RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that provides, at a minimum, for eligible youth between the ages of 16 and 18 to preregister to vote; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to automatically add individuals who have preregistered to vote to the voter roll upon reaching their 18th birthday, or upon reaching the legal voting age in the jurisdiction, if earlier; and

FURTHER RESOLVED, That the American Bar Association urges high schools and colleges to provide every eligible student a meaningful opportunity to apply to register to vote, and to vote, when they are eligible; and

FURTHER RESOLVED, That the American Bar Association urges state and local educational institutions to adopt robust civic education programs to promote literacy in the institutions of American government, the methods of active civic participation in elections and governance, and a solid foundational understanding of the role and crucial importance of the rule of law; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation, promulgate regulations, and appropriate sufficient funds to implement voter preregistration and civics education as called for by this resolution.
Pre-registration is an election procedure that allows eligible individuals younger than 18 years of age to register to vote, so that they are eligible to cast a ballot when they reach legal voting age for all state and federal elections. Typically, a pre-registrant will fill out an application and be added to the voter registration list with a “pending” or “preregistration” status. Upon turning 18, or the legal voting age, the individual is automatically added to the voter registration list and able to cast a ballot. The 18-29 age bracket is consistently under-represented in both registration and turnout rates, and this procedure is designed to increase voter participation by young people.

According to the National Conference of State Legislatures (NCSL), currently at least 14 states (California, Colorado, Delaware, Florida, Hawaii, Louisiana, Maryland, Massachusetts, New York, North Carolina, Oregon, Rhode Island, Utah and Washington) and the District of Columbia permit pre-registration beginning at 16 years old; 4 states (Maine, Nevada, New Jersey and West Virginia) permit pre-registration beginning at 17 years old. Five states set another age at which an individual may pre-register: (a) Alaska permits those under 18 to register anytime within 90 days before their 18th birthday; (b) Georgia, Iowa and Missouri permit registration of those who are 17.5 (if they will turn 18 before the next election); and (d) Texas permits a person who is 17 years and 10 months of age to register. Twenty-six states do not specifically address an age for registration and instead allow individuals to register if they will turn 18 by the next election.

In addition to urging the adoption of pre-registration laws, this resolution would also require schools to provide students meaningful opportunities to register and vote. For example, schools could provide voter registration tables outside the auditorium following an assembly program about the right to vote. Pending federal legislation (H.R. 1637) goes further and designates public high schools as voter registration agencies (just as motor vehicle agencies presently are, and public libraries are in some states) under the National Voter Registration Act; that bill also requires high schools to conduct their own voter registration drives. When students are eligible to vote, as many high school seniors are, the schools must be flexible enough to give the students opportunities to vote, even during school hours if absolutely necessary. A meaningful opportunity must also be all-inclusive – no eligible person should be excluded because of their disability, and all programs, materials, and preregistration opportunities must be accessible, i.e., able to be used by, persons with disabilities. It is also essential to recognize that all people with

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1 Although the voting age is generally 18, at least 9 states and the District of Columbia currently permit 17-year olds to vote in primary elections and caucuses if they will be 18 by election day: Connecticut, Indiana, Iowa, Kentucky, Maine, Ohio, Vermont, Virginia, and West Virginia, https://www.usa.gov/voter-registration-age-requirements

2 “Reported Voting and Registration, by Age, for the United States, Regions, and Divisions: November 2018,” United States Census Bureau (2019), https://www2.census.gov/programs-surveys/cps/tables/p20/580/table03.xlsx


disabilities who are otherwise qualified for preregistration are eligible unless there is an affirmative legal determination otherwise, and no staff should substitute their own judgment as to eligibility.

States such as California provide that robust programs to facilitate pre-registration of students and youth ages 16-18 must (a) require every high school, community college, and state university to make available voter registration forms; and (b) provide notices describing pre-registration eligibility requirements and informing each student that he or she may return the completed form in person or by mail to the applicable election official, or where available, to register using the state’s automated voter registration system specifically tailored for youth pre-registration purposes. These programs must be accessible to persons with disabilities, and all materials for them must be available in alternative formats.

Studies have shown that young people who have preregistered are more likely to vote and vote regularly. Preregistration engenders anticipation and enthusiasm about voting, which leads to a lifelong sense of responsibility to vote. Inextricably intertwined with the duty to vote is the duty to be informed. This resolution couples preregistration with civic education.

Voting in our democratic system is a principal franchise and responsibility of citizenship. Leading jurists and lawyers recognize that civic education is a prerequisite for meaningful civic participation. Yet, as distinguished former Associate Justice of the United States Supreme Court Sandra Day O’Connor’s iCivics Project notes, “for decades, civic education had largely disappeared from school curricula and the repercussions are undeniable.”

Some states have adopted legislation to promote civic education by connecting voter pre-registration programs to secondary and college civic education programs, as well as authorizing students and youth to serve as poll workers at the polls to enhance their understanding of the electoral process.

This resolution urges governments to promote such programs for the pre-registration of eligible youth at age 16 and combine this effort with the adoption of robust civic education programs in the schools. Many such programs are already available through the network of civic education programs in the United States, such as those conducted by

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7 “iCivics is reimagining civic learning,” iCivics (2019), https://www.icivics.org/about
organizations such as IFES (the International Foundation for Electoral Systems),\textsuperscript{8} by the Center for Civics Education, through its Representative Democracy in America Project,\textsuperscript{9} by the iCivics Program supported by former Associate Justice of the United States Sandra Day O’Connor,\textsuperscript{10} and by the California Judicial Council’s Civics Education Project sponsored by California Chief Justice Tami Cantil-Sakayue.\textsuperscript{11} These programs are also furthered by the federal appellate courts for the Second,\textsuperscript{12} Sixth,\textsuperscript{13} Eighth,\textsuperscript{14} and Ninth Circuit\textsuperscript{15} Courts of Appeals, which offer educational programming, teacher training, and exhibits about the role of the judiciary and the rule of law. The ABA’s Division of Public Education currently participates with or supports some of the federal circuits’ educational programs.

Finally, this resolution urges all jurisdictions to appropriate the necessary funds to implement the preregistration and civic education programs described here. The budget for such programs would undoubtedly be modest. Expenditures might include publication of educational materials, staff time to assist with the registration process (if not provided by volunteers or parents), and costs incident to training staff or volunteers in state and local voting laws. Allowances should also include funds for alternative formats of materials, disability accommodations for any educational programing, and staff training in how assist and accommodate people with disabilities in the preregistration process. Of course, such local funds could be reimbursed by the U.S. Department of Education, as provided in H.R. 1637, but the moneys must come from somewhere.

Voter preregistration and civic education have been widely and successfully employed throughout the country, usually with bipartisan support. They are small, practical steps we can take toward increasing voter participation and promoting an informed electorate.

Respectfully submitted,

Estelle H. Rogers
Chair, Standing Committee on Election Law
February 2020

\textsuperscript{9} “Representative Democracy in America,” Center for Civic Education, n.d., www.civiced.org/programs/nda
\textsuperscript{10} “iCivics is reimagining civic learning,” iCivics (2019), https://www.icivics.org/about
\textsuperscript{14} Eagleton Courthouse Judicial Learning Center, http://judiciallearningcenter.org
GENERAL INFORMATION FORM

Submitting Entity: Standing Committee on Election Law

Submitted By: Estelle H. Rogers, Chair

1. **Summary of Resolution.** This resolution urges governmental entities to adopt laws and policies that provide for voter preregistration for eligible 16-18-year-olds and that they be added to the voter roll upon reaching the legal age for voting; for high schools and colleges to provide students a meaningful opportunity to register and vote and to provide robust civics education to promote well-informed voting; and for governmental entities to appropriate sufficient funds to implement voter preregistration and civics education as called for by this resolution.


3. **Has this or a similar resolution been submitted to the House or Board previously?** No

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?** There are many ABA policies dedicated to expanding the franchise and making voting more accessible: for example, for persons with disabilities (14A113B), for racial minorities (13A10E), for the homeless (93A116), and for citizens residing in the District of Columbia (99A115). There are also several existing policies relating to civics education: for example, recommending that bar associations urge the adoption of civics education throughout elementary, middle, and secondary schools. (11A300); requiring civics education and providing for competitive grant funding to meet said requirement (11M300); and supporting public education to foster understanding of the Constitution and the rights and responsibilities of citizenship (adopted February,1995). No existing ABA policy would be affected by adoption of this resolution.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?** N/A

6. **Status of Legislation.**

United States Congress:

- S. 625/H.R. 126: mandating a government-funded pilot program to provide voter registration information to 12th graders
• H.R. 1637: designating public high schools as voter registration agencies pursuant to the National Voter Registration Act and directing high schools to conduct voter registration drives

Pennsylvania:
• House Bill 704: Status – Referred to House State Government Committee on March 5, 2019.

Tennessee:
• Senate Bill 837: Status – Deferred to Summer Study on March 19, 2019.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. This resolution would form the basis for public education programs, legislative advocacy, and possible amicus briefs regarding voter preregistration and civics education.

8. Cost to the Association. (Both direct and indirect costs) Only the costs of minimal staff time would be involved. Much of the (state-level) advocacy and programming related to this policy will be conducted by volunteers.

9. Disclosure of Interest. (If applicable) N/A

10. Referrals.
Center on Children and the Law
Standing Committee on Public Education
Government and Public Sector Lawyers Division
Law Student Division
Section of Administrative Law and Regulatory Practice
Section of State and Local Government Law
Young Lawyers Division

11. Name and Contact Information (Prior to the Meeting. Please include name, telephone number and e-mail address). (Be aware that this information will be available to anyone who views the House of Delegates agenda online.)

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Paula Shapiro, Director
12. Name and Contact Information. (Who will present the Resolution with Report to the House?) Please include best contact information to use when on-site at the meeting. Be aware that this information will be available to anyone who views the House of Delegates agenda online.

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EXECUTIVE SUMMARY

1. Summary of the Resolution.
This resolution urges governmental entities to adopt laws and policies that provide for voter preregistration for eligible 16-18-year-olds and that they be added to the voter roll upon reaching the legal age for voting; for high schools and colleges to provide students a meaningful opportunity to register and vote and to provide robust civics education to promote well-informed voting; and for governmental entities to appropriate sufficient funds to implement voter preregistration and civics education as called for by this resolution.

2. Summary of the issue that the resolution addresses.
The United States suffers from low voter participation levels. Young people 18-29 are particularly unlikely to vote and are registered at the lowest rate of any age demographic. This resolution provides a method for eligible youth aged 16-18 to register early and be added to the voter rolls automatically upon attaining legal voting age. It also addresses the decline in civics education in the schools and increasing “civic illiteracy” in our country.

3. Please explain how the proposed policy position will address the issue.
The policy will allow the ABA to advocate for preregistration and civics education laws and policies on the state and federal levels and to file amicus briefs in litigation related to voter preregistration and civics education.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.
None.