

To: House Education Committee
From: Claire Snyder-Hall, Executive Director, CCDE
Re: Lowering Voting Age to 16 for School Board Elections
Date: April 5, 2023

Common Cause Delaware strongly supports HB 96, a bill that would allow 16 and 17-year-old students to vote in school board elections, allowing them to help choose the board members who make decisions that directly affect them and their futures.

While the proposed bill might seem radical at first glance, it actually builds on currently existing Delaware law. That is to say, Delaware (along with many other states) already allows 17-year-olds to vote in primaries, if they will turn 18 by the date of the general election. And the First State (along with almost half the states) already allows 16- and 17-year-olds to pre-register to vote, prior to becoming eligible to vote.

WHY COMMON CAUSE SUPPORTS EFFORTS TO LOWER THE VOTING AGE TO 16

Since our founding, Common Cause has led the way for voting rights for all people because we understand that voting is the most basic and essential building block of our government. The 26th Amendment, which lowered the national voting age to 18 in 1971, was an initiative that Common Cause played a leading role in passing.

In 2019, Common Cause made a commitment to youth engagement because we believe it will help build a generation of lifelong participants in our democracy. Teaching 16- and 17-year-olds the importance of voting in all elections could potentially help increase voter turnout during off-year elections, which in turn will increase turnout during presidential elections. Voting is a habit and permitting 16-year-olds to vote would support habit formation among young people who are strongly connected to their local community, before they move out of their parents' home and likely begin a decade-long period of geographic mobility that contributes significantly to low voter participation among young adults. And as these engaged new voters age, voter turnout will grow with their age block. Young people can also positively influence their parents and family members who may be infrequent voters.¹

In 2021, Common Cause celebrated the 50th anniversary of the 26th Amendment, which protects the right of individuals 18 years and older to vote. The U.S. Constitution does not restrict voting by people younger than 18. Some state constitutions explicitly allow municipalities to expand the right to vote in their local elections, sometimes written this way to allow women to vote in school board elections.² As constitutional law scholar Jane Rutherford has explained, youth “share the plight of women before the adoption of the Nineteenth

¹ National Youth Rights Association, *Top 10 Reasons to Lower the Voting Age*, <https://www.youthrights.org/issues/voting-age/top-ten-reasons-to-lower-the-voting-age/>.

² Joshua A. Douglas, *The Right to Vote Under Local Law*, 85 GEO. WASH. L. REV. 1039 (2017), <https://www.gwlr.org/wp-content/uploads/2018/01/85-Geo.-Wash.-L.-Rev.-1039.pdf>.

Amendment. Their numbers swell the political power of their communities [through the Census and apportionment], but that political power is not shared by them.”³

Allowing 16- and 17-year-olds to vote will provide them with a tool to hold elected officials accountable for their actions and inaction. From school shootings to neighborhood violence to the cost of college, young people are directly and deeply impacted by public policy decisions. They have ignited social movements on social media, but they are sometimes ignored and unable to use political power as a tool due to not being allowed to vote. Lowering the voting age could help young people achieve greater political representation and allow them to engage in advocacy efforts with the extra power of being a voter.

Common Cause advocates for a representative democracy and including 16- and 17-year-olds in the electorate will help create an electorate that represents the diversity of the United States. We need to find bold ways to continue to increase participation in democracy through voting. Lowering the voting age is one way to do this. Historically, the voices of young people, people of color, and poor people have been left out of our elections, but expanding the electorate will help to capture more of those voices.

Six jurisdictions in the United States that have already lowered the voting age to 16 for some or all elections — yielding increases in voter turnout (see below), with no discernable negative consequences. Berkeley and Oakland, California have lowered the voting age for their school board elections, which is what we are proposing for Delaware. In neighboring Maryland, Greenbelt, Hyattsville, Oakland, Riverdale, and Takoma Park have all lowered the voting age for all local elections.

ARGUMENTS FOR LOWERING THE VOTING AGE

Voting rights and election law scholar Joshua A. Douglas notes numerous “strong policy arguments [that] favor lowering the voting age,” some of which are explained in more detail below.⁴

First, turning sixteen has “special significance” in our society, as that is when most states allow individuals to obtain driver’s licenses and have part-time jobs, and require them to pay taxes on their wages. Next, ... prosecutors may charge adolescents as adults if they commit crimes, but younger individuals may not participate in our democracy in a more positive way through voting. Additionally, turning eighteen ... is a volatile time in people’s lives, when they are leaving home for the workforce or college and are often mobile; sixteen-year-olds, by contrast, are more rooted in their current community, uniquely knowledgeable about local issues, and just as intellectually competent as an eighteen-year-old to select their leaders. Finally, studies show the potential for a “trickle up” effect: the younger a person begins to vote, the more likely they will sustain that habit throughout their lives.⁵

Higher Voter Turnout

In 2013, the city of Takoma Park, MD, passed a charter amendment lowering the voting age for city elections to 16 “as a way to increase citizen participation in local elections.”⁶ The amendment was inspired by a report from

³ *Id.* at 1058, quoting and citing Jane Rutherford, *One Child, One Vote: Proxies for Parents*, 82 MINN. L. REV. 1463, 1465 (1998).

⁴ Joshua A. Douglas, *The Right to Vote Under Local Law*, 85 GEO. WASH. L. REV. 1039, 1057 (2017), <https://www.gwlr.org/wp-content/uploads/2018/01/85-Geo.-Wash.-L.-Rev.-1039.pdf>.

⁵ *Id.* (footnotes omitted).

⁶ *Id.* at 1052.



Denmark indicating that younger teens were more likely to vote than older teens.⁷ Turnout among 18-24 year-olds across the United States is the lowest of all age groups.⁸ In a 2013 Takoma Park city election, 44% of the newly enfranchised and registered young voters turned out, compared to an overall 11% turnout rate. Similarly, in a 2014 election, about half of the newly-registered 16-17 year-olds voted, compared to the 10% turnout rate of other voters.⁹

Similarly, in 2015 the Hyattsville, MD City Council election lowered the voting age to 16.¹⁰ In the city's next election, newly registered 16- and 17-year-olds voted at a rate of 25%, which helped the city to exceed its turnout goals.¹¹

For years, democracy advocates have lamented low voter participation among young people. According to the *New York Times*, "fewer than half of Americans 18 to 29 voted in the 2016 presidential election—a gap of more than 15 points compared with the overall turnout."¹² The data above indicates that 16- and 17-year-olds would jump at the chance to vote. In doing so, young voters would begin the formation of a life-long voting habit.

Formation of Life-Long Voting Habits

Studies show that the younger a person begins to vote the more likely they will sustain that habit throughout their lives.¹³ By comparison to 18-year-olds, 16 and 17-year-olds are more likely to vote because they are in a more controlled or stable environment.¹⁴ They are surrounded by family and a community who can encourage them to vote. Even once a young person leaves their home or stable environment, many still consider their home address to be their permanent address. It makes sense to encourage and allow a first-time voter to vote at their permanent address while they still reside there.

By comparison, 18-year-olds typically leave their family home, moving often in the years that follow for school, employment and other reasons—and facing barriers to voting as a result of frequent moves. In many communities, schools are used as voting sites and therefore not open on Election Days, so 16- and 17-year-old students would easily be able to vote while not having to juggle classes and polling site hours. The easiness of their first-time voting will have a positive effect on them voting in the future. Empowering 16- and 17-year-olds to vote now will lead to higher voter participation in all elections, especially local elections, which have abysmally low turnout.

⁷ *Id.* at 1053.

⁸ *Id.* at 1054.

⁹ *Id.* at 1053.

¹⁰ *Id.* at 1054.

¹¹ *Id.*

¹² Alexandria Symonds, *Why Don't Young People Vote, and What Can Be Done About It?*, NEW YORK TIMES, Oct. 8, 2020, <https://www.nytimes.com/2020/10/08/upshot/youth-voting-2020-election.html>.

¹³ See, e.g., Yosef Bhatti & Kasper M. Hansen, *Leaving the Nest and the Social Act of Voting: Turnout Among First-Time Voters*, 22 J. ELECTIONS PUB. OPINION & PARTIES 380, 397 (2012), http://www.kaspermhansen.eu/Work/JEPOP_Bhatti&Hansen_2012_young.pdf.

¹⁴ *Id.*



More Trust in Political System

Research from Austria suggests that voters aged 16 and 17 have the highest level of trust in the government.¹⁵ While younger voters may share some of the same values as other voters, they have a more optimistic outlook on the government and how it works.

OPPOSING ARGUMENTS LACK MERIT

Opponents of lowering the voting age to 16 typically argue that 16-year-olds lack the maturity, ability and motivation to participate responsibly in the electoral process.¹⁶ This argument lacks merit. Political scientists studying this issue have found “there is no evidence that the quality of vote choices among citizens under 18 is any worse than that of older voters.”¹⁷ Scholars have concluded that “sixteen-year-olds are mature enough — or at least as mature as individuals aged eighteen or older — to inform themselves sufficiently and make rational voting decisions.”¹⁸

Professor Vivian E. Hamilton surveyed various fields, such as behavioral and developmental psychology and social and cognitive neuroscience, to show that individuals reach an adult-like capacity to make competent decisions such as voting by age sixteen. The studies conclude that the ability of young individuals to engage in well-informed and rational decision making is highly context-specific: “adolescents reliably reach adultlike cognitive processing capacities by ages fifteen or sixteen, but . . . numerous factors (e.g., situations involving high levels of emotion or stress, peer pressure, or time pressure) will predictably compromise their cognitive performance.” Voting, however, is not a situation that typically entails unusual emotion, stress, or even peer pressure (given the secret ballot).¹⁹

Civic engagement and knowledge are the factors most important to voting. Researchers have found that 16- and 17-year-olds “scored about the same as adults on measures of political tolerance, skill, efficacy, and interest.”²⁰ “Indeed, the average score for 16-year-olds is higher than the averages for civic knowledge for 19-, 21-, and 23-year-olds, all of whom are entitled to vote.”²¹ This is not surprising.

Questioning one’s civic knowledge is not new. “Congress has tried to determine the amount of knowledge a potential voter might need and even then concluded in the Voting Rights Act of 1965 that a sixth-grade education provided “sufficient literacy, comprehension, and intelligence to vote in any election.”²² Later on, when renewing the Act in 1975, the Senate Judiciary Committee pushed this idea further by stating, “It is

¹⁵ Julian Aichholzer and Sylvia Kritzingler, *What happens when the voting age is lowered to 16? A decade of evidence from Austria*, DEMOCRATIC AUDIT UK (2020), <https://www.democraticaudit.com/2020/02/26/what-happens-when-the-voting-age-is-lowered-to-16-a-decade-of-evidence-from-austria/>.

¹⁶ Markus Wagner, David Johann, and Sylvia Kritzingler, *Voting at 16: Turnout and the quality of vote choice*, ELECTORAL STUDIES (2012), <https://www.sciencedirect.com/science/article/pii/S0261379412000212>.

¹⁷ *Id.*

¹⁸ Joshua A. Douglas, *The Right to Vote Under Local Law*, 85 GEO. WASH. L. REV. 1039, 1058-59 (2017), <https://www.gwlr.org/wp-content/uploads/2018/01/85-Geo.-Wash.-L.-Rev.-1039.pdf>.

¹⁹ *Id.* at 1058-59.

²⁰ *Id.* at 1059.

²¹ *Id.*, quoting and citing Daniel Hart & Robert Atkins, *American Sixteen- and Seventeen-Year-Olds Are Ready to Vote*, 633 ANNALS AM. ACAD. POL. & SOC. SCI. 201, 207–08 (2011).

²² National Youth Rights Association, *Top 10 Reasons to Lower the Voting Age*, <https://www.youthrights.org/issues/voting-age/top-ten-reasons-to-lower-the-voting-age/>.



difficult to see why citizens who cannot read or write should be prevented from participating in decisions that directly affect their environment.”²³

By the time someone is 16 or 17 years-old, they have typically completed their state’s required civics education. 16- and 17-year-olds will be able to vote and engage in the civic process, while learning about it in the classroom. This real-world practice will allow them to understand voting and democracy in real time. Lowering the voting age increased voter turnout because it was paired with a strong civic education and outreach program for new voters. In some states such as Texas, high schools are required to make voter registration forms available to their students. In addition to the staff at high schools many community partners adopt schools and support their civic efforts by providing nonpartisan civic education materials.

It has also been argued that young adults are not mature enough to vote, as their brains are not fully developed, but psychological research has also shown that there is no discernible difference between early teens and young adults in impulsivity and self-control, and their capacities to “understand complex issues, weigh possible outcomes, and make informed decisions.”²⁴

Additionally, for centuries vote suppressors have made claims about maturity and cognitive ability as grounds to deny the right to vote to people with disabilities, women, people of color and others. Accepting such arguments as a basis to oppose voting by 16-year-olds only compounds this troubling history.²⁵ The competency of white male adults is seldomly questioned. Adults generally do not, and should not, have to prove their competency to vote. Nor should 16-year-olds be denied the right to vote on baseless claims about competency.

²³ *Id.*

²⁴ Merry, Michael S., and Anders Schinkel, *Voting Rights for Older Children and Civic Education*, PUBLIC AFFAIRS QUARTERLY, vol. 30, no. 3, 2016, pp. 197–213. JSTOR, www.jstor.org/stable/44732769.

²⁵ John Wall, *Why Children and Youth Should Have the Right to Vote: An Argument for Proxy-Claim Suffrage*, CHILDREN, YOUTH AND ENVIRONMENTS, vol. 24, no. 1, pp. 108–123 (2014), JSTOR, www.jstor.org/stable/10.7721/chilyoutenvi.24.1.0108. Accessed 26 July 2021; see also Lau JC, *Two Arguments for Child Enfranchisement*, POLITICAL STUDIES, vol. 60, no. 4, 860-76 (2012), <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-9248.2011.00940.x>.



JOINING THE NATIONAL MOVEMENT

A national movement to lower the voting age has already started. A small group of organizations and young people currently lead this work nationally, including Common Cause, the Campus Vote Project, Rock the Vote, Vote16USA and FairVote. Many of the young people working on lowering the voting age are high school student organizations with little or no budget.

Vote16USA is [currently recruiting](#) community organizations and young activists to work across the country on lowering the voting age. Organized by Generation Citizen, Vote16USA aims to support efforts to lower the voting age on the local level, help start new local campaigns, and elevate the issue's prominence on a national level.

The Vote16USA campaign officially started in December 2015, with the release of the white paper "Young Voices at the Ballot Box: Advancing Efforts to Lower the Voting Age," a comprehensive report based on extensive research and interviews with experts and stakeholders. Importantly, it included legal research to show which cities and states are primed to lower the voting age to 16. The paper has since been updated and the [third edition](#) was published in 2020.

Vote16USA is now guided by an [Advisory Board](#) and a [Youth Advisory Board](#) that aim to help with the coordination of new and current local campaigns around the country while elevating the issue nationally through traditional and social media and by building partnerships with a broad group of stakeholders. This website serves as the central hub for these efforts as we move forward.

[CONCLUSION](#)

With all that as background, Common Cause Delaware strongly supports HB 96, a bill that would lower the voting age to 16 for school board elections. The primary sponsors of the bill are Rep. Eric Morrison in the House, and Sen. Sarah McBride in the Senate. Co-sponsors include Reps. Baumbach, Lambert, and Wilson-Anton, as well as Sens. Hoffner, Lockman, and Pinkney.

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