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Report on Constitutional Amendment Lowering the Voting Age (State Measure No. 5)

City Club of Portland (Portland, Or.)

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REPORT
ON
Constitutional Amendment
LOWERING THE VOTING AGE
(State Measure No. 5)

Purpose: Section 2, Article II, and Section 6, Article VIII, of the Oregon Constitution are amended to lower the minimum age for voting in all elections, including school district elections, to 19 years of age.

To the Board of Governors,
The City Club of Portland:

I. ASSIGNMENT

Your Committee was assigned to study and bring to the membership a recommendation on House Joint Resolution 19 of the 1969 Session of the Oregon Legislature. This resolution proposed a Constitutional Amendment to appear on the state ballot at the primary election on May 26, 1970. If passed, the minimum age for voting in all elections in the State of Oregon, including school district elections, will be lowered to 19 years of age.

Those serving on your Committee were carefully chosen to achieve a representative balance of all age levels within the membership.

II. SCOPE OF RESEARCH

1. Your Committee interviewed the following persons:
Earl Blumenauer, Chairman of *Oregonians for GO-19*
William J. Moshofsky,⁽¹⁾ Assistant to the President of Georgia-Pacific Corporation
Raymond Rowe, past Executive Secretary of the Governor's Committee on Children and Youth
2. Your Committee solicited and received written information from the following persons:
Dr. Waldo E. Carlson, Tax Economist, Research and Planning Section of the Department of Revenue, State of Oregon
Clay Myers, Secretary of State, State of Oregon
Jack F. Thompson, Assistant Secretary of State, State of Oregon
Wesley E. Zellner, Chief of Research and Statistics, Employment Division, State of Oregon.
3. Your Committee solicited and received written opinions from all members of the Oregon Congressional delegation, Governor Tom McCall and Secretary of State Clay Myers.
4. Your Committee solicited written opinions from a sample group of 21 state legislators picked by geographical area and party affiliation and received responses from 13 of the sample group.
5. Your Committee solicited written opinions from the presidents of 26 state, community, and private institutions of higher education within Oregon and received responses from 18 of these presidents.
6. Members of your Committee read hundreds of pages of testimony given

⁽¹⁾Subsequent to the Committee's interview with Mr. Moshofsky, he became Chairman of the Committee for Realistic Voting Age Limits.

before Congressional committees studying various bills introduced since 1942 to lower the voting age.

7. Members of your Committee reviewed other written material, including all available material listed in "Lowering the Voting Age; A Bibliography," Legislative Reference Service (May 1969). Among the more current materials reviewed by the members of your Committee are:

Carlton, William, *Vote for Teen-Agers*, The Yale Review 59 (Autumn, 1968)

Javits, Jacob, *Lower the Voting Age*, Playboy 83 (Feb., 1968)

Should the 18-Year-Olds Be Allowed to Vote? The American Legion Magazine (June, 1969)

Special Report on the Young Voter, Gallup Opinion Index No. 36 (June, 1968)

Vote at 18: Overdue or Premature, Senior Scholastic 20 (Sept. 27, 1968)

National Commission on the Causes and Prevention of Violence, *Commission Statement on Challenging Our Youth* (Nov., 1969)

Oregon Committee for the 18-Year-Old Vote, *The 18-Year-Old Vote* (Jan. 15, 1966)

Message from President Johnson Transmitting a Proposal to Amend the U.S. Constitution to Lower the Voting Age to 18, H.J. Doc. No. 334, 90th Cong., 2d Sess. (1968).

III. HISTORICAL BACKGROUND—General

Under the United States Constitution it is the prerogative of the states, with certain limitations, to establish qualifications for voting, including the minimum voting age. With few exceptions the minimum of 21 years has been standard practice in this country since colonial times.

The origin of age 21 as the legal voting age evolves from medieval England. In the 13th century, different ages were considered to be "full age," depending on one's position in life. For example, a young citizen of a borough, which was an incorporated self-governing village, reached full age when he could count money or measure cloth. A young socman (tenant farmer who was exempt from military service) was of full age at 15 years. However, a tenant in knight's service was kept in ward and not considered of full age until he was 21 years old. Gradually this custom for the knightly-privileged class became the age of majority under common law for all classes.⁽²⁾

At the time of the colonization of America, age 21 was firmly established under English Common Law as the dividing line between childhood and adulthood. All of the colonies adopted English Common Law, which included the 21-year-old adulthood custom.⁽³⁾

Most of the nations of Western Europe have a minimum voting age of at least 21 years. The major exception is the United Kingdom which, by an act of Parliament effective January 1, 1970, lowered the age of majority to 18. Several states in West Germany permit voting at age 18. Other countries which permit 18-year-olds to vote are Argentina, Brazil, Ecuador, Guatemala, Peru, Mexico, Russia and Israel.

Apparently, the first attempt to lower the voting age in the United States occurred at the New York Constitutional Convention in 1867. The measure would have lowered the voting age to 18 for male citizens. It was defeated 82 to 33.⁽⁴⁾

Federal legislative activity to lower the voting age began in 1942 when the draft age was lowered to 18. Both House and Senate Joint Resolutions were introduced in Congress during the fall of 1942. Senator Vandenburg, who offered the Senate version, commented "If young men are to be drafted at 18 years of age to

(2) Pollock & Maitland, *History of English Law Before the Time of Edward I*, Vol. II, p. 438 (2nd ed. 1952)

(3) McKinley, A. D., *The Suffrage Franchise in the Thirteen English Colonies in America*.

(4) *Historical Background, Voting Age*, Congressional Digest, Vol. 33, p. 194 (Aug.-Sept. 1944).

fight for their government, they ought to be entitled to vote at 18 years of age for the kind of government for which they are best satisfied to fight." Since the failure of the 1942 proposal more than 150 Congressional resolutions to lower the voting age to 18 have been introduced, 50 of them in the last Congress.

All the Presidents of the United States, from Franklin D. Roosevelt through Richard M. Nixon, with the exception of Harry S. Truman, have advocated lowering the voting age to 18 years.

On March 12th of this year by a vote of 64 to 17, the Senate amended the bill which would extend the 1965 Voting Rights Act to provide for lowering the voting age to 18 in all elections after January 1, 1971. The bill as amended was passed by the Senate and is now being considered in the House. Unlike the prior attempts to lower the voting age, which were proposed as constitutional amendments, the present measure provides for lowering the voting age by statute. Many authorities have questioned the constitutionality of this means of lowering the voting age.

After the initial Congressional efforts failed in 1942, action in state legislatures accelerated. In 1943, 31 state legislatures had bills introduced to lower the voting age but only Georgia passed the measure by a 2 to 1 vote of the people.⁽⁵⁾ Other bills failed for various reasons, with most of them dying in committee.

During the Korean War state legislative activity again increased but only Kentucky in 1955 adopted an 18-year-old vote. Alaska and Hawaii adopted voting ages of 19 and 20 respectively at the time they entered the Union.

In recent years, the electorates in ten other states have had an opportunity to vote on the issue and in all instances the measure was defeated: Oklahoma in 1952, South Dakota in 1952 and 1958, Idaho in 1960, Michigan in 1965, North Dakota and Nebraska in 1967, Maryland and Tennessee in 1968, New Jersey and Ohio in 1969.⁽⁶⁾

A Gallup poll taken in February, 1970 indicated that 58 percent of the people interviewed favored lowering the voting age, as compared with 17 percent in a 1939 poll. Since 1942 the Gallup poll has consistently shown that about 60 percent of Americans approve a lower voting age—a percentage which appears inconsistent with the action of the electorate in the above ten states. Most voters, however, have not had the opportunity to vote on the issue because it has not been referred by their state legislatures.

Most legislatures meet biennially for relatively short periods of time. In many states, the amending process is very difficult. For example, in New Mexico, to amend the voting provision of the state constitution requires a three-fourths vote in the entire state, with a two-thirds vote in every county. Vermont is the only state which has never considered lowering the voting age. Proposals for amending the Vermont constitution may be introduced in the Senate only in those sessions held during years ending with the digit "one." Other states, such as New York, Indiana and Pennsylvania, require that a constitutional amendment be approved by two consecutive legislative sessions.⁽⁷⁾

IV. HISTORICAL BACKGROUND—Oregon

Article II (Suffrage and Elections) of the Oregon Constitution was adopted in 1895 and has been amended several times since that date. The first amendment was in November, 1912, and granted equal suffrage to women, eight years prior to the Nineteenth Amendment to the United States Constitution providing women's suffrage. Several amendments regarding literacy and registration were adopted by the electorate during the late 1920s and 1930s. These amendments, including one to limit registration and voting to taxpayers, authorized the Legislature to

⁽⁵⁾Hearings on Nomination and Election of President and Vice President Before the Senate Committee on the Judiciary, *State Action to Lower the Voting Age, 1943-1960*, 87th Cong., 1st Sess., Appendix pt. 4, 859 (1961).

⁽⁶⁾National Commission on the Causes and Prevention of Violence, *Commission Statement on Challenging Our Youth*, p. 2 (Nov. 1969).

⁽⁷⁾Hearings on Lowering the Voting Age to 18 Before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 90th Cong., 2nd Sess. 80 (1969).

enact such enabling legislation as it deemed necessary. Most of the laws enacted under this authority were subsequently repealed during the 1955 and 1957 legislative assemblies. The last amendment in 1960 abolished the six-month residency requirement for voting for candidates for President and Vice President, an action which preceded current congressional efforts to enact a similar law on a national basis.

Prior to 1969 proposals to lower the voting age were brought before the Oregon Legislature on four occasions. A constitutional amendment to lower the voting age to 18 was introduced in the Legislature as HJR 1 in 1943 but died in committee. A similar measure (HJR 7) suffered the same fate in 1953. In 1955, a Senate-initiated resolution (SJR 1) passed the Senate on March 24 by a vote of 21 to 9, but died in the House Committee. Two resolutions in 1957 and one in 1959 designed to lower the voting age to 18 or 19 were not acted upon in committee.

V. ARGUMENTS ADVANCED IN SUPPORT OF A LOWER VOTING AGE

The following arguments are advanced by proponents for lowering the voting age:

1. Since most of those in the 19 and 20 age group are better educated and more aware of the issues and events confronting society than the general electorate, they are well qualified to vote.
2. "If a person is old enough to fight, he is old enough to vote."
3. Since those in the 19 and 20 age group must shoulder most of the responsibilities of citizenship, they are entitled to a citizen's right of voting.
4. Reducing the period between an individual's study of the electoral process and his participation in that process will preserve and enhance his interest and involvement in the electoral process initially as well as in later years.
5. Those in the 19 and 20 age group should be given the means of acting and working within the electoral process so that the idealism and activism of youth is channeled within the established democratic process.
6. With senior citizens living longer, the body politic needs to be balanced by expanding the number of young voters.

VI. ARGUMENTS ADVANCED AGAINST A LOWER VOTING AGE

The following arguments are advanced by those opposing the lowering of the voting age:

1. Due to the lack of maturity and decision-making experience, those in the 19 and 20 age group are not sufficiently qualified to vote.
2. Those in the 19 and 20 age group are more idealistic, emotional and susceptible to propaganda, as indicated by the numerous campus demonstrations and disturbances.
3. Since the State of Oregon prevents 19 and 20-year-olds in many ways from governing their own affairs, they are not competent to participate in the process of governing the affairs of the State of Oregon.
4. Those in the 19 and 20 age group will vote as a bloc, disrupting the delicate balance between the political parties.
5. Those in the 19 and 20 age group would be voting in school district elections although few will own homes or otherwise have a financial interest in the elections.

VII. DISCUSSION

The approval of HJR 19 would initially result in a potential addition of 70,000 new voters in Oregon, which would constitute 7 percent of the registered electorate in the state. Secretary of State Clay Myers estimates that the number of 19 and 20-year-olds actually registering to vote in 1970 would be approximately 35,000, which would represent 3.5 percent of the registered electorate. By 1980 approximately 53,000 19 and 20-year-olds would be expected to be registering to vote, which would represent 4.5 percent of the registered electorate.

Such a potential increase in the number of the Oregon electorate is significant and should not be approved without sound justification. For this Committee the key inquiry was whether the addition of 19 and 20-year-olds as voters in Oregon would enhance the electoral process of the State. In the opinion of the Committee the electoral process would be enhanced by the addition of any group which in general would exercise its voting franchise in a rational, informed and educated manner, with awareness and concern for the local, state and national issues.

It cannot be questioned that the 19 and 20-year-olds of today, as a group, have had a significantly greater amount of formal education than a cross-section of the present Oregon electorate. In the country as a whole, approximately 79 percent of this age group are high school graduates, as contrasted with only 17 percent of this age group in 1920. Although no figures are available for this State, in Portland approximately 88 percent of this age group are high school graduates. The Employment Division of the State of Oregon estimates that 48.5 percent of the 19 and 20-year-olds in Oregon are now attending two and four-year colleges.

The Committee believes that through the present educational process, the 19 and 20-year-old is more aware and informed than the average voter regarding the political institutions and processes, the rapidly changing world, and the varied political and social problems of this country and state. Furthermore, the 19 and 20-year-olds, through an educational process which has increased its emphasis on problem solving, are in a position to render a rational decision as members of the electorate.

Opponents argue that the higher amount of formal education of the 19 and 20-year-olds is more than offset by their lack of maturity and decision-making experience. Although such an argument does not lend itself to precise analysis, the Committee has weighed this argument and has been left unconvinced as to its merit. Unquestionably, maturity is a factor in rational decision-making, but how much maturity is required and how is maturity to be measured? Maturity is not necessarily dependent on chronological age nor can physical or emotional maturity be equated with maturity for decision-making purposes. In the opinion of the Committee, 19 and 20-year-olds in general have sufficient maturity to render sound and rational decisions in the electoral process. The Committee asked the presidents of 26 state, community, and private institutions of higher education in Oregon whether in their view "19 and 20-year-olds in general, not just those in college, have sufficient maturity and education to qualify them to vote." With the exception of one president who was undecided, the 18 presidents responding to the inquiry answered in the affirmative.

With respect to decision-making experience, the question, as with maturity, is how much is required. The 19 and 20-year-olds are making decisions in their daily lives and have been doing so for many years. Such experience, in the view of the Committee, is sufficient. Far more important than the experience of decision-making is learning the proper techniques of decision-making, which techniques have been increasingly stressed in the system which has educated the present 19 and 20-year-olds.

The 19 and 20-year-olds may well be more idealistic as a group than the general cross-section of Oregon's electorate as asserted by opponents of lowering the voting age, but idealism is not necessarily bad or indicative of irrational decision-making. In the view of the Committee idealism and pragmatism both have a place in political decision-making. Idealism is a good balance to cynical pragmatism.

Undue attention has been focused on campus disturbances and war protest riots. Only a few of this country's 19 and 20-year-olds have participated in these unlawful activities and there has been relatively little of such activity in this state.

The criminal behavior of a few of the 19 and 20-year-olds is no more indicative of the group as a whole than the action of a few adults in Lamar, South Carolina is indicative of adults as a group. Most 19 and 20-year-olds are responsible and law abiding citizens, and it would indeed be tragic if the irresponsible acts of a few were allowed to obscure the responsible actions of the vast majority.

The Committee found evidence of some frustration among many of the 19 and 20-year-olds arising from a feeling of not being able to participate in the decision-making processes of this country and state. Lowering the voting age would lessen this frustration and provide the opportunity to channel the activism and concern of the 19 and 20-year-olds within the established democratic processes.

At present, there exists a three to four year hiatus between the time a young person learns about the political institutions and electoral process and the time when he is able to vote. Proponents of lowering the voting age argue that this gap results in a loss of interest and desire to participate by young people prior to reaching 21 years of age. Proponents also argue that such interest and desire to participate is slow to be rekindled when they are finally able to participate. Shortening the time between an individual's study of the electoral process and his participation in that process will, according to these proponents, preserve and enhance the interest and desire to participate generated in the classroom, which would in turn lead to greater and more active participation by these individuals in the electoral process not only initially but in the later years as well. Although the present less active participation in the electoral process by those in the 21 to 25-year age group⁽⁸⁾ is due in part to their greater mobility, which prevents them from meeting the residency requirements for registration, there is evidence that it is also due in some degree to disinterest arising from a 3 to 4-year hiatus between learning and participation. It is well recognized in the educational field that interest is maintained and learning reinforced by participation. Thus it is reasonable to believe that shortening the time between studying and participating in the electoral process will in some measure preserve and enhance the interest and desire to participate.

Opposition to the lowering of the voting age has been based, in part, on the assumption that 19 and 20-year-olds would vote as a bloc. No evidence could be found of such bloc voting in those states which presently have lower voting ages. Voter analysis studies indicate no significant deviation from the voting patterns of other age groups. From the limited evidence available, the Committee is of the opinion that 19 and 20-year-olds will in no significant degree vote as a bloc.

Presently, the 19 and 20-year-olds in Oregon must shoulder most of the responsibilities of citizenship. Many of them are married, many more are employed full time and a great many are paying taxes in one form or another to support local, state and Federal governments. In addition, 19 and 20-year-olds must assume the citizen's supreme responsibility of bearing arms. Although the Committee does not find merit in the argument that "one who is old enough to fight for his country is old enough to vote," the Committee believes that since 19 and 20-year-olds have this responsibility, as well as most of the other responsibilities of citizenship, they are entitled to the citizen's right to participate in the electoral process. It is only fair that 19 and 20-year-olds, who share most of the responsibilities of citizenship, should also share in the decision-making of citizenship in this state.

Some opponents by their arguments have left the Committee with the impression they are really against the electoral process as presently constituted. What they appear to be saying is that the present process is not reaching the "right" decision and the addition of 19 and 20-year-olds will only worsen this situation. Some opponents have also given the Committee the impression that their opposition to the measure stems from their fear that 19 and 20-year-olds will vote contrary to their own position and so reach an "incorrect" decision. Such fear rests on the assumption that 19 and 20-year-olds will vote in a bloc. As previously discussed, the Committee found no evidence to support this assumption in the voter analysis studies from the four states which now have a lower voting age. More importantly, it is repugnant to the democratic process of free elections to decide whether one will be able to vote on the basis of how he would vote on certain issues. The real determination should be whether 19 and 20-year-olds will vote in a

⁽⁸⁾ *Special Report on Young Voters*, Gallup Opinion Index No. 36, Part II, pp. 7, 11, June 1968; Campbell, Converse, Miller and Stokes, *The American Voter*, pp. 493-494 (1960).

rational and informed manner, and not whether they will vote "correctly" or "incorrectly" on specific issues.

The Committee is convinced the 19 and 20-year-olds as a group will vote in a rational and informed manner. No doubt there are individual 19 and 20-year-olds to whom one can point as being unable to render a rational and informed decision, but likewise individuals in all age groups can be singled out as being unqualified to render a rational and informed decision. The Committee has at all times been mindful to consider the question in terms of all 19 and 20-year-olds and not in terms of a few individuals within this group.

As reflected in the statements of their officials, including testimony in Congressional hearings, those states which have lowered their voting age⁽⁹⁾ have been satisfied with their decision. These officials indicate there is no desire to revert to an older voting age. The Committee is convinced that a similar satisfactory result will flow from the passage of State Ballot Measure No. 5.⁽¹⁰⁾

VIII. CONCLUSIONS

Lowering the voting age to 19 in Oregon will enhance the electoral process in the state by the addition of a significant number of voters who will exercise their franchise in a rational, informed and educated manner, with awareness and concern for local, state and national issues. Since 19 and 20-year-olds now carry most of the responsibilities and duties of citizenship, including the highest duty of bearing arms, it is only just that they should also have the opportunity to exercise the citizen's right of decision-making through the electoral process.

IX. RECOMMENDATION

On the basis of the foregoing, your Committee unanimously recommends that the City Club favor lowering the voting age in Oregon to 19 and urge a "Yes" vote on State Measure No. 5 in the election on May 26, 1970.

Respectfully submitted,
 H. Stockton Boyd
 Myron J. Fleck
 Verner V. Lindgren, M.D.
 James S. McCready
 Charles Robinowitz
 Laurence Winter, Ph.D.
 Stephen B. Hill, *Chairman*

Approved by the Research Board April 2, 1970 and submitted to the Board of Governors.
 Received by the Board of Governors April 6, 1970 and ordered printed and submitted to the membership for discussion and action.

(9) For information regarding these states see page

(10) In response to written inquiries by the Committee, the following individuals have indicated they favor the lowering of the voting age to 19 in Oregon:

1. Governor Tom McCall and Secretary of State Clay Myers of the State of Oregon.
2. All members of the Oregon Congressional delegation with the exception of Congresswoman Edith Green who stated it was her practice "not to become involved in state issues."
3. Presidents of 18 state, community and private institutions of higher education in Oregon.

