

Proposition 18:
Primary Voting For 17-Year-Olds Amendment
Allows 17-Year-Olds to Vote in Primary Elections

Legislative Constitutional Amendment

By

Yevgeniy P. Pislar

*J.D., University of the Pacific, McGeorge School of Law, to be conferred December
2021*

B.A. Public Policy, William Jessup University, Rocklin, 2014

&

Rachel Puleo

*J.D., University of the Pacific, McGeorge School of Law, to be conferred December
2021*

B.A. Philosophy, University of California, Davis, 2018

I. EXECUTIVE SUMMARY

Proposition 18 is a constitutional amendment proposed by the California Assembly. This proposition would amend the California Constitution to allow 17-year-olds who are U.S. citizens, residents of California, and will be at least 18 years old at the time of the next general election, to vote in the primary or special election prior to the general election that they will be eligible to vote in.

There have been numerous attempts to lower the voting age in California. Since 1995, there have been five proposed constitutional amendments, four of which would have allowed the new voters to vote in all elections, not just college and school board elections. There have also been just as many proposals to allow exactly what Proposition 18 is proposing. Assembly Constitutional Amendment (“ACA”) 4, which became Proposition 18, was the sixth such attempt since 2004.

A **YES** vote on this measure allows eligible 17-year-olds who will be 18 years old by the time of the next general election to vote in the primary election and any special elections preceding the general election.

A **NO** vote on this measure retains the current rule for elections that no one younger than 18 years of age may vote in any election.

II. THE LAW

A. Existing Law

Current California law requires an elector to be at least 18 years old to vote in any local, state, or federal election.¹ Prior to voting, a person must register to vote.² A person may register to vote if they are a U.S. citizen, a resident of California, not in prison or on parole for the conviction of a felony, and will be at least 18 years old at the time of the next election.³ A person may also pre-register to vote if they are at least 16 years old and otherwise meet all voter eligibility requirements. For pre-registrants, the registration will be deemed effective when they are 18 years old at the time of the next election.⁴

B. Background

There have been significant attempts to provide minors with more access to California elections. Two primary methods have been used: lowering the voting age and allowing minors to preregister to vote. The latter method has been more successful.

¹ CAL. CONST. art. II, § 2.

² CAL. ELEC. CODE § 2000 (2020).

³ CAL. ELEC. CODE § 2101 (2020).

⁴ CAL. ELEC. CODE §§ 2101-02 (2020).

1. Preregistration

In 2009, the California Assembly passed Assembly Bill (“AB”) 30. This law allowed 17-year-olds to preregister to vote as long as they meet all the voter eligibility requirements.⁵ When the preregistered 17-year-old turns 18 years old, the voter registration becomes effective, granting them the right to vote.⁶

In 2014, the California Senate enacted Senate Bill (“SB”) 113. This law was similar to AB 30, allowing 16-year-olds to preregister.⁷ This law also granted the preregistered voters the right to vote when they turned 18 years old.⁸ The Department of Motor Vehicles (“DMV”) is one of the primary places in which young people tend to interact with the government and register to vote.⁹ Consequently, one of the rationales for this bill was to allow 16-year-olds to preregister to vote when they go to the DMV for their driver’s license.¹⁰

2. Lowering the Voting Age

All the attempts to lower the voting age below 18 have failed. The most recent attempt at lowering the voting age was in 2019. In 2019, the Assembly considered three constitutional amendments pertaining to voting rights: ACA 4 (Proposition 18), ACA 6 (Proposition 17), and ACA 8.

ACA 8 was a constitutional amendment that sought to amend the California Constitution to allow anyone “who is at least 17 years of age” to vote.¹¹ The Assembly ratified this proposal.¹² However, when it was sent to the Senate it was never brought to a vote in the Senate Elections and Constitutional Amendments Committee.¹³

⁵ AB 30, 2009 Leg., 2009–2010 Reg. Sess. (Cal. 2009).

⁶ CAL. ELEC. CODE § 2102(d) (2009).

⁷ SB 113, 2014 Leg., 2013–2014 Reg. Sess. (Cal. 2014).

⁸ CAL. ELEC. CODE § 2102(d) (2014).

⁹ Senate Committee on Elections and Constitutional Amendments, Committee Analysis of SB 113, at 2–3 (April 2, 2013).

¹⁰ *Id.*

¹¹ ACA 8, 2019 Leg., 2019–2020 Reg. Sess. (Cal. 2019).

¹² Complete Bill History of ACA 8,

https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200ACA8 (last visited Sept. 21, 2020).

¹³ *Id.*

In 2017, Assembly Member Evan Low introduced ACA 10. This constitutional amendment proposed lowering the voting age to 17.¹⁴ However, this proposal failed to garner enough support in the Assembly to overcome the required two-thirds threshold.¹⁵

In 2016, Assembly Member Lorena Gonzalez proposed ACA 7. This constitutional amendment proposed to allow 16- and 17-year-olds to vote in school and community college board elections in the districts where they resided.¹⁶ However, this proposed amendment did not come up for a vote in the Assembly Elections and Redistricting Committee.¹⁷

In 2016, Assembly Member Tony Thurmond proposed AB 2517. This bill would have allowed a charter city to amend its charter to provide 16- and 17-year-olds the opportunity to vote in the school board elections in the district where they reside.¹⁸ However, this proposal did not come up for a vote and failed after leaving the committee without a vote.¹⁹

In 2004, Senator John Vasconcellos introduced Senate Constitutional Amendment (“SCA”) 19. This amendment initially proposed to lower the voting age to 14, counting 14- and 15-year-olds’ votes as one-quarter of a vote, and 16- and 17-year-olds’ votes as one-half of a vote.²⁰ This proposal was subsequently amended to instead lower the voting age to 16, counting all votes equally as a single vote, but failed to pass in the Senate Appropriations Committee.²¹

In 1995, Assembly Member Jackie Speier proposed ACA 23. This constitutional amendment proposed lowering the voting age in California to 14.²² However, it was never set for a hearing in the Assembly Elections, Reapportionment, and Constitutional Amendments Committee.²³

¹⁴ ACA 10, 2017 Leg., 2017–2018 Reg. Sess. (Cal. 2017).

¹⁵ Complete Bill History of ACA 10, https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201720180ACA10 (last visited Sept. 21, 2020).

¹⁶ ACA 7, 2016 Leg., 2015–2016 Reg. Sess. (Cal. 2016).

¹⁷ Complete Bill History of ACA 7, https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201520160ACA7 (last visited Sept. 21, 2020).

¹⁸ AB 2517, 2016 Leg., 2015–2016 Reg. Sess. (Cal. 2016).

¹⁹ Complete Bill History of AB 2517, https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201520160AB2517 (last visited Sept. 29, 2020).

²⁰ SCA 19, 2004 Leg., 2003–2004 Reg. Sess. (Cal. 2004) (as introduced Mar. 8, 2004, but not enacted).

²¹ SCA 19, 2004 Leg., 2003–2004 Reg. Sess. (Cal. 2004) (as amended July 26, 2004, but not enacted); Complete Bill History of SCA 19, http://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=200320040SCA19 (last visited Sept. 21, 2020).

²² ACA 23, 1995 Leg., 1995–1996 Reg. Sess. (Cal. 1995).

²³ Assembly Committee on Elections and Redistricting, Committee Analysis of ACA 4, at 4 (June 19, 2019).

3. Previous Legislation

There were five previous proposals that were substantially similar to Proposition 18.²⁴ All of them would have allowed 17-year-olds who would have been 18 before the next general election to vote in any intervening primary or special election.²⁵ Due to the perceived partisan nature of the proposals, they were viewed as mere attempts to increase the number of Democratic voters, none of these proposals passed.²⁶ However, with Democrats comprising over 70 percent of lawmakers in both chambers of the Legislature, on the sixth time the proposal was approved.²⁷

4. Other States

Currently, seventeen states, including Washington D.C., allow 17-year-olds to vote in the primary and special elections if they will be 18 years old by the next general election.²⁸ However, no state allows 17-year-olds to vote in general elections.²⁹ Of these eighteen jurisdictions, only two constitutionally guarantee this right.³⁰ In the other jurisdictions, this right is only statutorily granted.³¹ In some states 17-year-olds have the right to vote in presidential caucuses, however, in many of those states the party is primarily responsible for the caucus.³²

In 2019, the Colorado Legislature enacted House Bill (“HB”) 1278, without any Republicans voting in favor.³³ This law granted 17-year-olds the right to vote in primary and special elections if they would turn 18 by the next general election.³⁴ In November 2020, Colorado voters will consider a ballot initiative amending the state constitution – Amendment 76.³⁵ The primary purpose of this amendment is to ensure that non-citizens will

²⁴ ACA 2, 2015 Leg., 2015–2016 Reg. Sess. (Cal. 2015); ACA 7, 2013 Leg., 2013–2014 Reg. Sess. (Cal. 2014); ACA 2, 2008 Leg., 2009–2010 Reg. Sess. (Cal. 2008); ACA 17, 2005 Leg., 2005–2006 Reg. Sess. (Cal. 2005); ACA 25, 2004 Leg., 2003–2004 Reg. Sess. (Cal. 2004).

²⁵ Assembly Committee on Elections and Redistricting, Committee Analysis of ACA 4, at 4 (June 19, 2019).

²⁶ *Prop 18 - Voters to Decide on Giving the Right to Vote to Some 17-year-olds*, Both Online and Off, PROPOSITIONED (Oct. 12, 2020), <https://www.iheart.com/podcast/85-propositioned-29998297/episode/prop-18-voters-to-decide-72496815/>.

²⁷ *California Proposition 18, Primary Voting for 17-Year-Olds Amendment (2020)*, BALLOTPEDIA, [https://ballotpedia.org/California_Proposition_18_Primary_Voting_for_17-Year-Olds_Amendment_\(2020\)](https://ballotpedia.org/California_Proposition_18_Primary_Voting_for_17-Year-Olds_Amendment_(2020)) (last visited Oct. 16, 2020).

²⁸ *Voting Age for Primary Elections*, NAT’L CONF. ST. LEGIS. (NCSL), <https://www.ncsl.org/research/elections-and-campaigns/primaries-voting-age.aspx> (last visited Oct. 16, 2020).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Facts: 17-Year-Old Primary Voting*, FAIRVOTE, https://www.fairvote.org/facts_17_year_old_primary_voting (last visited Sept. 21, 2020).

³³ Jesse Paul, *17-year-olds Would No Longer Be Able to Vote in Colorado Primaries if Ballot Question Passes*, COLO. SUN (Sept. 4, 2020), <https://coloradosun.com/2020/09/04/amendment-76-colorado-noncitizens-voting/> (last visited Oct. 16, 2020).

³⁴ *Id.*

³⁵ *Id.*

not vote in Colorado elections.³⁶ However, due to a minor change in language, the amendment will undermine HB 1278, by inadvertently removing 17-year-olds' ability to vote.³⁷ This amendment replaces the word "Every" with the words "Only a" in the sections of the Colorado Constitution pertaining to voting rights.³⁸ If the amendment passes, the resulting section would read: "~~Every~~ Only a citizen of the United States who has attained the age of eighteen years, has resided in this state for such a time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections."³⁹ Consequently, this change would take away 17-year-olds' ability to vote.⁴⁰

5. Voter Turnout

On the local level, lowering the voting age may increase voter turnout, at least for the younger age group. In 2013, when Takoma Park, Maryland lowered its voting age to 16, the voting turnout for 16- and 17-year-olds was four times higher than the overall voter turnout.⁴¹ The turnout for the young voters was 44 percent compared to an overall turnout of 11 percent.⁴² However, in the 2003 Baltimore mayoral primary election, there was no meaningful difference between the general turnout and the turnout for 16- and 17-year-olds.⁴³ The voter turnout for the former was 36 percent compared to 35 percent for the latter.⁴⁴

On the state level, there is less data available.⁴⁵ Though one recent example is from Colorado, which granted 17-year-olds the right to vote in the primary in 2019.⁴⁶ In the 2020 Presidential Primary, the voter turnout for 17-year-olds was 45.24 percent compared to the general turnout of 45.5 percent.⁴⁷ Of the 10,634 ballots cast by 17-year-olds, 6,841 were cast in the Democrat Primary and 3,235 were cast in the Republican Primary.⁴⁸ However, due to

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Colorado Amendment 76, Citizenship Requirement for Voting Initiative (2020)*, BALLOTPEDIA, [https://ballotpedia.org/Colorado_Amendment_76,_Citizenship_Requirement_for_Voting_Initiative_\(2020\)](https://ballotpedia.org/Colorado_Amendment_76,_Citizenship_Requirement_for_Voting_Initiative_(2020)) (last visited Sept. 29, 2020).

³⁹ *Id.* (amending COLO. CONST. art. VII, § 1).

⁴⁰ Paul, *supra* note 33.

⁴¹ Simran Saini, *Low Voter Turnout Among Young People - And How to Increase It*, LEAGUE WOMEN VOTERS WAKE COUNTY (July 24, 2020), <https://www.lwwake.org/the-voter-blog/2020/7/22/causes-of-low-voter-turnout-among-young-people-and-how-to-increase-it> (last visited Oct. 17, 2020).

⁴² J.B. Wogan, *Takoma Park Sees High Turnout Among Teens After Election Reform*, GOVERNING (Nov. 7, 2013), <https://www.governing.com/news/headlines/gov-maryland-city-sees-high-turnout-among-teens-after-election-reform.html> (last visited Oct. 17, 2020).

⁴³ *Voting Age: Facts and Resources*, National Youth Rights Association, <https://www.youthrights.org/issues/voting-age/facts-and-resources/> (last visited Oct. 17, 2020).

⁴⁴ *Id.*

⁴⁵ Saini, *supra* note 41.

⁴⁶ Paul, *supra* note 33.

⁴⁷ *Colorado's Young Voter Turnout Strong for Presidential Primary*, Colorado Secretary of State, <https://www.sos.state.co.us/pubs/newsRoom/pressReleases/2020/PR20200309YoungVoters.html> (last visited Oct. 17, 2020).

⁴⁸ *Id.*

the limited amount of jurisdictions that allow 17-year-olds to vote, there is insufficient data to conclusively state whether allowing 17-year-olds to vote would significantly increase voter turnout on the state level.⁴⁹

C. Path to the Ballot

In 2019, Assembly Member Kevin Mullin introduced ACA 4.⁵⁰ ACA 4 was a constitutional amendment seeking to grant 17-year-olds the right to vote in any primary or special election, if they would be at least 18 years of age by the next general election⁵¹ This constitutional amendment was adopted by a two-thirds vote in the Assembly (Ayes 58, Noes 13), then adopted by the Senate with a two-thirds vote as well (Ayes 31, Noes 7).⁵² While in the Senate it was amended to add “election in which the citizen would be eligible to vote if at least 18 years of age” and remove the word “intervening.”⁵³ The Assembly concurred with the amendments with a two-thirds majority (Ayes 56, Noes 13).⁵⁴ After being approved by both chambers, the constitutional amendment must be presented to the people.⁵⁵ So on July 1, 2020, ACA 4 was submitted to the Secretary of State of California, so he could present the initiative on the November 2020 ballot.⁵⁶

III. DRAFTING ISSUES

The language of the amendment consists of two subsections with eighty-four words total (Subsection A contains twenty words and Subsection B contains sixty-four).⁵⁷ Since the proposed amendment slightly modifies one subsection while adding another, it does not appear to contain any drafting issues.

While in the Senate the language of the proposal was amended to add the words “election in which the citizen would be eligible to vote if at least 18 years of age” and removed the word “intervening.”⁵⁸ This amended language clarifies that the elector must still attain the age of 18 years old, while not creating any potential drafting issues.

⁴⁹ Saini, *supra* note 41.

⁵⁰ This was Assembly Member Mullin’s third attempt to pass this amendment; ACA 7 in 2013 and ACA 2 in 2015 were his previous attempts. His father, Assembly Member Gene Mullin, introduced ACA 25 in 2004 and ACA 17 in 2005.

⁵¹ ACA 4, 2019 Leg., 2019–2020 Reg. Sess. (Cal. 2019).

⁵² Complete Bill History of ACA 4, https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200ACA4 (last visited Oct. 16, 2020).

⁵³ ACA 4, 2019 Leg., 2019–2020 Reg. Sess. (Cal. 2019) (as amended June 20, 2020).

⁵⁴ Complete Bill History of ACA 4, *supra* note 52.

⁵⁵ CAL. CONST. art. XVIII, §§ 1-4.

⁵⁶ ACA 4, *supra* note 53.

⁵⁷ *Id.*

⁵⁸ *Id.*

IV. CONSTITUTIONAL ISSUES

A. Federal Constitution

The Twenty-Sixth Amendment to the United States Constitution prohibits abridging or denying people of eighteen years of age the right to vote based on their age.⁵⁹ Proposition 18 does not abridge any voting rights, but rather expands the right to vote. According to the Legislative Counsel, expanding the right to vote to persons under the age of 18 would not conflict with federal law.⁶⁰

Further, there are eighteen other states that permit those who are 17 years old to vote and have not yet been found to conflict with the United States Constitution or other federal law. Thus, Proposition 18 is not likely to be found in conflict with the United States Constitution.

B. State Constitution

Proposition 18 amends the language of the California Constitution. Currently the California Constitution states that "A United States citizen 18 years of age and resident in this State may vote."⁶¹ This amendment would make the following changes, denoted by the underlined text:

"(a) A United States citizen who is at least 18 years of age and a resident in this State may vote.

(b) A United States citizen who is 17 years of age, is a resident in this State, and will be at least 18 years of age at the time of the next general election may vote in any primary or special election that occurs before the next general election in which the citizen would be eligible to vote if at least 18 years of age."⁶²

The State Constitution also restricts the state legislature's authority to package contrasting proposals together in a single amendment and requires they be presented to the people separately for separate votes.⁶³

In the 2019-2020 Legislative Session, the Assembly considered two additional constitutional amendments pertaining to voting rights. ACA 6 proposed to amend the California Constitution to give the right to vote to those who have completed a prison

⁵⁹ U.S. CONST. amend. XXVI.

⁶⁰ Assembly Committee on Elections and Redistricting, Committee Analysis of ACA 4, at 2 (June 19, 2019).

⁶¹ CAL. CONST. art. II, § 2.

⁶² ACA 4, *supra* note 53.

⁶³ CAL. CONST. art. XVIII, § 1.

sentence, or are on parole for, a felony conviction.⁶⁴ ACA 8 proposed to amend the California Constitution to lower the voting age for any election to 17 years old.⁶⁵

However, both ACA 6 and ACA 8 were added as separate and distinct amendments from ACA 4. Therefore, Proposition 18 should not raise any separate-vote concerns as it merely amends Subsection (a) and adds Subsection (b) to Section 2 of Article II of the California Constitution.⁶⁶

V. PUBLIC POLICY ISSUES

A. Proponents

1. Civic Engagement

Proponents argue that allowing 17-year-olds to vote would facilitate civic engagement. Proposition 18 would capitalize on the high rates of political participation and allow for the youth to convert that activism into civic engagement at the polls. Young people are very politically active and are leading the charge on a gun control agenda, especially after the Parkland shooting.⁶⁷ Additionally, the young people participate in many protests related to climate change and systemic racism.⁶⁸

Further, proponents want to help form voting habits in youth that will be 18 years old by the next general election.⁶⁹ Allowing 17-year-olds who will be 18 by the general election to vote in the primary election will help form this habit. Some proponents also highlight that it is easier to engage in and learn the process of voting in the spring, while still in high school, rather than in the fall when a person is trying to acclimate to a new job or college.⁷⁰

In 2020, the youth (ages 18-24) consisted of about 14.5% of the eligible voting population, however, only about 6% voted in the 2020 primaries.⁷¹ The proponents argue

⁶⁴ ACA 6, 2019 Leg., 2019–2020 Reg. Sess. (Cal. 2019).

⁶⁵ ACA 8, 2019 Leg., 2019–2020 Reg. Sess. (Cal. 2019).

⁶⁶ ACA 4, *supra* note 53.

⁶⁷ Alex Padilla, *Commentary: Vote Yes on Prop. 18 to Engage, Energize and Empower the Next Generation of Voters*, SAN DIEGO UNION-TRIB. (Sept. 17, 2020), <https://www.sandiegouniontribune.com/opinion/commentary/story/2020-09-17/yes-on-proposition-18-teen-voters> (last visited Sept. 21, 2020).

⁶⁸ *Id.*

⁶⁹ Alfred Twu, *Why I'm Voting Yes on Proposition 18*, MEDIUM (Aug. 3, 2020), <https://medium.com/@firstcultural/why-im-voting-yes-on-proposition-18-eeca072f7b7b> (last visited Sept. 21, 2020).

⁷⁰ *Id.*

⁷¹ USC PRICE, CALIFORNIA'S 2020 PRIMARY ELECTION: TURNOUT ANALYSIS, *available at* <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5ee5279aac46160bd52a3fa9/1592076188968/CCEP+Fact+Sheet+CA+2020+Primary+Election+Turnout+Final.pdf>.

that in order to increase the representation of the youth, it is important to instill in them a habit of voting even before they turn 18.⁷²

2. Consistency

One argument in favor of allowing 17-year-olds to vote is that they already work and pay taxes.⁷³ Further, 17-year-olds can join the military, albeit with parental consent.⁷⁴ Consequently, the proponents argue that, just as with the Twenty-Sixth Amendment, 17-year-olds should have the right to vote the year they turn 18 since they “put their lives on the line for our country and [contribute] financially to society.”⁷⁵

Additionally, according to the California Secretary of State Alex Padilla, Proposition 18 is the next logical step for California to strengthen the political participation by the youth, since 16- and 17-year-olds already have the right to preregister.⁷⁶

B. Opponents

1. Not Legal Adults

The primary argument against Proposition 18 is that 17-year-olds are legally children.⁷⁷ Consequently, as children, 17-year-olds have no experience balancing a budget or paying taxes. Since they have no experience paying taxes, they should not have the opportunity to vote on taxes, which tend to appear on the primary ballot.⁷⁸

Recently, there has been a trend to increase the age at which young adults are required to become responsible for themselves or to secure certain rights. According to the Affordable Care Act (“ACA”) people can be considered dependents until the age of 26.⁷⁹ Additionally, California increased the age at which one may buy tobacco to mirror the age

⁷² CAL. SEC’Y OF STATE, OFFICIAL VOTER INFORMATION GUIDE: CALIFORNIA PRIMARY ELECTION, TUESDAY NOVEMBER 3, 2020, at 36, available at <https://vig.cdn.sos.ca.gov/2020/general/pdf/complete-vig.pdf> [“NOVEMBER 2020 VOTER GUIDE”].

⁷³ STATE OF CAL., DEP’T OF FIN., 2011 AMERICAN COMMUNITY SURVEY 1-YEAR REPORT: CALIFORNIA, (Oct. 2013, Rev. April 2014) available at http://dof.ca.gov/Reports/Demographic_Reports/documents/2011ACS_1year_Rpt_CA.pdf.

⁷⁴ *Join the Military*, USA.GOV (last updated Aug. 28, 2020), <https://www.usa.gov/join-military>.

⁷⁵ NOVEMBER 2020 VOTER GUIDE at 37.

⁷⁶ Padilla, *supra* note 57.

⁷⁷ CAL. FAM. CODE §§ 6500–01 (2020).

⁷⁸ Mercury New Editorial Board & East Bay Times Editorial Board, *Editorial: Who should be allowed to cast a ballot in California?*, MERCURY NEWS (Aug. 13, 2020), <https://www.mercurynews.com/2020/08/13/editorial-who-should-be-allowed-to-cast-a-ballot-in-california/> (last visited Sept. 21, 2020).

⁷⁹ Ruth Weiss, *Commentary: Vote no on Prop. 18 because allowing minors to vote is wrong and could be disastrous*, SAN DIEGO UNION-TRIB. (Sept. 17, 2020), <https://www.sandiegouniontribune.com/opinion/commentary/story/2020-09-17/no-on-proposition-18-teen-voters> (last visited Oct. 16, 2020).

required to purchase alcohol: 21.⁸⁰ Thus, if 17-year-olds cannot be trusted to purchase tobacco or alcohol, it makes absolutely no sense to trust them with deciding on bond and tax measures indebteding the state.⁸¹

Further, this double standard of lowering the voting age while increasing the age limit in other spheres extends to criminal justice reform as well.⁸² According to scientific evidence, the brain is not completely developed until a person is at least 24.⁸³ As a result of this evidence, Senator Nancy Skinner proposed SB 889, to allow the juvenile courts to not only maintain jurisdiction over individuals between the ages of 12 and 19 but to extend its jurisdiction to 24-year-olds.⁸⁴ Some opponents think it is hypocritical of the Legislature to consider two conflicting claims about young adults: on the one hand, young adults are so irrational when they commit crimes that they should be tried in juvenile court; while on the other hand, teens are completely rational when it comes to deciding the future of this state and should be allowed to vote.⁸⁵ Some opponents believe that attempts at reconciling these two claims is either pure hypocrisy or evidence of a hidden agenda.⁸⁶

2. Undue Influence

Opponents also suggest that 17-year-olds are too dependent on their parents.⁸⁷ Consequently, allowing them to vote would essentially give an extra vote to the parents rather than facilitate independent thought from the 17-year-olds.⁸⁸

Furthermore, 17-year-olds are typically still in high school. As high school students, they are dependent on teachers and counselors for letters of recommendation and grades that will determine their immediate future.⁸⁹ Consequently, they would be likely to listen to whatever their teachers and counselors advise them, even for vital political decisions.⁹⁰ Opponents point to Measure EE, proposed by the Los Angeles Unified School District, to illustrate their point. In that case, teachers and administration posted political banners on campus and distributed literature for students to take home.⁹¹

⁸⁰ CAL. BUS. & PROF. CODE §§ 17537.3, 22951, 22952, 22956, 22958, 22963, 22964 (2020); CAL. PENAL CODE § 308 (2020).

⁸¹ Weiss, *supra* note 69.

⁸² Anita Chabria, *Offenders under 21 would be automatically tried as juveniles under new California bill*, L.A. TIMES (Jan. 28, 2020), <https://www.latimes.com/california/story/2020-01-28/california-considers-charging-all-teens-as-juveniles> (last visited Oct. 16, 2020).

⁸³ *Id.*

⁸⁴ SB 889, 2020 Leg., 2019–2020 Reg. Sess. (Cal. 2020).

⁸⁵ Weiss, *supra* note 69.

⁸⁶ Weiss, *supra* note 69.

⁸⁷ Mercury New Editorial Board & East Bay Times Editorial Board, *supra* note 68.

⁸⁸ Assembly Committee on Elections and Redistricting, Committee Analysis of ACA 4, at 3 (June 19, 2019).

⁸⁹ Weiss, *supra* note 69.

⁹⁰ *Id.*

⁹¹ NOVEMBER 2020 VOTER GUIDE at 37.

C. Fiscal Impact

The Legislative Analyst's Office ("LAO") predicts two types of fiscal impacts from Propositions 18, one a minor cost for Counties and one a minor one-time cost for the State.

Statewide county costs generated from processing and distributing election material to eligible 17-year-olds are estimated to be between several hundreds of thousands of dollars and \$1 million.⁹² The cost would depend on the number of 17-year-olds that register to vote in the primary elections.⁹³

The one-time cost to the state of updating the existing voter registration systems is estimated to be in the several hundreds of thousands of dollars.⁹⁴

VI. CONCLUSION

Proposition 18 would amend the California Constitution to allow 17-year-olds to vote in interim primary and special elections if they will be 18 years old by the time of the next general election. The proponents argue that allowing 17-year-olds to vote will encourage the youth to convert their political activism into constructive habits for civic engagement and is consistent with other rights and obligations 17-year-olds already have. On the other hand, the opponents argue that 17-year-olds should not be allowed to vote because they are not responsible or developmentally mature enough to participate in the weighty decision-making process of elections and would vote according to the influence of their parents and school faculty.

A **YES** vote on this measure allows eligible 17-year-olds who will be 18 years old by the time of the next general election to vote in the primary election and any special elections preceding the general election.

A **NO** vote on this measure retains the current election rule that no one younger than 18 years of age may vote in any election.

⁹² LEGIS. ANALYST'S OFF., PROPOSITION 18 2 (Nov. 3, 2020), *available at* <https://lao.ca.gov/ballot/2020/Prop18-110320.pdf>.

⁹³ *Id.*

⁹⁴ *Id.*