MEMORANDUM

To: The Executive Director,
American Civil Liberties Union

From: Hanna Yoshida
American Civil Liberties Union

Subject: The ACLU Representing Vote16USA in the State of Maryland

Date: April 24, 2018

I. Issue

Vote16USA is a national campaign that is organized by the non-profit organization Generation Citizen. The goals of the campaign are to "lower the voting age [to 16 and 17-year-olds in our community] on the local level, [to] help start new local campaigns, and [to] elevate the issue [of voting age] on a national level" in an attempt to "strengthen our overall democracy."[1] While Vote16USA has been able to lower the voting age in two cities in Maryland, they are still fighting to change the voting age across the entire state. Unfortunately, there are many opposing opinions and parties that prevent this change from happening on a larger-scale. As the ACLU, I believe that we have a duty to represent individuals in our community and their neglected voices. Thus, we should represent Vote16USA and their mission.

II. Vote16USA's Strategies and ACLU's Role/Responsibility

Vote16USA claims that the lowering of the voting age can lead to many benefits for the youth in our community, such as an increase in "funding for civic learning in the Elementary and Secondary Education Act and state mandates for civics education classes." They argue that the youth are affected by political issues as much as adults are, especially in regards to "education funding, school board decisions, employment initiatives, police programs, and public works project" at the local level. Therefore, Vote16USA believes that 16 and 17 year-olds should be able to address their concerns through the opportunity of voting in municipal elections.[2]

The members of Vote16USA work both inside and outside the court to make sure their voices are heard. Inside the courtrooms, committee members are working to gain the support of elected officials and politicians. For example, the youth leaders in the Vote16USA committee in California brought a proposal to the San Francisco Youth Commission to lower the local voting age. The youth leaders were successfully able to gain the support of "nearly every elected official and political club in the city" in less than two years. The proposal became unanimously endorsed by the Board of Education and was put on the ballot at the November 2016 election after a 9-2 vote by the Board of Supervisors.[3] However, Vote16USA spends most of their time outside of the courtrooms, working on campaigns, speaking in front of the media, and constantly spreading their message to new cities and audiences. They believe that the key to advancing the issue is to win public support, especially engaging politicians that are expressing interest in civic engagement. In fact, Vote16USA heavily focuses on securing endorsements from

---

[1] Generation Citizen, *Young Voices at the Ballot* Box (Jan.2017), *available at* http://vote16usa.org/wp-content/uploads/2016/01/Vote16USA-white-paper.pdf.
[2] Id. at 4, 6
[3] Id. at 9

conservative parties, ensuring that the conservatives are part of the local efforts moving forward so that the bipartisan image of the campaign is bolstered and maintained.[4]

Vote16USA looks "at both the state Constitution and the state election statutes for provisions regarding the voting age" because it is crucial to understand whether the voting age requirement is stated as a grant or as a restriction. If the voting age is phrased as a restriction in the state Constitution, the state Constitution must be amended to lower the voting age in cities of that state. On the other hand, if the voting age is phrased as a restriction, the state legislature would need to "pass a new law to change the statute" to lower the voting age.[5] In Maryland, the state Constitution "grants the right to vote to those over 18, and those not explicitly prohibit those from under 18 from voting." Furthermore, the state election code "states that: 'Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation' (Md. Code § 2-202)." In other words, the cities located in Maryland (with the exception of Baltimore) can easily lower the voting age because the legal structure only requires city councils voting in favor of a charter amendment to implement the change. This allowed for cities like Takoma Park and Hyattsville to smoothly extend voting rights to 16 and 17-year-olds for local elections.[6]

The American Civil Liberties Union has historically been the United States' "guardian of liberty." We have worked in courts, legislatures, and in the community "to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country." In fact, we appear before the Supreme Court more than any other organization except for the Department of Justice.[7] Much of our work is rooted in not only changing the sole policy but also changing the hearts and minds of the people in our society. Since our Voting Rights Project is already fighting voter suppression, particularly for "black people, the elderly, students, and people with disabilities,"[8] it would make sense to also offer our support and services to Vote16USA. As the Maryland ACLU, we will lobby the state legislature to ensure that voting rights will be extended to younger individuals, not just in two of our cities, but for all cities in the state of Maryland. Currently, in Maryland, individuals that are the age of at least 16 are eligible for registering to vote.[9] Our role as the ACLU will be to convince the state that if these individuals are eligible to register to vote, they should also be equally eligible to cast a vote in local elections.

III. Possible Oppositional Social Groups

Despite the leverage we already have in lowering the voting age in Maryland, there are many arguments and parties that we would have to fight against to accomplish our goal. One of our main opposing parties will be ParentalRights.org, an organization that claims to be a group of "concerned parents and citizens who care about children and are concerned about how parental rights are slipping away."[10] They argue that parents are "better than the government," and thus should be able to have control over the children's voices and opinions. Their plan is to preserve parental rights through the implementation of a Parental Rights Amendment to the United States Constitution, as well as through multiple state and federal

[4] Id. at 15
[5] Id. at 19, 20
[6] Id. page 9, 13, 2 1
[7] *About the ACLU,* American Civil Liberties Union, https://www.aclu.org (last visited April 20, 2018).
[8] Id.
[9] *Introduction to Voter Registration* Eligibility, The State Board of Elections for the State of Maryland, http://elections.state.md.us/voter_registration/ (last visited April 22, 2018).
[10] *Parental Rights Matter to Us All,* ParentalRights.org, https://parentalrights.org/ (last visited April 22, 2018).

legislation.[11] Using the 1925 Supreme Court case of *Pierce v. Society of Sisters*, the organization argues that parents possess "a fundamental constitutional right to raise their children as they see fit."[12] Fortunately, as of now, Maryland does not have any state statutes that define and protect the parental rights that this organization believes should be granted to the parents.[13] However, this does not mean that our fight against them will be an easy battle. They are heavily and actively advocating for parental rights at the state level through constant monitoring of the state legislation, introducing multiple legislations, and combatting "potentially harmful legislation"[14] by filing lawsuits. Since lowering the voting age will grant more rights for children, and thus decrease the level of control parents can exercise over their children, it can be assumed that ParentalRights.org will consider our actions "harmful." Unlike Vote16USA, however, they are not doing much outside of the court to pursue their agenda; they have a weak social media presence and do not mention any measures they are taking outside of the law and courts.

Furthermore, in general, there is a huge population that is against the idea of lowering the voting age. Their arguments are that 16-18-year-olds are still developing, do not have a full educational background (Maryland requires all children between the ages of 5 to 18 to attend school[15]), and are usually not financially nor mentally independent. Since the government tends to focus on issues dealing with the economy and taxation, they contend that voting for those policies would be irrelevant unless the child is economically independent at that age, which is usually not many.[16] In terms of legal issues, there is a concern that lowering the voting age can set the precedent for other age ceilings in a negative way. Usually, sexual consent and criminal responsibility ages are set at 18. However, if the voting age is lowered to 16, there is also the possibility that the state could start treating their "16-year olds as adults in matters of consent and criminal prosecution,"[17] which could lead to other complex issues.

IV. Possible Outcomes of Efforts

Currently, Vote16USA has a greater presence in our community, already having the support of many government officials not only on the local level but also on the national level. Their active campaigning both inside and outside the court have led the achievement of their goals, slowly but steadily. In Maryland, Vote16USA has historically been very successful, being able to lower the voting age at the local level in two of our cities. Therefore, as the ACLU, our job would not require an extensive amount of work; rather, we would just be offering some political and legal help to their ongoing campaigns. On the other hand, our opposing party (ParentalRights.org) and the others that disagree with Vote16USA's goals may attempt to fight against us through filing multiple lawsuits. However, we can always fight against those lawsuits by highlighting the benefits lowering the voting age can bring to our community through bringing up the situations in Takoma Park and Hyattsville. Because the Maryland law is very flexible, especially regarding voting age, it should be an easy "win" for us, and thus we should take the responsibility of representing Vote16USA. With our help, Vote16USA will be able to grant voting rights to individuals in our community and ultimately be able to encourage more citizens to exercise their fundamental right to vote.

---

[11] Id.
[12] ParentalRights.org, https://parentalrights.org/why_kids_need_parents (last visited April 22, 2018).
[13] *Protecting Parental Rights at the State Level*, ParentalRights,org, https://parentalrights.org/states/ (last visited April 22, 2018).
[14] Id.
[15] Md. Code, Education § 7-301
[16] *The Age to Vote Shouldn't be Lowered*, BBC, http://news.bbc.co.uk/cbbcnews/hi/club/newsid_3181000/3181470.stm (last visited April 22, 2018)
[17] *Should 16-Year Olds be Allowed to Vote?*, KQED Education (Oct. 28, 2016), https://ww2.kqed.org/education/2016/10/28/should-16-year-olds-be-allowed-to-vote/.