

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Marc Berman, Chair
ACA 8 (Low and Voepel) – As Introduced February 11, 2019

SUBJECT: Elections: voter qualifications.

SUMMARY: Lowers the voting age from 18 years of age to 17 years of age.

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 United States (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:

Youth voters (ages 18-24 years old) in California have the lowest turnout rate of any age demographic. According to data from the USC Price School of Public Policy's California Civic Engagement Project, in November 2018 only 27.5% of California's eligible young adults voted. Due to low voter turnout, young adults are drastically underrepresented in our democracy.

Lowering the voting age will give a voice to young people and help instill a lifelong habit of voting. For most young adults, their first contact with the political process is in their high school government class during their senior year. Moreover, many 18-year-olds are in a time of transition—graduating from high school, going to college, or getting a job. At 17, young adults are still connected to their school, their home, and their community. They can learn about bond measures, judicial elections, city council, school boards, and special districts in the classroom and implement those lessons independently, at the ballot box.

By lowering the voting age from 18-years old to 17-years old, ACA 8 will encourage youth to become involved in matters that affect them personally and promote early civic engagement.

- 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, Generation Citizen writes:

Like many states, California suffers from low voter participation. Extending voting rights to 17-year-olds can spur a long-term increase in turnout, because voting is habitual, and research shows that age 17 is a better time than 18 to establish the habit. California has already taken important steps to encourage youth engagement, including allowing 16-year-olds to preregister to vote and establishing High School Voter Education Weeks. ACA 8 builds on these efforts

with a solution that has proven effective in the dozen countries that allow voting by citizens under age 18, and in the municipalities in the United States that have taken such a step.

Many young adults' first contact with the political process comes in a high school government class. But these classes risk falling short by teaching young people how government works without any ability to actually participate in it. ACA 8 ensures students can translate their civic knowledge into action. Many 18-year olds are in a time of intense transition, but at 17, young people can cast their crucial first votes at a time when they are still connected to their school, home, and community.

- 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 4 (Mullin), which is also being heard in this committee today, would allow 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.

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 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 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 ACA 4 of the current legislative session. 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 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 he or she 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 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

California League of Conservation Voters (sponsor)
APAPA-San Francisco
Asian Pacific Environmental Network
Cal State Student Association
California Association of Student Councils
California YMCA Youth & Government
California Youth Policy Alliance
City of Long Beach
College Democrats at the University of Southern California
Community Water Center
Courage Campaign
De Anza Associated Student Body Senate
Equality California
Generation Citizen
Heirs to Our Oceans
Honorable Anna G. Eshoo, Member of the United States Congress
Lafayette Youth Commission
League of Women Voters of California

Legal Services for Prisoners with Children
Long Beach Environmental Alliance
Long Beach Young Democrats
March for Our Lives California
Mid-City Community Advocacy Network
Monterey County Board Of Supervisors
National Youth Rights Association
NeverAgain SoCal
NextGen California
Peninsula Young Democrats
Placer County Youth Commission
Power California
Power Shift Network
Rock the Vote
San Diego County Young Democrats
San Fernando Valley Young Democrats
San Francisco Youth Commission
Sierra Club California
Silicon Valley Young Democrats
Student Senate for California Community Colleges
Sunrise Movement - Los Angeles
Sunrise Movement Bay Area
Sunrise Movement San Diego
Tulare County Young Democrats
VietRISE
Vote16SMC
Youth Leadership Institute
Youth vs. Apocalypse
8 individuals

Opposition

Election Integrity Project California, Inc.

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