resident of the state, and who will be at least 18 years of age at the time of the next general election to vote in any intervening primary or special election that occurs before the next general election.

**EXISTING LAW:**

- 1) Requires an elector to be at least 18 years old in order to vote in any local, state, or federal election.
- 2) Permits a person who is a US 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.
- 3) Allows a person who is at least 16 years old and otherwise meets all voter eligibility requirements to preregister 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.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

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

Voter turnout for primary elections is consistently lower than observed voter turnout levels for general elections. According to the Secretary of State's office, 50.45% of eligible voters in California participated in the 2018 general election while only 28.43% of eligible voters participated in the 2018 primary election. Participation of eligible voters for the 2016 general and primary elections in California were slightly higher at 58.74% and 34.49% respectively, yet turnout statistics for presidential election years are consistently higher.

Amongst various age demographics of eligible voters, the young adult population has a staggering minimal voter turnout rate in comparison to other age groups. According to research conducted by the California Civic Engagement Project, while the overall turnout for eligible voters was approximately 50%, the turnout for eligible youth voters was much less at 27.5% for the 2018 general election in California. The registration rate for youth voters during the 2018 general election was also much smaller with 61.6% of youth eligible voters registered and 78.9% of the entire population of eligible voters registered.

ACA 4 will allow individuals who are 17 years of age who will be 18 years of age by the general election to register to vote and to vote in primary and special elections that occur after the individual registers to vote. This measure will amplify the voices of young voters in California by allowing more first-time voters to take part in the full election cycle rather than just the general election. This important change will result in a more inclusive election process in California, ensuring that first-time voters have the opportunity to select candidates that will ultimately appear on the November ballot.

This would also create an opportunity to increase voter turnout among youth voters. Allowing 17-year-olds to register and participate in primary elections would complement the civic education many receive in high school. Research indicates that voting is habit-forming. Early involvement in the electoral process for first-time voters should be a high priority for this reason.

- 2) **Consistent with United States Constitution:** The Twenty Sixth Amendment to the US Constitution states, "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age." Additionally, Article II, Section 2 of the California Constitution states, "A United States citizen 18 years of age and resident in this State may vote." Because the US Constitution only addresses abridging the right to vote and this measure expands voting rights there appears to be no conflict with the federal constitution. In an opinion dated April 12, 2004, the Legislative Counsel opined that an amendment to the California Constitution to permit a person under the age of 18 to vote would not violate federal law.
- 3) **Other States:** Although it appears that no state allows people under the age of 18 to vote in federal general elections, according to information from the National Conference of State Legislatures, at least 17 states (Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Utah, Vermont, Virginia, and West Virginia) and the District of Columbia permit a 17-year-old to vote in a primary election if the voter will turn 18 by the time of the general election. In some other states, 17-year-olds are allowed to participate in presidential caucuses if they will be 18 by the date of the general election, though the eligibility requirements for participating in a presidential caucus generally is determined by the political party that is conducting the caucus.

At least two localities (Takoma Park and Hyattsville, Maryland) have allowed 16 and 17 year olds to vote in municipal elections. Takoma Park first permitted 16 and 17 year olds to vote in its elections held in 2013, and Hyattsville first allowed 16 and 17 year olds to vote in its 2015 elections. The city of Greenbelt, Maryland amended its charter in 2018 to allow 16 and 17 year olds to vote in municipal elections; the first election at which the lower voting age is in effect will be held later this year.

In 2016, voters in the City of Berkeley approved a charter amendment that permits the City Council to lower the voting age to 16 years old for school board elections, but that measure has not yet been implemented.

- 4) **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 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.

- 5) **Arguments in Support:** In support of this measure, the California Association of Student Councils (CASC) writes:

Over the past several years, students across the state have taken remarkable initiative to speak up for issues such as gun violence, climate justice, human trafficking and sexual harassment; these activists have primarily been in high school from the ages of 15-17. Students of this age realize the issues that need to be addressed and have resorted to exhausting all means of civic engagement that is currently available to them. It is essential for our democracy that we extend their rights to include the ability to vote in primary and special elections. This amendment would serve as a means to further channel the civic enthusiasm among 17 year olds into the habitual practice of voting. By allowing students who will turn 18 before the general election the chance to be involved in the preliminary stages, California would provide them with an incentive to follow through in the elections process rather than asking them to dive head first into the general election.

Young people whose birthdays fall between the primary elections and the general election are currently at a disadvantage to those who are permitted to vote in the primaries. Without full exposure to the election process they are unable to submit their most educated vote in the general election. Assembly Constitutional Amendment 4 would ensure that a greater number of citizens voting in the general election have the resources and experience they need to provide the vote that best matches their own values.

- 6) **Arguments in Opposition:** In opposition to this measure, the Election Integrity Project California, Inc., writes:

17-year-olds are legal minors. Under that definition, they are still considered children. They are almost all still living at home and under the strong influence of their parents. This is not conducive to independent thought and voting without undue pressure from their immediate superiors.

This situation is exacerbated by the fact that over 75% of CA voters are voting with a mail-in ballot and that same percentage would logically apply to 17-year-old, would-be voters. Therefore, these children would be marking their ballot in the home, quite probably under the direct “assistance” of the adults in their environment. They would not be guaranteed the freedom to vote independently and express their own conscience.

17-year-olds will almost always still be in high school, and under the strong influence of their teachers. This again makes it less likely that they would be expressing their own, independently thought-out choices were they to be allowed to vote.

- 7) **Related Legislation:** ACA 8 (Low), which is also being heard in this committee today, would lower the voting age from 18 years of age to 17 years of age.

ACA 6 (McCarty), which is also being heard in this committee today, would permit a person who is on parole for the conviction of a felony to register to vote and to vote.

- 8) **Previous Legislation:** ACA 2 (Mullin) of 2015; 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 this measure. 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.

ACA 10 (Low) of 2017, proposed lowering the voting age to 17. ACA 10 was approved by this committee on a 4-2 vote, but failed passage on the Assembly Floor.

ACA 7 (Gonzalez) of 2016, would have permitted 16 and 17 year olds to vote in school and community college district governing board elections, as specified. No vote was taken in this committee on this measure.

AB 2517 (Thurmond) of 2016, would have allowed 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, as specified. No vote was taken in this committee on this bill.

AB 30 (Price), Chapter 364, Statutes of 2009, allows a person who is 17 years of age to pre-register to vote, provided that the person would otherwise meet all eligibility requirements. SB 113 (Jackson), Chapter 619, Statutes of 2014, expands pre-registration by authorizing a 16 year old to pre-register to vote, provided that the person meets all other eligibility requirements.

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.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alliance for Boys and Men of Color  
California Association of Student Councils  
California School Boards Association  
California YMCA Youth & Government  
Ignite  
League of Women Voters of California  
Peninsula Young Democrats  
1 individual

**Opposition**

Election Integrity Project California, Inc.

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