

May 9, 2008

**Testimony of Adam Fogel, Right to Vote Director at FairVote to the
Pennsylvania House of Representatives
State Government Committee**

Madam Chair, members of the State Government Committee, thank you very much for inviting me here today to speak to you about this important piece of legislation.

Pennsylvania should allow 17-year-olds to vote in the primary election if they will be 18 on or before the general election. My name is Adam Fogel and I am the Right to Vote Director at FairVote, a nonpartisan, nonprofit organization headquartered in Takoma Park, Maryland—just outside Washington, DC. We work on a range of issues promoting reforms to improve the democratic process and expand political participation. In Maryland last year, we led the effort to protect the policy of 17-year-old primary voting after the State Board of Elections called it into question at what turned out to be the inaccurate advice of the state Attorney General.

At its core, this policy is one of basic fairness—if someone can vote in the general election, they have a right to choose who will be on that general election ballot. It is also a sensible means of introducing more young adults to the electoral process. Currently, 18 states or state parties allow this policy and several others, including Connecticut, New Hampshire and Rhode Island, are considering adopting it this year. In our state of Maryland, the policy has widespread support in both parties, as evidenced by the unanimous votes in favor of protecting this policy in both houses of the legislature this year.

Many people do not realize how much control parties have over their primary contests because of their association rights under the First Amendment of the U.S. Constitution. State parties are well within their legal right, as enunciated in the Supreme Court decision, *Tashjian v. Connecticut* (1986), to expand suffrage in their primaries to any number of groups, including 17-year-olds who will be 18 on or before the general election. Several state parties have already acted alone in allowing 17-year-old primary voting. In Alaska, Kansas, North Dakota and Washington 17-year-olds are only allowed

to vote in the Democratic caucus. However, I would caution any party that chooses to prohibit 17-year-olds from participating in their primary if the other party allows it. Studies show that if a young person votes for one party in three consecutive elections, that person votes with that party for life. Parties should be encouraging participation, not discouraging it—if a young person cares enough to participate and will be eligible to vote in the general election, we should provide them with that opportunity. Here in Pennsylvania, I hope both parties will be able to agree that young people deserve to be able to fully participate in the political process and have the right to vote in primary elections.

FairVote, as a nonpartisan organization, does not endorse candidates or political parties and we make every effort possible to work with both major parties, as well as third parties and political independents. We don't believe this policy has any inherent partisan impact, which explains the political consensus for it in Maryland and its use in Democratic-leaning states like Hawaii and Republican-leaning states like Mississippi. I realize, however, that the policy can raise some initial concerns. I'll now turn to focus on addressing concerns raised in testimony submitted to the committee in opposition to 17-year-old primary voting.

First, the history of the 26th Amendment to the U.S. Constitution—prohibiting states from setting a higher voting age than 18—is well known. Congress and the states did not think it was fair to send 18-year-olds off to war without giving them a voice in the political process. But note that the 26th Amendment does not prohibit states from setting a voting age lower than 18. It simply restricts them from raising it above 18. In Maryland's thirty-plus year history of its policy of 17-year-old primary voting and in the many other states with it, the issue of its consistency with the 26th Amendment has never been in doubt. In fact, I would argue that this policy is exactly in the spirit of the 26th Amendment. The opposition testimony argues that we were right to lower the voting age to 18 because of the men and women serving in uniform who did not have a vote, but it implies that there is no one currently serving in the military under 18. In fact, young people are joining the military with parental consent at 17-years-old and they also deserve to have a voice in the

process. Enacting this policy in Pennsylvania would show these brave young men and women that we not only appreciate their service to our country, but that we also respect them as adults.

Critics of this legislation also argue that the Legislature sets age restrictions for a reason. They compare the right to vote with a 15-year-old driving or a 20-year-old purchasing alcohol. I see suffrage rights as quite different. Our men and women serving overseas do not fight and die for this country for these minor inconveniences—they fight for our freedom, our democracy and our right to vote. I fear equating suffrage to driving a car or drinking alcohol trivializes the sacrifices that have been made throughout our history to protect this sacred right.

Finally, the issue of ensuring secure elections is one on which we can all agree. However, it is never a valid argument to challenge a piece of legislation because there are other issues that need to be addressed. There are always other issues, whether they are ensuring election security, expanding opportunities for voter registration or providing greater access to the polls for those with disabilities, that the Pennsylvania House of Representatives can address. However, one way to ensure secure elections is by making sure our youngest citizens have every opportunity to register to vote in a secure and systematic way before they reach voting age—that is why we also support setting a uniform voter registration age of 16-years-old, which would allow systematic registration in high schools and at the DMV.

Giving young people a chance to participate early in the process will make it more likely that they will continue participating for life. They will also have more time to learn about the issues and candidates so they can make an informed decision on Election Day. 17-year-old primary voting is a way to encourage our youngest citizens to pay attention to the world around them and to show them that their vote really does make a difference.

Thank you very much for allowing me to present this testimony and I look forward to any questions you may have.