City of Culver City

Staff Report Details (With Text)

File #:	20-792	**Version:** 1	**Name:**	Vote 16 Request to Lower Municipal Voting Age to 16 and other Ballot Measures
Type:	Minute Order		**Status:**	Action Item
File created:	2/24/2020		**In control:**	City Council Meeting Agenda
On agenda:	3/28/2022		**Final action:**	
Title:	CC- ACTION ITEM: (1) Discussion of a Request from "Vote 16 Culver City" to Lower the Voting Age to 16 for Culver City Municipal Elections; (2) Recommendation from the City Council Ad Hoc Voting-Related Ballot Measures Subcommittee to Place a Ballot Measure on the November 2022 Election Ballot to Amend the City Charter to Lower the Voting Age to 16 for Culver City Municipal Elections; (3) Discussion of Additional Potential Ballot Measures - Approval Voting and Allowing Non-U.S. Citizens to Vote in Culver City Municipal Elections; and (4) Direction to the City Manager as Deemed Appropriate.			
Sponsors:				
Indexes:				
Code sections:				
Attachments:				

Date	Ver.	Action By	Action	Result
3/28/2022	1	City Council Meeting Agenda		
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Meeting Date: March 28, 2022

Contact Person/Dept: Shelly Wolfberg/City Manager's Office

Phone Number: (310) 253-6000

Fiscal Impact: Yes [X]   No []   **General Fund:** Yes [X]   No []

Attachments: Yes []   No [X]

Commission Action Required: Yes []   No [X]   **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (03/23/2022);

Department Approval: John M. Nachbar, City Manager (03/23/2022)

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RECOMMENDATION

Staff recommends the City Council (1) discuss a request from "Vote 16 Culver City" to lower the voting age to 16 for Culver City Municipal Elections; (2) consider a recommendation from the City Council Ad Hoc Voting-Related Ballot Measures Subcommittee to place a Ballot Measure on the November 2022 Election Ballot to amend the City Charter to Lower the Voting Age to 16 for Culver City Municipal Elections; (3) discuss additional potential Ballot Measures - Approval Voting and allowing Non-U.S. Citizens to vote in Culver City Municipal Elections; and (4) direct the City Manager as deemed appropriate.

BACKGROUND

On September 3, 2019, individuals representing Vote 16 Culver City addressed the City Council to request lowering the voting age to 16 in Culver City, which would only apply to local City elections. City Council directed staff to place consideration of Vote 16 Culver City's request on a future agenda. This matter was delayed by the pandemic due to staff resources being utilized for other matters.

On March 9, 2022, staff met with the City Council Ad Hoc Voting-Related Ballot Measures Subcommittee - Mayor Daniel Lee and Council Member Alex Fisch - ("Subcommittee") to discuss the Vote-16 request. The Subcommittee is recommending City Council consider placing a charter amendment on the ballot to lower the voting age to 16 for City municipal elections. Additionally, the subcommittee is bringing a discussion to City Council on other potential ballot measures, such as Approval Voting and permitting residents who are non-U.S. citizens to vote in City municipal elections.

About Vote 16 Culver City

Vote 16 Culver City is part of Vote 16 USA, a national campaign to support lowering the voting age at a local level. Culver City students have been meeting with local officials and are working to build support for their initiative to lower the municipal voting age to 16. On the Vote 16 Culver City website (vote16culvercity.org), the group states that their members have met with City Council Members and have gained the endorsement of the local Democratic Club chapter and others.

Vote 16 Culver City states the following reasons for lowering the municipal voting age to 16:
1. Revision of the voting age is a common historical occurrence;
2. Similar measures have been passed in other municipalities;
3. Teens possess the cognitive capacity to vote;
4. Young people are educated and engaged;
5. Lowering the voting age has been shown to increase voter turnout.

Other Municipalities

To date, staff is aware of five cities, located out-of-state, where the voting age was successfully lowered on a local level, and two jurisdictions in northern California where steps were taken to lower the voting age for School Board related elections:

- **Maryland -** Maryland state law allows cities to lower the voting age on the local level through a City Council vote. Five Maryland cities have already made this change to allow 16- and 17-year-olds to vote in municipal elections: Takoma Park, Greenbelt, Hyattsville, Riverdale Park, and Mount Rainier.

- **Berkeley, California** - On November 8, 2016, in Berkeley, California, voters approved Measure Y1, which gave the City Council the authority to adopt an ordinance, if it determined it was technically feasible for 16- and 17-year-olds to vote in School Board elections. Measure Y1 has not yet been fully implemented due to logistical challenges, and 16- and 17-year-olds were not yet able to vote in the November 2020 School Board election.

- **Oakland, California** - On November 3, 2020, voters in Oakland, California approved Measure QQ, with 67.88% of the vote. Measure QQ allows the City Council to adopt an ordinance to allow 16-year-olds to vote for the office of the school board director.

In November 2016, San Francisco, California placed Proposition F on the ballot, which would have extended voting rights to 16- and 17-year-olds for municipal elections. The measure only garnered 48% of the vote, falling short of the majority vote needed to pass. On November 3, 2020, San Francisco again placed a measure on the ballot (Measure G) to lower the voting age to 16. Measure G was not adopted, receiving 49.21% of the vote.

According to the Vote 16 USA website, there are other municipalities around the country where Vote 16 movements are active, but to staff's knowledge no other city has adopted the lower voting age other than those mentioned above.

DISCUSSION

Applicable Laws

The Culver City Charter and Municipal Code are silent as to the voting age for local elections. Charter Section 1503, entitled "Procedure for Holding Elections" states as follows:

> "Unless otherwise provided by this Charter, all City elections shall be held in accordance with applicable provisions of the then current State law."

The California Constitution Article II, Section 2 states that "[a] United States citizen 18 years of age and resident in this State may vote." Similarly, California Elections Code Section 2300(a)(1)(B) provides that "[a] valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age...."

If the City Council determines that it would like to pursue lowering the voting age to 16 for local City elections, Council would need to place a measure on the ballot at a future election, amending the City Charter, to allow 16- and 17-year-olds to vote in municipal elections. This would only apply to City Council elections or City-wide ballot measures; Culver City Unified School Board elections are conducted separately from City elections.

Charter City Authority with Regard to City Elections

The California Constitution Article XI Section 5 gives a city such as Culver City that has adopted a Charter the right to govern its own municipal affairs, and provisions of the Charter with respect to municipal affairs shall "supersede all laws inconsistent therewith". Article XI Section 5(b) specifically enumerates "conduct of city elections" as one of the four core municipal affairs where the City has the power and authority to legislate. Accordingly, because a city election is a municipal affair, a charter city may lower the voting age to supersede the Elections Code. However, there are two trains of thought as to whether a charter city lowering the voting age in local elections conflicts with the Constitution's provisions in Article II Section 2 which states that a citizen 18 years old may vote.

The San Francisco City Attorney posted the following information in reference to Proposition F in 2016:

> "Past and current city attorneys have issued varying opinions about the legality of lowering the local voting age. Article II Section 2 of the California Constitution states that "a United States citizen 18 years of age and resident of this state may vote." However, Articles IX and XI of the California Constitution permit charter cities, such as San Francisco, to pass laws in areas of local concern (such as school board elections) that do not mirror state law. It is the opinion of the current San Francisco city attorney that this measure is legally defensible."

On the other hand, there are arguments that the voting age was lowered to 18 in California at the same time the national voting age was lowered to 18 through the Twenty Sixth amendment to the U.S. Constitution, in 1972, when most of those subjected to the draft during the Vietnam war were too young to vote but forced to risk their lives in the military. The argument is that the legislative history shows an intent to grant express voting rights to those citizens 18 and older, which is further supported by the clear language in the Elections Code that sets a minimum age of 18. The issue of whether one Article of the California Constitution takes precedence over another in this situation has not been decided by the courts [Article II stating that 18-year-olds may vote, or Article XI giving the City authority over its local elections].

Statewide Efforts Related to Lowering the Voting Age

On February 11, 2019, California Assembly Members Low, Voepel and Gonzalez introduced Assembly Constitutional Amendment Number 8 (ACA 8), to amend Article II Section 2 of the California Constitution, to lower the voting age in California to citizens and residents in this state who are at least 17 years old.

The text of ACA 8 read as follows:

That Section 2 of Article II thereof is amended to read:
> SEC. 2. A United States citizen ~~18~~ *who is at least 17* years of age and resident in this State may vote.

The bill passed in the Assembly on August 26, 2019; however, ACA 8 was referred to the Senate Standing Committee on Elections and Constitutional Amendments, and the bill died in Committee. The bill is shown on the Legislature website as "inactive" since 2020.

California Proposition 18, the Primary Voting for 17-year-olds Amendment, was on the statewide

ballot on November 3, 2020 in California as a legislatively referred constitutional amendment. Proposition 18 would have allowed 17-year-olds who will be 18 at the time of the next general election to vote in primary elections and special elections. Proposition 18 was defeated, with 43.96% of voters in the state voting yes and 56.04% voting no.

Practical Considerations

Culver City's elections are now consolidated with Los Angeles County. Staff reached out to request additional information regarding whether an election where 16- and 17-year-olds are allowed to vote in the municipal election could be done logistically. According to County staff, the County has not been contacted by any other city regarding this specific topic.

To allow 16- and 17-year-olds to vote in the municipal election, there would need to be a separate ballot and a way to separate out those individuals who should receive the ballot. The Los Angeles County Board of Supervisors would need to agree to run the election and determine the costs. There is a new voting system that could, potentially, produce a separate ballot for distribution to only those ages 16- and 17-years-old in the local jurisdiction.

There is a database of 16- and 17-year-olds who are preregistered. It is believed that Los Angeles County could access and provide a special ballot to those in that database.

Current Interest in Voting:

In order to provide some information on the size of the population currently preregistered, staff previously reached out to Culver City Unified School District (CCUSD) to estimate the number of 16- and 17-year-old residents currently in the high school. As of March 2022, CCUSD had 410 16-year-old residents and 419 17-year-old residents, totaling approximately 829 residents that could potentially benefit from a change in the voting requirements. This does not include residents who attend private school.

According the LA County Register Recorder/County Clerk's Office, as of March 23, 2022, there are 40 preregistered voters aged 16 or 17, which is down from 173 in February 2020. This means that less than 5% of those aged 16 and 17 are currently pre-registered to vote.

Other Potential Voting Related Ballot Measures Recommended by the Subcommittee for Discussion

In addition to the Vote 16 issue, the Subcommittee recommends that the City Council discuss two other potential ballot measures: (1) "approval voting", where each voter may choose any number of candidates listed on a ballot, and the winner is the candidate with the largest number of votes; and (2) allowing non-U.S. citizens who reside in the City to vote in City elections. City Council may choose to direct staff to return with additional information about either of these potential ballot measures.

> 1. *Approval Voting*

On September 13, 2021, The Center for Election Science provided a presentation and demonstration of Approval Voting to the City Council. According to the Center, "Approval voting is a single-winner voting method that allows voters to choose any number of candidates. The candidate chosen the most wins."

In 2018, Fargo, North Dakota passed a local ballot initiative adopting approval voting for the City's local elections, and it was used in June 2020. In November 2020, St. Louis Missouri passed Proposition D to authorize a variation of approval voting for municipal offices in the primary election. The first such primary was held in March 2021, followed by a top-two runoff.

2. Allowing Non-United States Citizens to Vote

Federal law states that it is unlawful for a noncitizen to vote in a federal election. Federal law does not address state or local elections. All state constitutions mention United States citizenship when discussing who can vote in that state's elections (*e.g.*, "every citizen" or "all citizens"), however, only two state constitutions (Arizona and North Dakota) specifically provide that noncitizens do not have the right to vote. At least 14 states do not have a clear impediment to municipalities passing their own vote qualification laws.

As discussed above, in California, the State Constitution provides that "[a] United States Citizen 18 years of age and resident in this State may vote." As with the issue of allowing 16- and 17-year-olds to vote, there is an argument that a charter city such as Culver City has the authority to allow non-United States citizens to vote in local elections under Article XI Section 5(b) of the State Constitution which specifically enumerates "conduct of city elections" as one of the four core municipal affairs where the City has the power and authority to legislate.

In November 2016, voters in San Francisco, California approved Proposition N, a charter amendment that allows non-United States citizen residents of San Francisco to vote for members of the Board of Education. The non-United States citizen resident must be of legal voting age and the parent, guardian or legally recognized caregiver of a child living in the San Francisco Unified School District.

On December 9, 2021, the New York City Council adopted legislation extending the right to vote in municipal elections to lawful permanent residents and other non-United States citizens authorized to work in the United States.

A number of cities in Maryland and Vermont allow non-citizens to vote in local elections, if the person is a resident of that municipality and of legal voting age; some of these municipalities have additional qualifications as well.

Additional Potential 2022 Ballot Measures

Currently there are several additional ballot measures that City Council has discussed and is considering or exploring for the November 2022 election or a future election. These include a measure to amend the City's business tax ordinance, and possibly a measure pertaining to affordable housing. The impact of multiple ballot measures on the potential success of any specific ballot measure is not known at this time.

FISCAL ANALYSIS

If the City Council directs staff to place a ballot measure on the 2022 ballot to lower the voting age to 16 for local elections, there would potentially be costs for legal and elections consultants required to assist the City with the ballot measures. There would be an additional cost of approximately $21,000 for the County of Los Angeles to place an additional ballot measure on the ballot. Given the

significant number of ballot measures heading toward the November 2022 election, the current non-discretionary workload, staff shortages in the City Clerk's office, and the significant number of staff hours required to be dedicated to each ballot measure, the City may need to hire additional staff or consultants to support the work necessary to place this and other ballot measures on the ballot. These costs are unknown at this time and depend on the number of ballot measures approved by City Council. If approved by voters, there would also be an ongoing, unknown increase in costs for the County to customize a Culver City-specific Municipal Ballot for voters who are 16 and 17 years of age.

ATTACHMENTS

None.

MOTION

That the City Council:

1. (If desired) Direct staff to bring back a Ballot Measure to place on the November 2022 Election Ballot or future election, to amend the City Charter to lower the voting age to 16 for Culver City municipal elections; and

2. (If desired) Direct staff to bring back a Ballot Measure to place on the November 2022 Election Ballot or a future election, amending the City Charter to provide for Approval Voting in Culver City municipal elections; and

3. (If desired) Direct staff to bring back a Ballot Measure to place on the November 2022 Election Ballot or future election amending the City Charter to allow non-U.S. Citizens who are residents of the City to vote in Culver City municipal elections; and

4. Provide direction to the City Manager as deemed appropriate.