
State Government & Tribal Affairs
Committee

HJR 4202

Brief Description: Amending the Constitution to allow seventeen year olds to vote in a primary if they will be eighteen years old by the next general election, and the primary is being held to select the candidates for the November general election.

Sponsors: Representatives Hudgins, Hunt, Green, Williams, Kessler, Goodman, Upthegrove, Moeller and Ormsby.

Brief Summary of Bill

- Amends the state Constitution to allow 17-year-olds to vote at a primary election if they will be 18 years of age on or before the following general election.

Hearing Date: 2/6/09

Staff: Tracey O'Brien (786-7196)

Background:

At the time of the adoption of the Fourteenth Amendment to the United States Constitution in 1868, the existing 34 states had set their voting ages at 21. At the time, the Constitution did not contain a national mandatory minimum voting age. Subsequently, every new state entered the union with a voting age of 21, except Alaska (age 18) and Hawaii (age 20).

The original text of the 1889 Washington State Constitution (state Constitution) defined "electors" as all persons of the age of 21 or over who were citizens of the United States and had lived in the state one year, in the county 90 days, and in the city, town, ward or precinct 30 days immediately preceding the election.

The amendment to the Voting Rights Act of 1965 extending the franchise to those 18 years of age and older was signed into law by President Nixon on June 22, 1970. In 1970 the United

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

States Supreme Court (Court), responding to a number of state challenges, ruled in *Oregon v. Mitchell* that only Congress had the authority to lower the voting age for federal elections. The Court interpreted Article I, Section 2 of the United States Constitution to mean that states may set the voting age for state elections so long as it does not conflict with relevant federal provisions. Thus, states are not prohibited from setting the state voting age lower than the federal voting age.

Since the adoption of Amendment 63 to the state Constitution in 1974, all persons who are 18 years of age or older, citizens of the United States, and who have lived in the state, county, and precinct for 30 days before an election are eligible to vote. Only those who do not meet these qualifications, those who have been convicted of a felony and have not had their rights restored, or those declared mentally incompetent are disqualified from voting.

Amendments to the state Constitution require a two-thirds majority approval in the Legislature and a simple majority approval by the people at the following general election.

Summary of Bill:

The state Constitution is amended to allow 17-year-olds to vote at a primary election if they will be 18 years of age on or before the following general election and the primary election is being held to select candidates for the November general election.

If the Joint Resolution is approved by the Legislature, the constitutional amendment will be placed on the November general election ballot for approval by the people.

Appropriation: None.

Fiscal Note: Not requested.