

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2517

Introduced by Assembly Member Thurmond
(Coauthor: Assembly Member Chiu)

February 19, 2016

An act to amend Sections 2000 and 2101 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2517, as amended, Thurmond. Voting age: school district governing board elections.

Existing law requires a person to be at least 18 years of age at the time of the next election, among other qualifications, to be eligible to register and vote.

Existing law provides for the amendment of a city or city and county charter, and requires a charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, as specified.

This bill would authorize a city or city and county to propose an amendment to its charter that would allow a person who is at least 16 years of age at the time of the next election to vote in a school district governing board election, as specified, in which he or she would be qualified to vote based on residence. The bill would, in the event that a city or city and county amends its charter as described, authorize a person who is at least 16 years of age at the time of the next election, and who is otherwise qualified, to register to vote for the limited purpose of voting in a school district governing board election. If a city or city

and county amends its charter as described above, this bill would require the city or city and county to enter into an agreement, as specified, with the county elections official providing for payment by the city, city or county, or school district of all costs necessary to implement the charter amendment or, alternatively, require that the city, city or county, or school district perform any or all duties necessary to implement the charter amendment, unless prohibited by law. *The bill would further provide that a charter amendment adopted pursuant to these provisions with an effective date on or after January 1, 2017, is valid regardless of the date the charter amendment was approved.*

This bill would provide that specified provisions shall become operative only if the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Voting, especially at the local level, is the cornerstone of
- 4 democracy. However, voter turnout has declined consistently in
- 5 recent decades. In the most recent general election conducted in
- 6 November 2014, voter turnout was only 42 percent of eligible
- 7 voters, representing a historic low.
- 8 (2) Research shows that early voting experiences are important
- 9 determinants of future voting behavior. The formation of voting
- 10 habits begins when individuals reach voting age and experience
- 11 their first elections.
- 12 (3) Local political decisions have great influence on the lives
- 13 of 16 and 17 year olds. As such, 16 and 17 year olds deserve to
- 14 vote, and research shows they are mature enough to do so.
- 15 (4) Lowering the voting age for certain local elections will
- 16 provide an opportunity to engage young voters on issues that
- 17 directly affect them and will lead to increased voter turnout, thereby
- 18 strengthening our democracy. As an example, Norway and Austria
- 19 recently permitted 16 and 17 year olds to vote in certain elections

1 and research shows that voter turnout for 16 and 17 year olds was
2 much higher than older first-time voters.

3 (5) Lowering the voting age will also increase the demand for
4 better civics education in schools, thereby significantly increasing
5 political engagement.

6 (6) It is unclear whether existing state law permits charter cities
7 to lower the voting age for local elections. Therefore, this bill seeks
8 to provide legal certainty to those local governments considering
9 this issue.

10 (b) Therefore, it is the intent of the Legislature that:

11 (1) Charter cities and charter cities and counties be permitted,
12 and not required, to authorize 16 year olds to vote in school district
13 governing board elections as a means of increasing voter turnout
14 and civil participation.

15 (2) This section does not create a state-mandated local program
16 because any costs imposed by this act shall be paid for by the
17 charter city or charter city and county or the school district.

18 SEC. 2. Section 2000 of the Elections Code, as enacted by
19 Section 2 of Chapter 920 of the Statutes of 1994, is amended to
20 read:

21 2000. (a) Every person who qualifies under Section 2 of Article
22 II of the California Constitution and who complies with this code
23 governing the registration of electors may vote at any election held
24 within the territory within which he or she resides and the election
25 is held.

26 (b) Except as provided in subdivision (c), a person who will be
27 at least 18 years of age at the time of the next election is eligible
28 to register and vote at that election.

29 (c) Pursuant to Section 9255, the governing body of a city or
30 city and county may amend its charter to authorize a person who
31 will be at least 16 years of age at the time of the next election to
32 vote in a school district governing board election in which he or
33 she would be qualified to vote based on residence. This subdivision
34 only applies to elections for school district governing boards that
35 are governed by a charter pursuant to Article 1 (commencing with
36 Section 5200) of Chapter 2 of Part 4 of Division 1 of Title 1 of the
37 Education Code.

38 (1) The city or city and county shall prescribe the manner and
39 method by which votes may be cast and counted pursuant to this

1 subdivision, provided that all votes are cast no later than 8 p.m.
2 on the day of the election.

3 (2) If a city or city and county amends its charter as described
4 in this subdivision, it shall enter into an agreement with the county
5 elections official providing for payment by the city, city or county,
6 or school district of all costs necessary to implement the charter
7 amendment. Alternatively, the agreement may provide that the
8 city, city or county, or school district shall perform any or all duties
9 necessary to implement the charter amendment, unless prohibited
10 by law. The agreement need not be entered into before the
11 enactment of the charter amendment described in this subdivision.

12 (3) *A charter amendment adopted pursuant to this subdivision*
13 *with an effective date on or after January 1, 2017, is valid*
14 *regardless of the date the charter amendment was approved.*

15 SEC. 3. Section 2000 of the Elections Code, as amended by
16 Section 1 of Chapter 728 of the Statutes of 2015, is amended to
17 read:

18 2000. (a) Every person who qualifies under Section 2 of Article
19 II of the California Constitution and who complies with this code
20 governing the registration of electors may vote at any election held
21 within the territory within which he or she resides and the election
22 is held.

23 (b) Except as provided in subdivision (d), a person who will be
24 at least 18 years of age at the time of the next election is eligible
25 to register and vote at that election.

26 (c) Pursuant to Section 2102, any person who is at least 16 years
27 of age and otherwise meets all eligibility requirements to vote is
28 eligible to preregister to vote, but is not eligible to vote until he or
29 she is 18 years of age, except as provided in subdivision (d).

30 (d) Pursuant to Section 9255, the governing body of a city or
31 city and county may amend its charter to authorize a person who
32 will be at least 16 years of age at the time of the next election to
33 vote in a school district governing board election in which he or
34 she would be qualified to vote based on residence. This subdivision
35 only applies to elections for school district governing boards that
36 are governed by a charter pursuant to Article 1 (commencing with
37 Section 5200) of Chapter 2 of Part 4 of Division 1 of Title 1 of the
38 Education Code.

39 (1) The city or city and county shall prescribe the manner and
40 method by which votes may be cast and counted pursuant to this

subdivision, provided that all votes are cast no later than 8 p.m. on the day of the election.

(2) If a city or city and county amends its charter as described in this subdivision, it shall enter into an agreement with the county elections official providing for payment by the city, city or county, or school district of all costs necessary to implement the charter amendment. Alternatively, the agreement may provide that the city, city or county, or school district shall perform any or all duties necessary to implement the charter amendment, unless prohibited by law. The agreement need not be entered into before the enactment of the charter amendment described in this subdivision.

(3) *A charter amendment adopted pursuant to this subdivision with an effective date of January 1, 2017, or later, shall be valid regardless of the date the charter amendment was approved.*

SEC. 4. Section 2101 of the Elections Code, as enacted by Section 2 of Chapter 920 of the Statutes of 1994, is amended to read:

2101. (a) Except as provided in subdivision (b), a person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

(b) If a city or city and county amends its charter to authorize a person who is at least 16 years of age at the time of the next election to vote in a school district governing board election pursuant to Section 2000, that person may register to vote for the limited purpose of voting in a school district governing board election if he or she otherwise meets the requirements set forth in subdivision (a).

SEC. 5. Section 2101 of the Elections Code, as amended by Section 2 of Chapter 728 of the Statutes of 2015, is amended to read:

2101. (a) Except as provided in subdivision (c), a person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

(b) A person entitled to preregister to vote in an election shall be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 16 years of age.

1 (c) If a city or city and county amends its charter to authorize
2 a person who is at least 16 years of age at the time of the next
3 election to vote in a school district governing board election
4 pursuant to Section 2000, that person may register to vote for the
5 limited purpose of voting in a school district governing board
6 election if he or she otherwise meets the requirements set forth in
7 subdivision (a).

8 SEC. 6. Sections 3 and 5 shall become operative only if the
9 Secretary of State certifies that the state has a statewide voter
10 registration database that complies with the requirements of the
11 federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et
12 seq.).