



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 19-0297, **Version:** 1

- a. Consider a recommendation by the Legislative Committee to support ACA 4 (Mullin) Elections: voting age.; and ACA 8 (Low) Elections: voter qualifications.
- b. Receive a report on research related to Board Referral 2018.25 to place a ballot measure on the November 2020 General Election to Expand Suffrage to Citizens of 16 & 17 Years of Age in Local Elections in Monterey County.
- c. Support the Monterey County Elections Department in expanding outreach and civic engagement opportunities to the youth of Monterey County.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider a recommendation by the Legislative Committee to support ACA 4 (Mullin) Elections: voting age.; and ACA 8 (Low) Elections: voter qualifications.
- b. Receive a report on research related to Board Referral 2018.25 to place a ballot measure on the November 2020 General Election to Expand Suffrage to Citizens of 16 & 17 Years of Age in Local Elections in Monterey County.
- c. Support the Monterey County Elections Department in expanding outreach and civic engagement opportunities to the youth of Monterey County.

SUMMARY:

In 1971, 18-year-olds across the United States won the right to vote through the 26th Amendment to the U.S. Constitution. Further, the California Constitution, Article II Voting, Initiative and Referendum, and Recall, Section 1-Section 20, states: A United States citizen 18 years of age and resident in this State may vote. (Sec. 2 renumbered from Sec. 1 on June 8, 1976, by Prop. 14. Res.Ch. 5, 1976.)

The 1970 Supreme Court decision in *Oregon v. Mitchell* held the U.S. Congress had the power to fix the voting age in national elections, but not in state and local elections. But in a 1971 case, *Jolicoeur v. Mihaly*, the court held that every effort should be made to keep the voting process uniform for all voters equally, otherwise, there is potential disenfranchisement when voters are confused by varying laws that make voting in different states or even in different counties look and feel very different.

Currently, both the federal and state constitutions in all states, have the voting age as 18. However, this has not stopped efforts to lower the voting the age throughout the country. A U.S. Congresswoman from New York has introduced a proposed constitutional amendment to lower the voting age in America to 16. This legislation has been referred to the House Judiciary Committee where it is awaiting further action. In Oregon, a bill has passed through the legislature to allow 16-year-olds to vote, which will be on the 2020 ballot for voters to decide. Thirteen other states have introduced bills to lower the voting age to 16 since 2003, none of which have yet passed into law.

In California, there was a prior effort to lower the statewide voting age through a proposed Amendment to the California Constitution (proposed Amendment 10). The proposed amendment failed to achieve the requisite vote in both houses of the Legislature to go to ballot. Berkeley, California, (a charter city), has passed, but not yet implemented an ordinance allowing underage voting solely on limited local contests. The City and County

of San Francisco (both are governed by charter) proposed an ordinance to allow underage voting that was ultimately defeated by voters. Three charter cities in Maryland currently allow underage voting exclusively in standalone (not consolidated) city elections. Currently, Assembly Constitutional Amendment No. 8 seeks to lower California's voting age to 17 and Assembly Constitutional Amendment No. 4 seeks to allow those 17 years of age, who will be 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.

In 2016, pre-registration of 16- and 17-year-olds was implemented in the State of California. This allows 16 and 17-year-olds to fill-out all necessary voter registration information before turning 18, so that when they turn 18, they are ready to vote. As of February 10, 2019, a record 142,717 16- and 17-year-olds have pre-registered.

DISCUSSION:

Currently, 16 and 17-year-olds can participate in the democratic process by preregistering and serving as poll workers. There are 1,904 pre-registered 16 and 17-year-olds in Monterey County. The American Community Survey from 2013-2017, 5-year estimates, report there are 12,057, 16 and 17-year-olds living in Monterey County. Data limitations include: quantifying 17-year-olds, identifying citizenship status, and situating the population within voting precincts.

Research shows both legal and administrative challenges exist if the Board pursues underage voting separate and apart from supporting a state legislative change to the California Constitution.

Legal Challenges

Monterey County is not a charter county and can therefore not use the same grounds as other charter jurisdictions to push forward such a change. The legal question remains if, by virtue of having a charter, a jurisdiction can in fact enact laws to support a voting age other than provided in the California Constitution. Specifically, Article XI Section 7, which states the entity may make and enforce ordinances and regulations not in conflict with general laws. Monterey County is a general law county which adheres to state law, so if the Legislature has provided a method by which a county may act, that method must be followed. In this case, only the Legislature can change the state constitution to lower the voting age. To do otherwise in a general law county would invite lawsuits arguing such action is unconstitutional. Therefore, the Legislative Committee requests the Board's support for current state legislative efforts to lower the voting age, as set forth above.

Administrative Challenges if it was Possible to Lower the Voting Age Locally

Implementation of underage voting for local measures or school board members, in a consolidated election situation, would pose significant administrative challenges that would require the Registrar of Voters to replicate election set-up and services, separate from those that already exist. This would include a standalone election database to process these younger voter records, set-up and maintenance of a virtual look-up tool so these voters can verify their status as an underage registrant and the status of their ballot, manual processes to cross-check and verify voter status across poll place ballots, provisional ballots, vote by mail ballots and conditional voter registration ballots to ensure the integrity of the vote, production of double the amount of ballot types and voter guides in the exact same period of time, and additional outreach and education to ensure volunteers and voters. All leading to a significant increase in costs to administer this program.

Additional Considerations Support for Current Outreach Programs to Engage Young Future Voters

The Registrar of Voters offers a number of outreach and civic engagement opportunities for those who are not of voting age. These include organizing competitions and events as avenues for all local high schools to participate in the statewide high school voter education weeks, pre-registering 16 and 17 years old, recruiting high school student poll workers, hosting tours and providing presentations. In addition, the Department is

developing a youth empowerment summit and education curriculum to help our youth develop a sense of civic engagement and understand voting rights and responsibilities. Support for these outreach programs is requested from the Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the language of this Board Report.

The Legislative Committee has recommended support of California Assembly Constitutional Amendment 8 and California Assembly Constitutional Amendment 4.

FINANCING:

Election costs of 16/17 year old participants would be on par with a standalone election, currently estimated at \$14 to \$20 per underage individual. Given the unknown of how many individuals in this age group would eventually register, presumably including those who may register on election day, and the extensive time and resources needed for balloting and materials, preparation would be made for an estimated population based on available Census data, as opposed to the number of pre-registered youth. Current ACS estimates 12,057, 16 and 17-year-old potential voters. Thus, the per election cost, for 16 and 17-year-olds to vote on local measures, is estimated between \$168,000 and \$240,000.

The overall cost of the proposed voting age expansion is in addition to the estimated countywide consolidated election cost of \$1.1 to \$1.5 million.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This item is in line with the Board's vision of accountable and transparent administration of government services.

Check the related Board of Supervisors Strategic Initiatives:

☒ Administration:

Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

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Attachments:

Exhibit A 16- and 17- year-old PowerPoint presentation
Exhibit B Legislative Committee Letter to Support ACA 8
Exhibit C Legislative Committee Letter to Support ACA 4

