

BRIEF NO. 16. EXTENDING SUFFRAGE TO 18-YEAR OLDS  
Prepared by Wisconsin Legislative Reference Library, June 1954

Up to the beginning of the second World War the minimum voting age of 21 years was accepted with very little question throughout the United States. Under the motto "old enough to fight, old enough to vote," however, agitation for voting at 18 began during the war and has continued ever since. Even though only Georgia has lowered the voting age to 18, at least 38 states (including Wisconsin) have considered the matter within the last 3 years. Constitutional amendments to lower the age were defeated by the voters of Oklahoma and South Dakota in 1952, and the voters of Indiana and Missouri will consider amendments in November of 1954.

By and large the minimum voting age of 21 years is accepted by the nations of Western Europe, the British Commonwealth, and some of the Latin American countries, including Great Britain, Canada, France and Italy. The nations with a minimum voting age of 18, with the exceptions of Israel and Yugoslavia, are all either Latin American countries (Argentina, Brazil, Peru, etc.) or members of the Soviet bloc of nations (USSR, Czechoslovakia, Poland, etc.). In addition, a few nations have set the minimum voting age at 20 (China, Japan, Cuba, etc.) or above 21 (Turkey, Netherlands, Denmark, etc.).

#### I. Voting Age and the U.S. Constitution

The Constitution of the U.S. provides that for elections to national offices the U.S. government will accept the voting qualifications that the states set down. Article I, section 2 of the Constitution states: "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." The 17th amendment applies the same provision to the election of U.S. senators, and the Constitution gives the Congress power to regulate only the time of presidential elections. The states are therefore free to set electoral qualifications for voting in national elections, provided they do not violate the restrictions of the 15th or 19th amendments (by denying the vote solely on the grounds of race, creed, color, previous servitude, or sex).

Under these constitutional provisions the states have traditionally set the age limits for voting: 47 states have elected the minimum age of 21 and Georgia has chosen 18 years. Lowering the minimum voting age can, therefore, be accomplished in 2 ways: by inducing the states to lower the age individually, or by amending the U.S. Constitution to forbid the states to deny the vote to any citizen of 18 years solely on the grounds of age. Such a constitutional amendment would extend the suffrage in the same way that the 15th and 19th amendments did. It was this latter approach that President Eisenhower advocated in his State of the Union Message, Jan. 7, 1954, when he urged Congress "to propose to the States a constitutional amendment permitting citizens to vote when they reach the age of 18."

On May 21, 1954, the Senate considered a joint resolution (SJR53), sponsored by Senator Langer of North Dakota, that would have carried out the President's recommendation. The resolution provided for an amendment to read in part: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be

denied or abridged by the United States or by any State on account of age." After a full day's debate, the Senate failed, by a vote of 34 to 24, to give the resolution the necessary two-thirds vote. Opposition to the measure came chiefly from Southern Democrats, some of whom, while supporting the idea of 18-year old voting, felt that this was a subject that ought to be left to the states to determine.

## II. Voting Age in Wisconsin

With this attempt to alter the minimum voting age by amending the U.S. Constitution halted at least temporarily, proponents of reducing the voting age will once again look to the state legislatures for the change.

In defining the qualifications for electors, the Wisconsin Constitution (Art. III, sec. 1) sets the age qualification at "21 years or upwards." The same section further provides that "the legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election..." Section 6.01 of the statutes also adopts the constitutional phrase: "21 years or upwards." So, presumably, the Wisconsin vote can be given to 18-year olds either by amending the state Constitution or by submitting a law to a referendum vote, and both methods have been used to broaden the vote in Wisconsin. The Constitution was amended in 1882 to extend the vote to colored people, and in 1934 to grant the suffrage to women and Indians. Referenda were used to extend the suffrage earlier to colored people (Ch. 137, Laws of 1849) and to permit women to vote on school matters (Ch. 211, Laws of 1885).

Attempts to alter Wisconsin voting provisions to permit voting at age 18 did not commence in the legislature until 1943. But since 1943 attempts have been made in every legislature except one (1949). In 1943 a joint resolution to amend Article III of the Constitution (sponsored by Mark Catlin, Jr.) passed the Assembly by a vote of 55 to 29, but failed in the Senate. Two years later a similar proposal passed the Senate (22-10) but failed to get the necessary absolute majority in the Assembly (48-39). After unsuccessful tries to lower the age requirement in 1947 and 1951, the Assembly approved (64-15) an amendment to Art. III to lower the minimum voting age to 19 years. All previous measures had set the minimum limit at 18, and all but 2 had used the method of constitutional amendment.

Changing the minimum voting age also has implications beyond expanding the suffrage. Age qualifications for election to the state legislature (Art. IV, sec. 6), state executive office (Art. V, sec. 2), and for jury duty (sec. 255.01 of statutes) are embodied in the phrase "elector of the state." Lowering the voting age would automatically make 18-year olds eligible for office and for jury duty. There is also a traditional correspondence in the states between voting age and other age requirements that would be disrupted if the voting age were lowered. For instance, in Wisconsin a person under 21 is a "child" under the Youth Services Act, section 54.03, Wisconsin Statutes; is a minor under state law (319.01); cannot buy or sell intoxicating liquor (176.05, 176.30); and cannot become a master barber (158.11); registered pharmacist (151.02); licensed optometrist (153.05); licensed chiropodist (154.02); or an embalmer or funeral director (156.045). Age 18 is, however, the age at which a woman may marry

without parental consent (245.16); at which a person no longer need a permit to work (103.70); and at which a person can buy malt beverages (66.054). The term "child" for purposes of juvenile court jurisdiction (48.01) and public assistance (49.19) also includes only those under 18 years.

### III. Arguments in Favor of Voting at 18

1. If a man is old enough to bear the military obligations of citizenship, then he is old enough to make the choices of citizenship. It is unjust to draft a man and order him to battle unless he has had a chance to express himself on such policies at the polls.
2. Better and more extensive education and communication, plus a greater intensity of living, prepare the 18-year old more adequately for voting today than a generation ago. An educated, informed American youth cannot be regimented or misled.
3. At age 18 a man is not only drafted, but he also becomes eligible for employment under federal civil service, becomes criminally responsible for federal income tax statements and may marry under Wisconsin law.
4. Young men and women will bring fresh viewpoints and idealism to government and politics; their interest and enthusiasm will stimulate the entire electorate and encourage greater voter participation.
5. Voting at age 18 has been a success in Georgia. Ellis Arnall, former Governor of the state, has said: "Experience in our state has been very salutary and very fine... It has met with widespread support and approval." No attempts have been made to alter the Georgia provision.

### IV. Arguments Against Voting at 18

1. Voting and fighting are 2 entirely different activities that require 2 completely different groups of skills. To say "a person who is old enough to fight is old enough to vote" is like saying "old enough to drive a car, old enough to go to college."
2. Youth is emotional and impressionable, rebellious and not reflective. It does not have the maturity and experience to choose and evaluate; as a result, it is too easily manipulated by mass emotion and demagogues.
3. It is possible to enlist and serve in the armed forces at age 16, and in Wisconsin 16 is the age at which one can secure a driver's license and do certain types of work. Why not, then, argue for voting at age 16?
4. The voting age ought to coincide with the age at which the state no longer considers a person a minor (age 21) and grants him the legal privileges and responsibilities of majority.
5. There is no real sentiment for lowering the voting age, either in the U.S. or in Wisconsin. Even though some 38 states and the national government have considered the matter, only one state has made the change. And in Wisconsin there has never been any real support, either inside or outside of the legislature, for the change.