

Date of Hearing: May 7, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Paul Fong, Chair
ACA 7 (Mullin) – As Introduced: February 13, 2013

SUBJECT: Elections: voting age.

SUMMARY: Allows a person who is 17 years old and who will be 18 years old at the time of the next general election to register and vote in that general election and in any intervening primary or special election that occurs after the person registers to vote.

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 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 17 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 (SOS) certifies that the state has a statewide voter registration database that complies with federal law.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) Purpose of the Constitutional Amendment: According to the author:

Young voters have the lowest turnout rate of any age demographic in California. For most young adults, their first contact with the political process is in high school through the mandated government class during their senior year or through volunteering on campaigns for community service credit. This is the time to give them ownership in the process by getting them to vote in primaries while they still have a connection to their school and community.

This amendment would bring California up to date with the 20 other states (Alaska, Connecticut, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oregon, Virginia, Vermont, and Washington) that permit any citizen who turns 18 by the date of the general election to vote in interceding primaries or caucuses.

- 2) Consistent with United States Constitution: The Twenty Sixth Amendment to the United States 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 U.S. Constitution only addresses abridging the right to vote and this bill 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: According to information provided by the author's office, the following states have enacted legislation or passed initiatives to allow 17 year olds to vote in primary elections: Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, North Carolina, Ohio, Vermont, and Virginia.

In addition, according to a 2010 report by the National Conference of State Legislatures, some states allow 17 year olds to register to vote before turning 18, but do not allow the person to vote until he or she turns 18 years old. According to the report, the following states allow pre-registration: Alaska, California, Hawaii, Kansas, Louisiana, Maryland, Minnesota, Nevada, Oregon, Rhode Island and Wyoming.

As mentioned above, existing law allows for the pre-registration of 17 year olds, however pre-registration will not go into effect until the SOS certifies that the state has a statewide voter registration that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C Section 15301 et seq.). Therefore, in practice an individual may register to vote if that person will be 18 years old by the time of the next election.

- 4) Arguments in Support: FairVote writes in support:

Allowing voters to participate in a primary connected to a general election in which they can vote is only common sense. Maryland's experience with 17-year-old primary voting is instructive. It has been the state's practice for several decades. In 2007, however, the State Board of Elections concluded it violated the state constitution. Just weeks before the presidential primaries in February 2008, both major parties passed new rules ensuring 17-year-old citizens continued to have the right to vote in their primary if 18 by November. When the state's highest court ultimately upheld that practice as constitutional, both major parties and a wide range of civic groups applauded the ruling.

Furthermore, by allowing young people to vote in primary elections at 17, California would make voting more accessible and give young people more opportunities to become registered, lifelong voters. The fact that the state already has a law that will soon allow 17-year-olds to pre-register to vote will make this cost-free to administer. 17-year-old primary voting does not require a new registration database system nor any new software, equipment, or personnel.

- 5) Previous Legislation: 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.

ACA 2 (Furutani) of 2009, was substantially similar to this measure. No vote was taken on the Assembly Floor and the measure died on the Inactive File.

ACA 17 (Mullin) of 2005 and ACA 25 (Mullin) of 2004, were both substantially similar to this measure. ACA 17 was approved by this committee and the Assembly Appropriations Committee, but no vote was taken on the Assembly Floor and the measure died on the

Inactive File. ACA 25 was approved by this committee and the Assembly Appropriations Committee, but failed passage on the Assembly Floor.

- 6) Related Legislation: SB 113 (Jackson) authorizes 15, 16, and 17 year olds to pre-register to vote and eliminates an existing provision of law that authorizes 17 year olds to pre-register to vote only after implementation of a statewide voter registration database. SB 113 is pending in the Senate Appropriations Committee.
- 7) Approval by Voters: As a constitutional amendment, this measure requires the approval of the voters to take effect. Legislation making the statutory changes necessary to implement this measure would also be required.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
FairVote
Gary Davis, Mayor, City of Elk Grove
League of Women Voters of California
One Individual

Opposition

None on file.

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094