



To: Members of the RCRC Board of Directors
From: Paul A. Smith, Senior Vice President Governmental Affairs
Date: August 4, 2020
Re: Proposition 18/ACA 4 – Age of Voting – **ACTION**

Summary

This memo provides an analysis of Proposition 18, which would allow a 17-years-old citizen to cast a ballot in a primary if that citizen will be at least 18 years-old by the general election. Proposition 18 will appear on the November 2020 General Election ballot for consideration. RCRC staff is recommending the RCRC Board of Directors adopt a “Neutral” position on this measure.

Background

The 26th Amendment to the United State Constitution reads: 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.

This Amendment was adopted in July of 1971 (California ratified on April 19th 1971). Prior to its enactment, the legal voting age was 21 years old.

A number of states allow persons under 18 to register to vote (which California allows) while a handful of states also allow citizens age 17 to cast a ballot in their state’s respective primaries as long as they will be 18 at the time of the general election. According to the National Conference of State Legislatures, the following states allow 17 year olds to vote in the primary if they will be age 18 at the time of the general election: Connecticut, Colorado, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Utah, Vermont, Virginia and West Virginia (<https://www.ncsl.org/research/elections-and-campaigns/primaries-voting-age.aspx>).

Despite the request of a veto by RCRC, Senate Bill 568 (Lara, 2017) was enacted to permanently place the Presidential Primary Election and the Gubernatorial Primary Election on the first Tuesday after the first Monday in March. In that veto request letter, it was pointed out that county supervisors could be elected directly in the March Primary if they receive 50 percent + 1 of the vote. Therefore, this recently-placed-into-practice law lengthens what is an already long electoral cycle for candidates for county office.

Furthermore, Senate Bill 1450 (Umberg) was introduced in the 2020 Legislative Session to require that the two top-vote-getting candidates for county offices advance to a general election run-off. This measure was not pursued, and RCRC did not offer any formal comment on the measure. However, the RCRC Board of Directors will likely consider the contents of the measure at an upcoming meeting as RCRC staff expects a similar measure to be pursued in the 2021 Legislative Session.

Issue

Assembly Constitutional Amendment 4, authored by Assembly Member Kevin Mullin (D-San Mateo), secured legislative passage in June of 2020 and will now appear on the November General Election ballot as Proposition 18. The measure simply amends the California's Constitution in the following manner:

“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.”

RCRC did not offer any formal position on ACA 4 when it was being considered during the legislative process.

Staff Recommendation

RCRC did not offer any formal comment on ACA 4 (Mullin) – the measure which was adopted by the Legislature and the precursor to Proposition 18. However, RCRC staff recommends the RCRC Board of Directors adopt a “Neutral” position on Proposition 18.

In limited RCRC staff research and working with our partners at the National Association of Counties, elections clerks - in states where 17 year-olds are allowed to vote in the primary - have not suggested any difficulties in administering this voting option. However, staff would note that given the lengthy time period between the primary and the general election and the fact that the primary can decide the winner of a county office, the RCRC Board of Directors may want to consider a position that reflects neutrality.

Attachments

- Copy of Assembly Constitutional Amendment 4 (Mullin)
- Copy of RCRC's Veto Request Letter for SB 568 (Lara)
- Copy of Senate Bill 1450 (Umberg)