COLUMBIA LAW REVIEW FORUM

VOL. 126 NOVEMBER 18, 2026 PAGES 200–230

# A SPENDING CLAUSE APPROACH TO LOWERING THE VOTING AGE

*David Baloche**

*The movement to lower the voting age to sixteen confronts a constitutional trilemma. Congress cannot mandate youth enfranchisement by statute. Constitutional amendment, though doctrinally sound, requires supermajorities unattainable absent a galvanizing crisis comparable to Vietnam. Municipal experiments show promise, but state constitutional barriers and fiscal constraints prevent scaling. While the normative question—whether sixteen- and seventeen-year-olds should vote—has been exhausted, the practical question—how enfranchisement could occur within the existing constitutional architecture—has received far less attention. This Piece fills that gap and proposes an overlooked mechanism: conditional federal spending. A Youth Enfranchisement and Civic Participation Act, modeled on the Help America Vote Act of 2002, would offer federal funds to states that extend the franchise to sixteen- and seventeen-year-olds, with grants scaled to the scope of enfranchisement adopted.*

*This approach satisfies the Supreme Court's conditional spending test and addresses the two most persistent political objections: concerns about federal overreach into state control of the franchise and worries about the administrative costs for already-strained state and local election systems. And even partial adoption of expanded voting would transform the electoral landscape. Early-adopting states would generate empirical evidence at scale, far beyond what small municipal experiments can provide. Federal funding would empower reform-minded localities currently blocked by state law or resource constraints. Over time, conditional spending might accomplish what neither mandate nor amendment could: expanding the franchise through demonstrated success rather than federal fiat.*

* J.D., Brooklyn Law School, 2020. All opinions are my own and do not represent the positions, strategies, or opinions of my employers. This piece was inspired by my high school students and is dedicated to them. Thank you to Ria McDonald and the staff of the *Columbia Law Review* for their editorial support.

## INTRODUCTION

During the Vietnam War, young adults protested: "Old enough to fight, old enough to vote."[1] Their movement culminated in the Twenty-Sixth Amendment, which lowered the voting age from twenty-one to eighteen in federal, state, and local elections.[2] Fifty-plus years later, a new generation asks: Is it time to lower the voting age again?

That normative question—should the franchise be extended to emerging adults, typically sixteen- and seventeen-year-olds—is hotly contested and has already generated a substantial body of scholarly and political literature.[3] Proponents invoke developmental psychology, civic-education theory, and international practice to argue that sixteen- and seventeen-year-olds are both capable of informed voting and uniquely positioned to form lifelong civic habits.[4] Skeptics worry about lack of knowledge, lack of maturity, potential for coercion, and partisan consequences. This normative debate pits the growing body of empirical evidence against the entrenched intuition of a skeptical public who will ultimately decide the fate of youth enfranchisement.

By contrast, the practical question—how, as a matter of constitutional structure and positive law, the franchise could be extended to emerging adults—has received far less attention. That gap hurts reform efforts. The "how" of enfranchisement is not merely a procedural footnote to the "should." It is itself a site of democratic contestation and is highly influential to the normative debate. The path to enfranchisement will shape whether the public experiences reform as local self-determination or federal imposition.

Consider the pattern that has already emerged. At the national level, proposals to reduce the voting age have stalled:[5] Congressional proposals for a constitutional amendment have repeatedly failed. Federal statutory efforts have fared no better. At the local level, by contrast, change is happening. A small but growing group of municipalities has extended the franchise for local municipal and school board elections to sixteen- and seventeen-year-olds, often following years of hearings and deliberation.[6]

These local experiments are instructive. When citizens are given the opportunity to debate and decide whether emerging adults should vote in their own local elections, they are more likely to say yes.[7] The resistance

---

1. Gemma R. Birnbaum, "Old Enough to Fight, Old Enough to Vote": The WWII Roots of the 26th Amendment, Nat'l WWII Museum (Oct. 28, 2020), https://www.nationalww2museum.org/war/articles/voting-age-26th-amendment [https://perma.cc/8F35-NJQF] (internal quotation marks omitted).

2. Id.

3. See infra section I.B.

4. See infra notes 32–34 and accompanying text.

5. See infra section II.A.

6. See infra text accompanying notes 57–67.

7. See infra text accompanying notes 57–67.

appears not to be to youth enfranchisement per se but to youth enfranchisement experienced as something forced on communities by state or federal actors without any democratic engagement or fiscal support. People want a say in whether emerging adults may have a say and whether scarce resources should be spent on the enterprise. This suggests a design principle: A reform regime that preserves local choice while providing federal fiscal support may prove more politically viable than either a centralized mandate or a purely normative appeal.

This Piece argues that the most promising path forward lies not in another frontal attempt to amend the Constitution or in another doomed effort to stretch the Elections Clause but in a yet unexplored tool that Congress has used for decades to shape state policy in other domains: the Spending Clause. Specifically, Congress should use its Spending Clause authority to create a voluntary conditional grant program that offers supplemental election-administration and civics-education funding to states (and indirectly, local governments) that extend the franchise to emerging adults. Properly designed, such a grant program would satisfy the *South Dakota v. Dole* test for conditional spending,[8] bypass constitutional bars to federal mandates, and address two of the most persistent political objections to youth enfranchisement: (1) concerns about federal overreach into state control of the franchise, and (2) worries about the administrative costs for already strained state and local election systems.

Part I briefly sketches the normative debate over youth enfranchisement. Part II reconstructs the legal architecture, explains why federal strategies have faltered, and evaluates state and local experiments. Section III.A turns to the Spending Clause, sketches the doctrinal limits after *South Dakota v. Dole* and *National Federation of Independent Business v. Sebelius* (*NFIB*),[9] and develops the case for a conditional-spending approach to youth enfranchisement. Section III.B offers a concrete statutory blueprint, and sections III.C–D address likely objections and the benefits of the blueprint.

## I. THE NORMATIVE DEBATE

### A. *The First Youth Enfranchisement Revolution*

Calls to lower the voting age to eighteen date back to World War II when Congress lowered the draft age to eighteen in 1942.[10] For decades, these efforts stalled in Congress and the states.[11] It was only amid the

8. 483 U.S. 203, 207–08 (1987).

9. 567 U.S. 519 (2012).

10. Birnbaum, supra note 1.

11. Following World War II, a constitutional amendment was proposed but never made it out of committee. Cong. Rsch. Serv., The Constitution of the United States of America: Analysis and Interpretation, S. Doc. No. 118-15, at 387 ( Jeanne M. Dennis, Eric N. Holmes, Steve P. Mulligan & Brandon J. Murrill eds., Supp. 2024) [hereinafter Cong. Rsch.

political and moral crisis of the Vietnam War—when eighteen-to-twenty-year-olds were being conscripted in large numbers—that the movement finally succeeded.[12]

The immediate catalyst was congressional action.[13] In 1970, Congress amended the Voting Rights Act to lower the voting age to eighteen in all elections—federal, state, and local.[14] President Nixon doubted its constitutionality but signed it anyway and urged judicial review.[15] Oregon and Texas promptly sued, contending that Congress lacked authority to set age qualifications for state and local elections.[16] In that case, *Oregon v. Mitchell*, a fractured Supreme Court majority concluded that Congress could set the voting age for federal elections but could not do so for state and local elections.[17]

*Mitchell* would have required states to maintain dual registration systems—one for federal elections including eighteen-to-twenty-year-olds, another for state and local elections excluding them. Election officials warned that this bifurcated regime would cost tens of millions of dollars and breed "chaos and confusion."[18] To avoid this administrative burden, Congress proposed the Twenty-Sixth Amendment, which the states rapidly ratified in a record-setting one hundred days.[19]

The amendment provides that "[t]he right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged . . . on account of age" and grants Congress enforcement

---

Serv., Constitution Annotated]. After the Korean War, President Eisenhower urged a constitutional amendment; a joint resolution was debated for the first time, but it narrowly failed in the Senate. Id. at 388 (citing 1 Pub. Papers 6, 22 (Jan. 7, 1954)). In the early 1950s, thirty-five states considered reducing the voting age, but only three actually did so. Id. at 388 & n.14 (citing Thomas H. Neale, Cong. Rsch. Serv., 83-103, The Eighteen Year Old Vote: The Twenty-Sixth Amendment and Subsequent Voting Rates for Newly Enfranchised Age Groups 6 (1983)).

12. Id. at 389 (citing Voting Rights Act Amendments of 1970, Pub. L. No. 91-285, § 301, 84 Stat. 314, 318 (codified as amended at 52 U.S.C. §§ 10701–10702)).

13. See id. at 389–90.

14. Voting Rights Act Amendments of 1970 § 301, 84 Stat. at 318.

15. Statement on Signing the Voting Rights Act Amendments of 1970, 1 Pub. Papers 512, 512 (June 22, 1970).

16. See Oregon v. Mitchell, 400 U.S. 112, 117 (1970) (plurality opinion).

17. Id. at 117–18.

18. Subcomm. on Const. Amends. of the S. Comm. on the Judiciary, 92d Cong., Passage and Ratification of the Twenty-Sixth Amendment 9–12 (Comm. Print 1971) [hereinafter Report of Constitutional Amendments Subcommittee] (internal quotation marks omitted) (quoting Jack Gremillion, La. State Att'y Gen.) (describing the Senate Constitutional Amendments Subcomittee's survey on the impacts of dual voting systems, the feared disarray of that regime, and the exorbitant costs to states and localities to implement the regime); see also Cong. Rsch. Serv., Constitution Annotated, supra note 11, at 390–91.

19. See Cong. Rsch. Serv., Constitution Annotated, supra note 11, at 394–95; Report of Constitutional Amendments Subcommittee, supra note 18, at 14 (urging swift passage to avoid the "administrative nightmare" of dual-voting systems (internal quotation marks omitted) (quoting Sen. Percy)).

power.[20] It extends the age range of the right to vote: Neither Congress nor the states may exclude citizens eighteen or older from the franchise on account of age. Critically, it does not prohibit states from extending the franchise to citizens under the age of eighteen.

### B. *The Second Youth Enfranchisement Debate*

Today's movement to lower the voting age to sixteen builds on the Twenty-Sixth Amendment's legacy but confronts a starkly different political landscape. There is no draft, no war, and no impending administrative crisis to drive support. Without these catalysts, proponents must rely on sustained persuasion to shift public opinion. Their case rests on three principal arguments.[21]

First, proponents advance fairness-based claims. Young adults are increasingly forced into adulthood with all its responsibilities and consequences but few of its privileges—they have a stake in society but do not have a say.[22] Many work and pay taxes.[23] States are rolling back child labor

---

20. U.S. Const. amend. XXVI.

21. The normative case for and against youth enfranchisement has been developed at length. For supportive accounts, see, e.g., Erin Heys, James Hawkins, Avalon Bauman & Sarah Swanbeck, Berkeley Inst. for Young Ams., Should California Lower the Voting Age to 17?: A Review of the Research Evidence, California's Historical Context, and Predicted Turnout Rates for 17-Year-Olds 4–11 (2023), https://gspp.berkeley.edu/archived/files/policyreports/pdf/BIFYA_Voting-Age-Policy-Brief_050423.pdf [https://perma.cc/UEK2-LCY9]; Vote16USA, Young Voices at the Ballot Box: Amplifying Youth Activism to Lower the Voting Age in 2024 and Beyond 5–9 (2024), https://www.vote16usa.org/wp-content/uploads/2024/10/Young-Voices-at-the-Ballot-Box.pdf [https://perma.cc/QUP6-QJAJ] [hereinafter Vote16USA, Young Voices]; Joshua A. Douglas, In Defense of Lowering the Voting Age, 165 U. Pa. L. Rev. Online 63, 66–71 (2017), https://pennlawreview.com/2016/10/25/in-defense-of-lowering-the-voting-age/ [https://perma.cc/N5XB-PTWF]; Joseph Fishkin, It Takes a Village . . . But Let the Teenagers Vote, 100 Notre Dame L. Rev. 1277, 1292–96 (2025). For skeptical accounts, see, e.g., Tak Wing Chan & Matthew Clayton, Should the Voting Age Be Lowered to Sixteen? Normative and Empirical Considerations, 54 Pol. Stud. 533, 555 (2006) (concluding that young adults are less politically mature than voting adults and therefore should not be enfranchised); Joshua Kleinfeld & Stephen E. Sachs, Give Parents the Vote, 100 Notre Dame L. Rev. 1201, 1209–19 (2025) (proposing that children's interests be represented by their parents); Katharine B. Silbaugh, More Than the Vote: 16-Year-Old Voting and the Risks of Legal Adulthood, 100 B.U. L. Rev. 1689, 1705–11 (2020) (warning that lowering the voting age may contribute to adultification). This Piece brackets that debate to focus on the underexplored question of institutional mechanism.

22. See Kleinfeld & Sachs, supra note 21, at 1203 ("As a structural matter, our political system routinely hands out benefits in the present while shifting costs to the future: consider growing public debt, unfunded entitlement programs, climate change, and other long-term economic and environmental concerns. . . . [W]hen policy contexts put children's interests particularly at stake, children lose.").

23. Approximately 1.9 million sixteen- and seventeen-year-olds reported employment in August 2026. U.S. Bureau of Lab. Stats., Employment Level—16–17 Yrs., Fed. Rsrv. Bank of St. Louis, https://fred.stlouisfed.org/series/LNS12000086 [https://perma.cc/VX4F-JR67] (last updated Sep. 4, 2026). These children's wages can be "subject to income tax withholding, social security taxes, Medicare taxes and [Federal Unemployment Tax Act] taxes." Family Employees, IRS, https://www.irs.gov/businesses/small-businesses-self-

laws, even as violations are on the rise.[24] Youth can be tried as adults,[25] forced to carry pregnancies to term,[26] and arranged into marriage.[27] They are deeply engaged by policies concerning "climate issues, gun violence, police violence, racial justice, immigration rights, voting rights, transgender rights, school funding, and many other issues."[28] And the

---

employed/family-employees [https://perma.cc/B6EC-MKD6] (last updated Oct. 10, 2025). Analogously, residents of the District of Columbia have cited the founding's no "taxation without representation" principle in support of statehood: A legitimate government cannot collect taxes from citizens that are deprived of the opportunity to choose their representatives and direct their taxes. See Rachel Kurzius, Washingtonians Don't Love Taxation Without Representation, Not-So-Shocking Poll Finds, DCist (Nov. 1, 2018), https://dcist.com/story/18/11/01/washingtonians-dont-love-taxation-without-representation-not-so-shocking-poll-finds/ [https://perma.cc/3BZ2-4ZH7].

24. See Jennifer Sherer & Nina Mast, Econ. Pol'y Inst., Child Labor Laws Are Under Attack in States Across the Country 2 (2023), https://files.epi.org/uploads/263680.pdf [https://perma.cc/S7FN-F6QZ] ("The number of minors employed in violation of child labor laws increased 37% in the last year and at least 10 states introduced or passed laws rolling back child labor protections in the past two years.").

25. See Age Boundaries of the Juvenile Justice System, Off. Juv. Just. & Delinq. Prevention (2024), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/age-boundaries-of-the-juvenile-justice-system [https://perma.cc/KQ5G-7QNZ] ("Thirty states have statutes that set the minimum age a juvenile can be waived to the adult court between 10 to 16 years of age; the remaining states do not specify a minimum age." (citation omitted)).

26. In twenty-five states, children under eighteen years old can be forced to carry a pregnancy to term. See After *Roe* Fell: U.S. Abortion Laws by State, Ctr. for Reprod. Rts., https://reproductiverights.org/maps/abortion-laws-by-state/ [https://perma.cc/27MP-9MZ2] (last visited July 10, 2026). Young mothers under seventeen in foster care are more than twice as likely to get pregnant as non-system-involved teens, and seven times more likely to have their children removed and placed into foster care. Sara Tiano, Study: Half of Kids Born to Teen Moms in Foster Care Will Wind Up in Foster Care Themselves, The Imprint (June 25, 2018), https://imprintnews.org/research-news/study-parenting-foster-youth/31352 [https://perma.cc/569D-W7QP].

27. In thirty states, the minimum age of legal consent for marriage ranges between fifteen and seventeen years old; in three states, there is no age floor. See Mariel Padilla, Child Marriage Is Still Legal in Two-Thirds of U.S. States. Here's Why., The 19th (July 5, 2023), https://19thnews.org/2023/07/explaining-child-marriage-laws-united-states/ [https://perma.cc/7H3L-FHCY] (last updated July 25, 2025) ("Child marriages create a 'nightmare-ish legal trap,' for minors who don't have a right to escape from parents planning an unwanted wedding or to leave an abusive spouse or, in some cases, to even enter a domestic violence shelter . . . ." (quoting Fraidy Reiss, Founder, Unchained at Last)).

28. Laura Wray-Lake & Benjamin Oosterhoff, Using Developmental Science to Inform Voting Age Policy, 74 Rutgers L. Rev. 1911, 1922 (2022) (citing Richard Bonnie & Joanna Lee Williams, Opinion, Teens Are Leading Movements—It's Time to Promote Policies that Reflect Youths' Promise, The Hill (Oct. 11, 2019), https://thehill.com/opinion/healthcare/465388-teens-are-leading-movements-its-time-to-promote-policies-that-reflect/ [https://perma.cc/MF6U-WNLR]); see also Heys et al., supra note 21, at 9 ("Top of mind for young people in one 2022 poll from the Center for Information and Research on Civic Learning and Engagement (CIRCLE) are inflation, gas prices, abortion and reproductive health, jobs that pay a living wage, and climate change." (citing Alberto Medina, Peter de Guzman, Kelly Siegel-Stechler, Kelly Beadle, Abby Kiesa & Ruby Belle Booth, Youth in 2022: Concerned About Issues but Neglected by Campaigns, Ctr. for Info. & Rsch. on Civic Learning & Engagement (Dec. 19, 2022), https://circle.tufts.edu/latest-

growing generation gap—between youth (voting age and nonvoting age) and the aging electorate[29] and aging legislators[30]—threatens the political interests of youth.[31] It is undemocratic to deny emerging adults the right to choose their representatives when they are subject to an increasing set of legal responsibilities and suffer disproportionately from poor governance. Enfranchisement would recognize their status as stakeholders affected by governance decisions. On the other hand, opponents warn that youth enfranchisement is a slippery slope to "adultification"—that is, a "projection of adult capacity and responsibility onto youth" that may "undermine the protections that we currently extend to minors . . . supporting [them] and protecting them from exploitation."[32] But as the examples above illustrate, youth already find themselves at the bottom of the slope, and it is unclear how enfranchisement could make it any slipperier. To the contrary, enfranchisement may finally give youth a foothold to reverse adultification in a variety of domains—for example, by choosing representatives who will enact and enforce child labor laws, implement juvenile justice reforms, or ban child marriage.

Second, proponents invoke developmental psychology.[33] Research indicates that sixteen- and seventeen-year-olds possess cognitive capacities

---

research/youth-2022-concerned-about-issues-neglected-campaigns [https://perma.cc/DV5Y-EG8V] (last updated Mar. 14, 2023))).

29. See Vote16USA, Young Voices, supra note 21, at 7 ("The Census Bureau estimates that . . . by 2030, those 65+ will account for more than one-fifth of the population and more than a quarter of the voting age population, for the first time ever." (citing Older People Projected to Outnumber Children for First Time in U.S. History, U.S. Census Bureau (Mar. 13, 2018), https://www.census.gov/newsroom/press-releases/2018/cb18-41-population-projections.html [https://perma.cc/LH63-4T9M] (last updated Oct. 8, 2019))).

30. See Heys et al., supra note 21, at 9 ("The U.S. Senate includes just 3 millennials and no Gen Z representation . . . ; the U.S. House includes 52 millennials and only 1 representative from Gen Z. In California, just 14 percent of legislators are in their 20s and 30s, despite young people making up nearly 40 percent of California's population." (citations omitted) (citing Carrie Blazina & Drew DeSilver, House Gets Younger, Senate Gets Older: A Look at the Age and Generation of Lawmakers in the 118th Congress, Pew Rsch. Ctr. (Jan. 30, 2023), https://www.pewresearch.org/short-reads/2023/01/30/house-gets-younger-senate-gets-older-a-look-at-the-age-and-generation-of-lawmakers-in-the-118th-congress/ [https://perma.cc/X4BT-RPVM]; John Osborn D'Agostino, Sameea Kamal & Ariel Gans, How Much Does the Legislature Look Like California?, CalMatters (Jan. 4, 2023), https://calmatters.org/politics/capitol/2023/01/california-legislature-legislators-like-you/ [https://perma.cc/SL5G-BEWU])).

31. See Vote16USA, Young Voices, supra note 21, at 8 ("Research shows that seniors are less likely to support spending on youth when the youth are from different racial groups than the seniors. Indeed, states and counties with larger racial generation gaps tend to spend less on public education on a per capita basis.").

32. Silbaugh, supra note 21, at 1694, 1706.

33. See, e.g., Wray-Lake & Oosterhoff, supra note 28, at 1912–13 ("Cumulative evidence from developmental and social science research demonstrates that sixteen-year-olds have sufficient capabilities to vote . . . ."); Laurence Steinberg & Grace Icenogle, Using Developmental Science to Distinguish Adolescents and Adults Under the Law, 1 Ann. Rev. Developmental Psych. 21, 34 (2019) ("We see no scientific reason that 16-year-olds should be prohibited from voting in political elections . . . ."); Vivian E. Hamilton, Democratic

for "cold cognitions"—deliberative, information-based reasoning—comparable to those of adults.[34] Even if developmental concerns justify age restrictions on "hot cognitions" activities—like alcohol consumption or gambling—proponents argue such concerns have limited bearing on the considered act of voting,[35] particularly when embedded in supportive institutional contexts like schools and families.[36]

Third, proponents tout more robust democratic participation.[37] Comparative studies suggest that first-time voting while still in school and living at home correlates with stronger lifelong civic habits than first-time voting amid the disruptions of turning eighteen—college transitions, employment, relocation.[38] First-time voting at younger ages may establish patterns of engagement that counter broader trends of democratic disillusionment and political extremism.[39]

These arguments have gained some traction. Polling suggests gradual movement toward acceptance, though opponents remain skeptical.[40] This Piece does not adjudicate the normative debate. The question of whether sixteen-year-olds should vote has generated substantial scholarly attention; the question of how they could vote, as a matter of constitutional structure, has not. This Piece addresses that gap. Accepting the case for youth enfran-

---

Inclusion, Cognitive Development, and the Age of Electoral Majority, 77 Brook. L. Rev. 1447, 1449 (2012) ("[B]y midadolescence, when making unpressured, considered decisions—like those required to privately cast a ballot in an election that has unfolded over time—their cognitive competencies are mature.").

34. Wray-Lake & Oosterhoff, supra note 28, at 1916 n.28.

35. Steinberg & Icenogle, supra note 33, at 34.

36. Wray-Lake & Oosterhoff, supra note 28, at 1928.

37. See, e.g., Johannes Bergh & Jan Eichhorn, Introduction, *in* Lowering the Voting Age to 16: Learning From Real Experiences Worldwide 1, 4 (Jan Eichhorn & Johannes Bergh eds., 2020) ("While critics tend to suggest that earlier enfranchisement will lead to a reduction in engagement . . . proponents of lowering the voting age suggest that actually the degree of engagement in young adults should be understood as lower than it could be *because* of enfranchisement occurring too late."); James Sloam, Matt Henn & Ana Isabel Nunes, Youthquakes and Aftershocks: Youth Political Participation in the UK, Europe and the United States 4 (2d ed. 2026) ("How can politicians convince . . . young people that voting for them can make a difference[?] . . . [T]he success of previous youthquake elections clearly provides some answers . . . [like] lowering the voting age to 16.").

38. Douglas, supra note 21, at 67–68; Wray-Lake & Oosterhoff, supra note 28, at 1927–28.

39. Sloam et al., supra note 37, at 8.

40. See, e.g., Michael Hanmer & Sam Novey, Americans Are Open to Lowering the Voting Age, Vote 16 (Aug. 16, 2022), https://vote16.substack.com/p/americans-are-open-to-lowering-the [https://perma.cc/ZC3M-S7H3] (describing a 2022 study of two thousand Americans that found 43% of Democrats, 47% of independents, and 18% of Republicans supported sixteen-year-olds voting in national elections); Philip Wang, Poll: Americans Overwhelmingly Reject Lowering Voting Age to 16, The Hill (May 2, 2019), https://thehill.com/hilltv/what-americas-thinking/441838-poll-most-americans-dont-want-to-lower-voting-age/ [https://perma.cc/FYH7-5ZQK] (reporting that a 2019 poll of 1,002 registered voters found opposition to sixteen-year-olds voting in national elections among 89% of Republicans, 78% of Democrats, and 84% of independents).

chisement, it asks: what are the most constitutionally permissible and politically feasible mechanisms for extending the franchise to emerging adults?

## II. THE LEGAL FRAMEWORK AND EXPERIMENTAL LANDSCAPE

### A. *Federal Statutory Efforts and Their Limits*

Since 1971, Congress has periodically attempted to extend the franchise to citizens under eighteen. These efforts have pursued two paths: (1) constitutional amendment and (2) federal statute. Neither has succeeded, and the latter faces formidable constitutional obstacles.

Constitutional amendment would provide the surest legal foundation. Since 2019, Representative Grace Meng has repeatedly introduced joint resolutions to lower the voting age to sixteen.[41] None has advanced beyond committee.[42] These unsuccessful attempts—and the absence of any other attempts—show a lack of political appetite. Without some motivating forces—like those driving ratification of the Twenty-Sixth Amendment—securing two-thirds support in both chambers and ratification by three-quarters of state legislatures appears politically unattainable in the near term.

Statutory routes have proven equally unavailing. Representative Ayanna Pressley has pursued federal legislation twice. In 2019 and 2021, she proposed amendments to the For the People Act that would have lowered the minimum voting age to sixteen in federal elections; both failed.[43] Also, in 2023, Representative Nikema Williams introduced the Youth Voting Rights Act, a more modest measure requiring states to permit preregistration for sixteen-year-olds.[44] That proposal has likewise stalled,[45] and in any event would not achieve the desired effect of lowering the voting age.

---

41. See, e.g., H.R.J. Res. 23, 117th Cong. (2021); H.R.J. Res. 16, 118th Cong. (2023); Press Release, Grace Meng, Rep., House of Representatives, Meng Reintroduces Legislation to Lower the Voting Age in America to 16 Years Old (Jan. 26, 2023), https://meng.house.gov/media-center/press-releases/meng-reintroduces-legislation-to-lower-the-voting-age-in-america-to-16-0 [https://perma.cc/27RX-YCDA].

42. H.R.J. Res. 23 (referred to committee but not advanced); H.R.J. Res. 16 (same).

43. See 165 Cong. Rec. H2520–21 (daily ed. Mar. 7, 2019); 167 Cong. Rec. H1025–27, H1037 (daily ed. Mar. 3, 2021); Press Release, Ayanna Pressley, Rep., House of Representatives, Rep. Pressley Introduces Amendment to Lower Voting Age (Mar. 6, 2019), https://pressley.house.gov/2019/03/06/rep-pressley-introduces-amendment-lower-voting-age/ [https://perma.cc/437X-F5YL].

44. See Youth Voting Rights Act, H.R. 5293, 118th Cong. § 6 (2023). The bill also provides grants "to increase the involvement of youth, including those under 18 years of age, in public election activities in the State," but it does not make lowering the voting age a condition of grant funding. Id. § 10. Senator Elizabeth Warren introduced similar legislation. See Youth Voting Rights Act, S. 2985, 118th Cong. (2023).

45. See Youth Voting Rights Act, H.R. 4916, 119th Cong. (2025) (no committee action since August 2025).

These proposals rest on three potential sources of congressional authority. The Elections Clause empowers Congress to regulate the "Times, Places and Manner of holding Elections" for federal office.[46] Section 5 of the Fourteenth Amendment grants Congress "power to enforce, by appropriate legislation," rights to equal protection, due process, and other constitutional guarantees, including voting protections.[47] And Section 2 of the Twenty-Sixth Amendment authorizes Congress to enforce the prohibition on age-based denial of the franchise to citizens eighteen or older.[48] None suffices.

Start with the narrowest theory: the Twenty-Sixth Amendment's enforcement clause. That provision authorizes Congress to protect citizens eighteen or older from age-based exclusion.[49] It does not authorize Congress to expand the class of qualified voters to include those under eighteen.

The Elections Clause and Fourteenth Amendment theories confront a more complicated obstacle: *Oregon v. Mitchell*.[50] In that fractured 1970 decision, the Court held that Congress could compel the states to permit eighteen-year-olds to vote in federal elections but could not mandate the same for state and local elections.[51] However, this legal reasoning has not survived because *Mitchell* produced no majority rationale: Five Justices concluded that Congress could lower the voting age in federal elections, but they disagreed on the source of that authority. Justice Black invoked the Elections Clause; Justices Douglas, Brennan, White, and Marshall relied on the Fourteenth Amendment.[52] Conversely, five Justices rejected the Elections Clause theory (Douglas, Harlan, Stewart, Burger, and Blackmun), while a different combination of five rejected the Fourteenth Amendment theory (Black, Harlan, Stewart, Burger, and Blackmun).[53] The Court thus agreed on a result without agreeing on a rationale—a problem that left *Mitchell*'s precedential force uncertain.

The Court resolved this uncertainty in *Arizona v. Inter Tribal Council of Arizona, Inc.*[54] Reviewing an attempt to impose voter identification requirements, the Court unanimously characterized *Mitchell* as having "minimal precedential value" and held that "the Elections Clause did not confer

---

46. U.S. Const. art. I, § 4.

47. Id. amend. XIV, § 5.

48. Id. amend. XXVI, § 2.

49. Id.

50. 400 U.S. 112 (1970).

51. Id. at 117–18.

52. See Arizona v. Inter Tribal Council of Ariz., Inc., 570 U.S. 1, 16 n.8 (2013) (summarizing the Justices' positions in *Mitchell*).

53. Id.; *Mitchell*, 400 U.S. at 135, 143 (Douglas, J., concurring in part and dissenting in part); id. at 117, 134–35 (plurality opinion); id. at 152, 154 (Harlan, J., concurring in part and dissenting in part); id. at 281, 288, 295–96 (Stewart, J., concurring in part and dissenting in part, joined by Burger, C.J. & Blackmun, J.).

54. 570 U.S. at 16 n.8.

upon Congress the power to regulate voter qualifications in federal elections."[55] The Fourteenth Amendment theory would likely suffer a similar fate under the Court's view of *Mitchell*.[56] *Inter Tribal Council* thus eliminated any remaining ambiguity: Congress lacks authority to prescribe age qualifications for federal elections absent constitutional amendment.

The constitutional architecture is clear. Neither the Elections Clause, nor the Fourteenth Amendment, nor the Twenty-Sixth Amendment can authorize a federal mandate to lower the voting age. A constitutional amendment would provide secure legal footing, but it is highly unlikely given the current political landscape. Facing these formidable obstacles at the federal level, advocates must consider alternative mechanisms.

### B. *Lessons From Local Experiments*

While the top-down approach appears unlikely or unconstitutional, the burgeoning municipal movement to enfranchise emerging adults shows promise.[57] In Maryland, ten cities have lowered the voting age to sixteen in local elections since 2013.[58] In California, three cities (Berkeley, Oakland, and Albany) have lowered the voting age to sixteen in school board or municipal elections.[59] In 2023, Brattleboro, Vermont, lowered the voting age to sixteen for local elections.[60] And Newark, New Jersey, lowered the voting age to sixteen in school board elections in 2024.[61]

---

55. Id. (emphasis omitted) (stating that *Mitchell*'s rejection of the Elections Clause as the source of federal regulatory power for voter qualification "underlies [the] analysis here").

56. Id. (noting that a majority in *Mitchell* rejected the Fourteenth Amendment argument as well).

57. See Vote16USA, Young Voices, supra note 21, at 13–15; Vote16 International Timeline, Vote16 Across the World (Nov. 7, 2025), https://www.vote16.world/global-timeline [https://perma.cc/EN9X-DEF3] [hereinafter Vote16 Across the World, Timeline].

58. See Vote16 Across the World, Timeline, supra note 57; Vote16USA, Lowering the Voting Age for Local Elections in Takoma Park and Hyattsville, MD: A Case Study 2 (2016), https://selc.senate.ca.gov/sites/selc.senate.ca.gov/files/final-md-case-study_generation_citizen_vote16usa.pdf [https://perma.cc/ADF4-XKQ4] [hereinafter Vote16USA, Takoma Park and Hyattsville].

59. See Vote16 Across the World, Timeline, supra note 57; Heys et al., supra note 21, at 16; Albany, CA Makes History by Lowering Voting Age to 16 via Ballot Measure, Vote16USA (Oct. 1, 2025), https://vote16usa.org/albany-ca-makes-history-by-lowering-voting-age-to-16-via-ballot-measure/ [https://perma.cc/C8SA-UTUX].

60. Lisa Rathke, Vermont Town to Let 16- and 17-Year-Olds Vote in Local Elections, After Legislature Overrode Veto, AP News (June 27, 2023), https://apnews.com/article/youth-voting-brattleboro-vermont-16-85dc661017b99b8302f46514e89a4ce2 (on file with the *Columbia Law Review*); Press Release, Brattleboro Common Sense, Win for the Movement to Lower the Voting Age: Brattleboro VT Passes Charter Change as State and Federal Efforts Build (Mar. 5, 2019), https://zeropointeye.com/wp-content/uploads/2019/03/Youth-Vote-Victory-Press-Release-190310.pdf [https://perma.cc/37JL-L2ED] [hereinafter Brattleboro Common Sense, Charter Change Press Release].

61. Press Release, N.J. Inst. for Soc. Just., Newark City Council Passes Historic Ordinance Lowering Voting Age to 16 for School Board Elections (Jan. 10, 2024), https://njisj.org/press_releases/newark-city-council-passes-historic-ordinance-lowering-

These local experiments illuminate three critical lessons central to this Piece's thesis.

First, process matters for public acceptance. Local measures are often adopted only after residents and elected officials engage in visible debate, hearings, and campaigns.[62] Take Greenbelt, Maryland. A 2015 referendum showed 23% of residents supported lowering the voting age in local elections.[63] "Over the next two years, the [city's Youth Advisory Committee] organized work sessions, public hearings, and meetings with council committees . . . ."[64] In 2017, another referendum showed 53% supported lowering the voting age in local elections, and in response the City Council voted unanimously to do so.[65]

The same process played out in Brattleboro, Vermont. After a 2015 referendum failed (garnering only 42% in favor), youth advocates and the legislature spent four years building support through public education and community organizing.[66] When the question returned to voters in 2019, it passed overwhelmingly (with 69% in favor), and the legislature subsequently enacted youth voting despite gubernatorial opposition.[67] When enfranchisement emerges from local deliberation rather than top-down federal fiat, opponents are welcomed into the process and have a harder time painting it as a partisan power grab. This suggests that youth-led organizing, paired with careful community outreach, can build broad coalitions across ideological lines.

---

voting-age-to-16-for-school-board-elections/ [https://perma.cc/V4LM-7JAW]; Press Release, N.J. Governor's Off., Ahead of Historic Newark School Board Election, Governor Murphy and Lieutenant Governor Way Join Non-Partisan Voter Registration Drive for 16 and 17-Year-Old Students at Newark School of Data Science & Information Technology (Mar. 18, 2025), https://dspace.njstatelib.org/server/api/core/bitstreams/03cd7323-2c1d-4d58-9909-275e2bca4339/content [https://perma.cc/VSC7-FJDJ] ("Newark made history as the first city in the state to enact an ordinance lowering the voting age for local school board elections to 16 . . . in January 2024 . . . .").

62. See Vote16USA, Young Voices, supra note 21, at 18 (describing lowering the voting age as a "'second look issue,'" to which the public has an initially negative reaction that can be improved by "conversation or learning about the issue").

63. See id. at 13.

64. Id.

65. Id.

66. See Brattleboro Common Sense, Charter Change Press Release, supra note 60; Brattleboro Common Sense, Speakers at the Brattleboro Youth Vote Public Hearings—October 2 & 9, 2018 (YouTube, Dec. 22, 2018), https://www.youtube.com/watch?v=JCTvkg-VOLA [hereinafter Brattleboro Common Sense, Youth Vote Hearings] (depicting public hearings on the ballot initiative); Ted Siefer, Vermont Town Rejects Lowering Voting Age to 16: Report, Reuters (Mar. 3, 2015), https://www.reuters.com/article/world/uk/vermont-town-rejects-lowering-voting-age-to-16-report-idUSKBN0LZ1NP/ (on file with the *Columbia Law Review*).

67. Grace Sherwood, Brattleboro Lowers Local Voting Age to 16 With Legislature's Veto Override, Cmty. News Serv. (July 11, 2023), https://www.communitynews.net/home/brattleboro-lowers-local-voting-age-to-16-with-legislatures-veto-override [https://perma.cc/P2JM-BRPY]; Vote16USA, Young Voices, supra note 21, at 14.

Second, local officials repeatedly cite administrative cost and implementation challenges as major constraints.[68] Lowering the voting age requires revising registration systems, training poll workers, updating voter education materials, and sometimes running separate ballots (for example, when sixteen- and seventeen-year-olds can vote only in local races). Even in municipalities that have lowered the voting age, administrative barriers have delayed implementation.[69]

Third, state law may impede local adoption. Most state constitutions and election codes already specify that citizens eighteen or older may vote, echoing the Twenty-Sixth Amendment. Some are phrased as creating a right for adults ("[n]o person shall be entitled to vote . . . unless such person be a citizen of the United States of the age of eighteen years or over"), others as creating a prohibition for children ("no one, under the age of eighteen years, shall be permitted to vote in any election"), and some are ambiguous.[70] In states with language prohibiting youth voting, lowering the voting age likely requires a constitutional amendment.

New York illustrates the tension between state constitutions and local authority. New York's constitution limits the franchise to citizens who are at least eighteen years old.[71] In recent years, the New York City Council has repeatedly supported state bills to lower the constitutional voting age to sixteen or seventeen,[72] but those measures have stalled in Albany. The Council has also sought to expand the municipal electorate by local law—for example, by authorizing certain noncitizens to vote in city elections.[73] The New York Court of Appeals recently struck down that noncitizen

---

68. See, e.g., Heys et al., supra note 21, at 15 (identifying "costs incurred" as one of the central arguments against a measure in Culver City, California to lower the voting age in city and school board elections); League of Women Voters of Maine, Voting Age Study: Lowering the Voting Age to 16, at 23 (2023), https://www.lwvme.org/sites/default/files/2023-07/2023_April_Voting%20Age%20Study_WEB.pdf [https://perma.cc/53A9-6A7W] (noting how officials were "focusing on possible implementation challenges that would be faced by election clerks"). This echoes the cost and implementation concerns cited by election officials in the 1970s. See S. Rep. No. 92-26, at 14–17 (1971) (documenting state election officials' cost estimates and warnings about dual registration systems).

69. See Carolyn Jones, Berkeley and Oakland Passed Measures to Let 16- and 17-Year-Olds Participate in School Board Elections. So Why Can't They Vote Yet?, KQED (Aug. 8, 2022), https://www.kqed.org/news/11921973/berkeley-and-oakland-passed-measures-to-let-16-and-17-year-olds-participate-in-school-board-elections-so-why-cant-they-vote-yet [https://perma.cc/J4CG-4J3G] (arguing that delays in youth voting in Berkeley and Oakland were caused by the "complexities of issuing ballots" and accessibility concerns).

70. Vote16USA, Young Voices, supra note 21, at 29–42 (internal quotation marks omitted) (first quoting Ariz. Const. art. 7, § 2(a); then quoting La. Rev. Stat. Ann. § 18:101 (2026)).

71. N.Y. Const. art. II, § 1 ("Every citizen shall be entitled to vote . . . provided that such citizen is eighteen years of age or over . . . .").

72. See, e.g., N.Y.C. Council Res. 0723-2023 (2023); N.Y.C. Council Res. 0008-2026 (2026).

73. N.Y.C. Charter, ch. 46-A, invalidated by Fossella v. Adams, 272 N.E.3d 1118 (N.Y. 2025).

voting law, holding that the state constitution's citizenship requirement leaves no room for local expansion of voter qualifications.[74] Although the case involved citizenship rather than age, it explicitly rejected the proposition that New York City could lower the voting age for its elections.[75] This underscores how state constitutions can cabin municipal experiments.

By contrast, Maryland's constitution and election laws give municipalities broader home-rule authority to amend their charters and set qualifications for purely local offices.[76] New Jersey's constitution does not affirmatively bar sub-eighteen voting, and its home rule gives municipalities like Newark authority to set voter qualifications for local races.[77]

This patchwork means that state-level change is indispensable for broad youth enfranchisement. Municipal experiments are important laboratories, but they remain limited in scope and vulnerable to state preemption.

## III. THE SPENDING CLAUSE ALTERNATIVE

### A. *Constitutional Framework for Conditional Federal Grants*

With constitutional amendment politically unattainable and federal statutory mandates constitutionally impermissible, a third path emerges: conditional federal spending. The Constitution grants Congress broad authority to "provide for the . . . general Welfare of the United States,"[78] and the Supreme Court has interpreted this Spending Clause power to permit Congress to offer federal grants conditioned on states adopting particular policies—even policies Congress could not directly mandate.[79]

---

74. *Fossella*, 272 N.E.3d at 1121, 1124–25 (holding that Article II of New York's constitution "restricts voting to citizens").

75. Id. at 1121 ("Appellants urge that Article II, section 1 merely provides a floor, guaranteeing that citizens may vote in all elections but not prohibiting voting by others. Under that interpretation, municipalities are free to enact legislation that would enable anyone to vote—including . . . thirteen-year-old children.").

76. See Vote16USA, Young Voices, supra note 21, at 28 (presenting a map showing that cities in Maryland can lower their voting ages); Vote16USA, Takoma Park and Hyattsville, supra note 58, at 2; Md. Const. art. XI-E, §§ 3–4 (granting municipal corporations authority to adopt and amend their own charters, including by resolution of the local legislative body, without a special act of the General Assembly); Md. Code Ann., Elec. Law § 2-202 (West 2026).

77. See Vote16USA, Young Voices, supra note 21, at 28 (presenting a map showing that cities in New Jersey can lower their voting ages); Catherine Carrera, Will Newark's 16- and 17-Year-Olds Get the Right to Vote in School Board Races?, Chalkbeat (Jan. 9, 2024), https://www.chalkbeat.org/newark/2024/01/09/newark-council-plans-lower-voting-age-in-school-board-races/ [https://perma.cc/3DC3-Z5H7] ("[T]he New Jersey Constitution doesn't prohibit voting under the age of 18 and local governments in the state have the authority to set the voting age for local races.").

78. U.S. Const. art. I, § 8, cl. 1.

79. Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 537 (2012) ("[I]n exercising its spending power, Congress may offer funds to the States, and may condition those offers on compliance with specified conditions. These offers may well induce the States to adopt

The mechanism is straightforward. Congress appropriates funds for a particular purpose and offers those funds to states willing to meet specified conditions. States face a genuine choice: accept the money and the accompanying requirements or decline both. So long as the choice is a real one—not a "gun to the head"—the arrangement respects state sovereignty while allowing federal influence over policy domains traditionally reserved to the states.[80]

The Supreme Court has established guardrails for this practice. In *South Dakota v. Dole*, the Court upheld a federal law conditioning highway funds on states raising their minimum drinking age to twenty-one.[81] Although Congress could not compel South Dakota to change its drinking age, Congress could incentivize that choice through conditional grants.[82] The Court articulated five requirements for valid conditional spending.

First, the spending must serve the general welfare—a standard the Court acknowledges is largely committed to congressional judgment.[83] Federal support for democratic participation and civic education easily satisfies this requirement, as decades of federal election assistance demonstrate.[84]

Second, conditions must be stated unambiguously so states can make informed choices about whether to participate.[85] Clear statutory language specifying exactly what states must do to receive funds—for example, "permit citizens aged sixteen and seventeen to vote in school board elections"—meets this standard.

---

policies that the Federal Government itself could not impose." (citation omitted)); South Dakota v. Dole, 483 U.S. 203, 206 (1987) ("Incident to [the spending] power, Congress may attach conditions on the receipt of federal funds, and has repeatedly employed the power 'to further broad policy objectives by conditioning receipt of federal moneys upon compliance by the recipient with federal statutory and administrative directives.'" (quoting Fullilove v. Klutznick, 448 U.S. 448, 474 (1980) (plurality opinion))).

80. *NFIB*, 567 U.S. at 581; see also id. at 577–78 (distinguishing impermissible coercion from permissible inducement).

81. 483 U.S. at 205–06, 212.

82. See id. at 209–11.

83. See id. at 207 (noting that courts should "defer substantially to the judgment of Congress" on whether spending serves the general welfare).

84. Congress has appropriated billions of dollars for election administration through the Help America Vote Act (HAVA) and related programs. See, e.g., Help America Vote Act of 2002, Pub. L. No. 107-252, §§ 101–104, 116 Stat. 1666, 1668–73 (codified as amended at 52 U.S.C. §§ 20901–21145) (establishing federal funding for state election administration, including voting system replacement and Election Assistance Commission oversight). According to the Election Assistance Commission (EAC), "[s]ince 2003, the EAC has administered more than $4.35 billion in HAVA formula funding to the states and territories, including Election Security and CARES funding totaling $1.4 billion from 2018 to 2024." HAVA Grant Programs, U.S. Election Assistance Comm'n (Feb. 23, 2026), https://www.eac.gov/grants/hava-grant-programs [https://perma.cc/BEL2-7MES] [hereinafter U.S. Election Assistance Comm'n, HAVA Grant Programs].

85. *Dole*, 483 U.S. at 207.

Third, conditions must relate to the federal interest in the particular national program.[86] In *Dole*, highway safety related to highway funding.[87] Here, youth civic participation relates to grants for election infrastructure and civic education.

Fourth, conditions cannot induce states to violate other constitutional provisions.[88] The Twenty-Sixth Amendment is crucial here: It prohibits age-based voting restrictions on anyone eighteen or older, but it does not prohibit enfranchisement of younger citizens.[89] Encouraging states to lower the voting age thus induces the exercise of authority that states indisputably possess, not the violation of constitutional limits.

Fifth, and most importantly after modern developments, financial inducement cannot be so coercive that it effectively compels state participation.[90] For many years, this limit was theoretical.[91] But in *National Federation of Independent Business v. Sebelius*, the Court invalidated the Affordable Care Act's Medicaid expansion because it threatened states with loss of all existing Medicaid funding—up to 20% of state budgets—if they declined to expand eligibility.[92] Chief Justice Roberts characterized this as a "gun to the head," leaving states no genuine choice.[93]

*NFIB* established that the coercion inquiry focuses on two factors: the magnitude of funds at stake and whether Congress threatens to withdraw existing funding streams or offers new, supplemental grants.[94] Modest new grants pose little coercion risk; threatened withdrawal of entrenched funds that states have built their budgets around may cross the constitutional line.[95] The practical implication: Conditional spending programs must be structured as offers of new resources, not threats to existing support, and grant amounts must be proportional rather than overwhelming.

---

86. Id. at 207.

87. Id. at 208 ("[T]he condition imposed by Congress is directly related to one of the main purposes for which highway funds are expended—safe interstate travel.").

88. Id. at 208, 210–11.

89. U.S. Const. amend. XXVI, § 1 ("The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged . . . on account of age.").

90. *Dole*, 483 U.S. at 211 (asking whether "financial inducement offered by Congress . . . pass[es] the point at which 'pressure turns into compulsion'" (quoting Steward Mach. Co. v. Davis, 301 U.S. 548, 590 (1937))).

91. See Eloise Pasachoff, Conditional Spending After *NFIB v. Sebelius*: The Example of Federal Education Law, 62 Am. U. L. Rev. 577, 590–91 (2013).

92. Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 581 (2012).

93. Id.

94. See id. at 580–82.

95. Id. at 582 ("The threatened loss of over 10 percent of a State's overall budget . . . is economic dragooning that leaves the States with no real option but to acquiesce in the Medicaid expansion."); id. at 580–81 (distinguishing "the financial inducement offered by Congress" in *Dole* as involving "less than half of one percent of South Dakota's budget at the time" (internal quotation marks omitted) (quoting *Dole*, 483 U.S. at 211)).

Applied to youth enfranchisement, these principles point toward a clear structure. Congress would create new grants for states that voluntarily extend the franchise to sixteen- and seventeen-year-olds. Grant amounts would be meaningful but modest relative to state budgets—enough to offset implementation costs and fund civic education enhancements, but not so large as to make refusal financially impossible. States declining to participate would retain all existing federal election assistance. The offer would be supplemental support for willing states, not a threat against resistant ones.

This approach has significant precedent. Congress employed precisely this mechanism two decades ago when it passed the Help America Vote Act of 2002 (HAVA).[96] The centerpiece of HAVA is Title III—the set of requirements for the administration of federal elections.[97] These Title III requirements are not conditional; states must comply, and the Department of Justice is tasked with enforcing compliance.[98] But recognizing that compliance with these provisions "involved significant financial investments for many states and localities," HAVA authorized grant programs: general grants to help states meet Title III requirements, and more specialized grant programs "to facilitate or incentivize action on specific issues or policy proposals."[99] HAVA offered billions in federal grants to states that voluntarily adopted specific election reforms: computerized voter registration databases, provisional ballot systems, poll worker training programs, accessible voting equipment, and voter information standards.[100]

HAVA's Title III requirements intruded deeply into state election administration, yet it passed with overwhelming bipartisan support,[101] and the program has never faced successful constitutional challenge.[102] HAVA's success demonstrates that conditional spending can work in the politically sensitive domain of election law.[103] The following sections develop a concrete proposal modeled on HAVA's voluntary grant program. Unlike HAVA, it would not compel states to do anything—if they choose not to

---

96. Pub. L. No. 107-252, 116 Stat. 1666 (codified as amended at 52 U.S.C. §§ 20901–21145).

97. Karen L. Shanton, Cong. Rsch. Serv., R46949, The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy 3–4 (2026).

98. Id. at 4.

99. Id. at 9.

100. Id. at 9 n.26 (listing grant programs).

101. HAVA passed the House 357-48 and the Senate 92-2. See H.R. 3295, Help America Vote Act of 2002, 107th Cong. (2002).

102. There has been substantial litigation under HAVA (enforcement disputes, private-right-of-action questions, disability-access claims, provisional ballot disputes), but no case challenging HAVA itself as exceeding Congress's Spending Clause authority. See Marie Leary & Robert Timothy Reagan, Fed. Jud. Ctr., The Help America Vote Act 8–35 (2012) (surveying HAVA litigation through 2012).

103. See Shanton, supra note 97, at 21 (comparing HAVA to other federal election statutes).

lower the voting age, nothing would change. But for states that are interested, federal funds would be available to offset the costs of lowering the voting age.

### B. *Blueprint for a Youth Enfranchisement Grant Program*

A Youth Enfranchisement and Civic Participation Act (YECPA)—the novel proposal of this Piece—would build on the proven model of HAVA. Like HAVA, which distributed billions in federal grants to modernize election infrastructure after the 2000 election,[104] YECPA would provide targeted federal funding to support states in expanding the franchise. And like HAVA, YECPA would vest administration in the Election Assistance Commission (EAC),[105] leveraging existing expertise rather than creating new bureaucracy.

1. *Dual-Funding Mechanism.* — YECPA would employ HAVA's dual structure of formula grants and competitive grants.[106] Formula grants would provide predictable baseline funding to all participating states based on the number of sixteen- and seventeen-year-olds in the state.[107] For example, a state with 200,000 residents aged sixteen to seventeen might receive a base grant of $10 per person annually—$2 million total—scaled according to the tier of enfranchisement adopted. Competitive grants would reward innovation: States could apply for additional funding to pilot novel civic-education programs, develop model curricula replicable elsewhere, or partner with universities on longitudinal research.[108]

---

104. For an overview of HAVA's funding provisions, see Daniel P. Tokaji, The Paperless Chase: Electronic Voting and Democratic Values, 73 Fordham L. Rev. 1711, 1732–34 (2005).

105. See 52 U.S.C. §§ 20921–20930 (establishing the EAC). The EAC is responsible for administering HAVA grant programs, developing voluntary voting system guidelines, and serving as a national clearinghouse for election administration information. Id. §§ 20922, 21001–21062.

106. See U.S. Election Assistance Comm'n, HAVA Grant Programs, supra note 84 (describing HAVA's dual structure awarding noncompetitive grants "based on predetermined formulas and eligibility requirements" and discretionary grants "on competitive bas[es]"); Shanton, supra note 97, at 8–15 (detailing grant programs).

107. The expanded voting-age population of the state would increase the formula grant amount under HAVA. See 52 U.S.C. § 20901(d). But because YECPA is already designed to fund expanded election infrastructure, newly enfranchised sixteen- and seventeen-year-olds could be excluded from the voting age population for purposes of HAVA formula grants.

108. For prior grant outcomes from the Help America Vote College Program authorized by HAVA, see generally Help America Vote College Program Recipients, U.S. Election Assistance Comm'n (Dec. 23, 2025), https://www.eac.gov/grants/help-america-vote-college-program-recipients [https://perma.cc/L5T9-4SH9]; Press Release, U.S. Election Assistance Comm'n, U.S. Election Assistance Commission Announces Recipients of Help America Vote College Program Grants (Feb. 8, 2024), https://www.eac.gov/news/2024/02/08/us-election-assistance-commission-announces-recipients-help-america-vote-college [https://perma.cc/88BC-Q3VJ].

2. *Tiered Participation.* — To qualify for formula grants, states would adopt one of four tiers. Sixteen- and seventeen-year-olds may vote:

- Tier 1: in local school board elections.
- Tier 2: in all municipal elections.
- Tier 3: in all state and local elections.
- Tier 4: in all federal, state, and local elections.

Grant amounts would scale with tier level, and states could progress from Tier 1 to Tier 4 over time. This structure mirrors HAVA's flexibility: States could choose how to meet federal goals while receiving support proportional to their level of adoption.

3. *State Implementation Plans.* — Following HAVA's requirement that states submit detailed implementation plans,[109] YECPA would require applicant states to specify: (1) which tier(s) they will implement and on what timeline; (2) whether their constitutions must be amended, and, if so, what the process and timeline for pursuing that will be; (3) a detailed budget showing allocation of grant funds across infrastructure, civic education, and outreach; (4) protocols for data collection and reporting; and (5) mechanisms for distributing funds to local jurisdictions. This planning requirement ensures deliberation, demonstrates commitment, and allows the EAC to monitor appropriate use of funds.

4. *Permitted Uses.* — Grant funds would be restricted to election-related and civic-education purposes:[110]

- Infrastructure (40–50%): Upgrading voter registration databases, modifying ballot software, training poll workers, developing separate ballot systems if needed for partial enfranchisement.
- Civic Education (30–40%): Integrating voter registration with high school curricula, developing age-appropriate voter guides, establishing school-based registration programs, recruiting youth poll workers.
- Outreach (10–20%): Youth voter education campaigns, partnerships with schools and community organizations, youth advisory commissions.
- Evaluation (5–10%): Data collection, program assessment, research partnerships, dissemination of best practices.

5. *Pass-Through to Localities.* — States would be required to pass through at least 40% of formula grant funds to local jurisdictions implementing youth enfranchisement.[111] This ensures that municipalities—

---

109. See 52 U.S.C. §§ 21003–21004 (requiring states to submit detailed plans describing how they will use payments and comply with Title III requirements). State plans must include descriptions of how funds will be distributed to local jurisdictions, timelines for implementation, and specific improvements to be funded. Id. § 21004.

110. See, e.g., 52 U.S.C. § 20901(b) (enumerating permitted uses for HAVA funding).

111. For example, the Homeland Security Grant Program requires that states establish a pass-through entity—a state administrative agency—that must pass at least 80% of federal

which sometimes bear direct costs of conducting elections[112]—receive tangible support. Localities could also apply directly for competitive grants if authorized by state law, creating bottom-up pressure for state participation.

6. *Matching Funds.* — To ensure commitment without imposing undue burden, YECPA would require a modest state match[113] scaled inversely to the level of adoption: 20% for Tier 1, declining to 5% for Tier 4. The EAC could waive match requirements for states demonstrating financial hardship.[114] This structure incentivizes broader enfranchisement while maintaining accessibility for resource-constrained states.

7. *Reporting and Evaluation.* — Participating states would submit annual reports[115] detailing: (1) the number of sixteen- and seventeen-year-olds registered and turnout rates; (2) expenditure of grant funds by category; (3) implementation challenges and solutions; (4) civic education metrics; and (5) recommendations for program improvement. The EAC would fund an independent research consortium to conduct longitudinal studies, cross-state comparisons, and public dissemination of findings—parallel to the research infrastructure that has evaluated HAVA's impact.[116]

---

funding to subrecipients: local or tribal governments. See FY 2025 Homeland Security Grant Program Frequently Asked Questions, FEMA (Sep. 12, 2025), https://www.fema.gov/grants/preparedness/homeland-security/fy-25-faqs [https://perma.cc/AT5N-29Z2].

112. See Funding Election Administration, Nat'l Conf. State Legislatures (Apr. 23, 2025), https://www.ncsl.org/elections-and-campaigns/funding-election-administration (on file with the *Columbia Law Review*) ("In most states, the cost of elections is borne primarily by counties and local jurisdictions . . . . If, for example, new voting machines are needed, often the county (or occasionally a municipality) must come up with the funds to pay for them . . . .").

113. HAVA initially required a 5% state match for requirements payments, which later increased to 20%. See 52 U.S.C. § 21003; Shanton, supra note 97, at 11 tbl. 2 & 13 nn.g & j (indicating that the required match for general improvements grant funding was 5% in FY2018, and 20% in FY2020–2026). This matching requirement ensures state investment while remaining modest enough not to deter participation.

114. HAVA allows states to request waivers of matching requirements upon demonstration of financial hardship. 52 U.S.C. § 20902(a)(3)(B).

115. HAVA requires states to submit annual reports to the EAC detailing how payments were used and the number of persons registered and voting in federal elections. 52 U.S.C. § 20927. The EAC compiles these reports and issues public summaries. See Election Administration and Voting Survey (EAVS) Comprehensive Report, U.S. Election Assistance Comm'n (July 8, 2026), https://www.eac.gov/research-and-data/studies-and-reports [https://perma.cc/75AZ-A49T].

116. The EAC maintains a research clearinghouse and has funded numerous studies evaluating HAVA's impact on election administration, including effects on voter confidence, registration rates, and provisional ballot usage. See, e.g., Bipartisan Pol'y Ctr., Measuring the Impact of Recent Grants to Election Administrators Under the Help America Vote Act 4, 12 (2024), https://www.eac.gov/sites/default/files/2025-01/Election_Security_Grant_Report_Final_508.pdf [https://perma.cc/75X7-ZZY6].

8. *Funding Scale.* — Based on HAVA's appropriations model,[117] YECPA would authorize approximately $100–150 million annually. This is a fraction of HAVA's initial appropriation of $3.9 billion over three years, reflecting its more targeted scope. Initial grants in Years 1–3 would support infrastructure investments; ongoing grants would cover maintenance and civic education. This represents roughly 0.5% of current federal election assistance spending, scaled to the approximately eight million sixteen- and seventeen-year-olds nationwide.[118]

9. *Authorization Period.* — YECPA would authorize the program for ten years with a mandatory comprehensive evaluation at Year 5. This sunset provision builds in accountability: Congress would reauthorize based on evidence of the program's impact on youth civic engagement, administrative feasibility, and state satisfaction. The structure allows scaling up if successful or modification if challenges emerge.

### C. *Addressing Common Objections*

Any legislative proposal invites criticism, and a conditional-spending approach to youth enfranchisement will face predictable challenges. This section addresses seven principal objections. It engages with the normative debate only to the extent the proposed practical mechanism intersects with the normative debate.

1. *Partisan Manipulation.* — Critics may contend that youth enfranchisement represents a partisan effort to advantage one political coalition over another. This concern is not unique to the Spending Clause mechanism; it would attach to any federal intervention in this domain. But the conditional-grant structure mitigates the perception of partisan manipulation in several ways.

First, state choice diffuses federal responsibility. Because states voluntarily elect to participate—and because adoption typically requires mobilization by diverse local coalitions including youth organizers, parents, educators, and election administrators—the program cannot plausibly be characterized as a unilateral federal imposition. Each jurisdiction that extends the franchise does so through its own democratic processes, not at congressional command. HAVA's experience is instructive: Despite initial concerns that federalizing election standards might advantage particular constituencies, the program's voluntary structure and state flexibility enabled broad bipartisan acceptance.[119]

Second, the empirical premise of the objection is contestable. While polling aggregates suggest younger voters lean somewhat left on certain

---

117. For HAVA appropriations history, see Shanton, supra note 97, at 11–14.

118. See Annie E. Casey Found., Kids Count Data Ctr., Child Population by Single Age in California, https://datacenter.aecf.org/data/tables/100-child-population-by-single-age [https://perma.cc/9EZP-BJHN] (last updated July 2026).

119. See supra note 101 and accompanying text (discussing HAVA's bipartisan acceptance).

issues, data from jurisdictions with youth voting reveal substantial heterogeneity. Sixteen- and seventeen-year-olds do not vote as a monolithic bloc, and partisan effects are contingent on local political context rather than an inherent feature of youth enfranchisement.[120] More fundamentally, the charge of partisan manipulation has accompanied virtually every franchise expansion in American history—from women's suffrage to the Twenty-Sixth Amendment itself—and has consistently proven overstated.[121] The appropriate response to concerns about electoral consequences is not to foreclose democratic participation but to ensure that new voters are adequately supported through civic education, a commitment YECPA explicitly requires.

Third, YECPA's tiered structure invites experimentation that can address partisan concerns empirically rather than speculatively. Early-adopting states at Tier 1 (school board elections only) will generate data on actual youth voting patterns in low-salience, often nonpartisan contexts. If results demonstrate that youth voters are indeed ideologically diverse and that enfranchisement does not systematically advantage one party, skeptics in other states will face a harder case for categorical exclusion based on partisan fears.[122]

2. *Developmental Capacity.* — Skeptics frequently argue that sixteen- and seventeen-year-olds lack the maturity, knowledge, or judgment necessary for informed electoral participation.[123] YECPA does not resolve—and need not resolve—this normative debate. Instead, it responds pragmatically by linking federal funds not merely to enfranchisement but to enhanced civics education and voter-support infrastructure.

If policymakers harbor concerns about informational deficits among newly eligible voters, the appropriate response is not categorical exclusion but targeted investment in civic learning. And it is past due for an

---

120. While aggregate preferences may lean left, individual voting patterns are diverse and strongly influenced by local context and specific issues on the ballot. See Vote16USA, Young Voices, supra note 21, at 11; The Youth Vote in 2024, Ctr. for Info. & Rsch. on Civic Learning & Engagement, https://circle.tufts.edu/2024-election#the-youth-electorate-was-more-republican-and-conservative-in-2024 [https://perma.cc/62HX-6ZEC] (last visited Aug. 30, 2026) (showing that youth in the 2024 election trended significantly Republican, relative to 2020, and that the youth vote varied substantially based on geography, demographics, and issue prioritization).

121. Opponents of women's suffrage predicted partisan consequences; opponents of the Twenty-Sixth Amendment warned that eighteen-year-olds would vote as a bloc. Both predictions proved unfounded. See Alexander Keyssar, The Right to Vote: The Contested History of Democracy in the United States 218–22 (2000) (describing bloc-voting anxiety in Nineteenth Amendment debates); Jenny Diamond Cheng, Voting Rights for Millennials: Breathing New Life Into the Twenty-Sixth Amendment, 67 Syracuse L. Rev. 653, 669 (2017) (noting bloc-voting anxiety in Twenty-Sixth Amendment debates).

122. See Keyssar, supra note 121, at 219 (recounting how the enfranchisement of women in some states and local elections demonstrated that partisan fears were overstated).

123. See supra note 21.

investment in civic education.[124] YECPA finances precisely that investment, conditioning grants on states' commitment to robust civics curricula, nonpartisan voter guides, and school-based registration programs.[125] In this respect, the program aligns incentives: States that extend the franchise also commit to ensuring that young voters are equipped to exercise it responsibly.

This approach mirrors HAVA's response to concerns about voter competence in the wake of the 2000 election. Rather than restricting access to the ballot, HAVA invested in voter education, clearer ballot design, and poll worker training to ensure all eligible voters could cast effective ballots.[126] YECPA applies the same logic: address capacity concerns through capacity-building, not disenfranchisement.

3. *State Constitutional Barriers.* — Some state constitutions contain provisions that arguably mandate a minimum voting age of eighteen.[127] In such jurisdictions, legislative extension of the franchise to younger voters may require prior constitutional amendment—a deliberate, time-intensive process that could take years and involve public referenda or constitutional conventions.

YECPA accommodates this constraint.[128] For states facing constitutional barriers, the statute could authorize a separate stream of planning and implementation grants to support the amendment process itself: public education campaigns, drafting assistance, and logistical preparation for constitutional conventions or referenda.[129] By funding the process rather than dictating the outcome, Congress would respect state constitutional autonomy while facilitating reform in jurisdictions where public sentiment supports it.

To prevent hollow participation, planning grants would require states to demonstrate concrete progress. States would receive initial planning funds upon legislative approval to pursue constitutional amendments, with subsequent implementation grants conditioned on actual enactment. States that accept planning funds but fail to advance amendments within a reasonable timeframe (e.g., two election cycles) would be ineligible for

---

124. See Press Release, Harv. Kennedy Sch. Inst. of Pol., Groundbreaking Report Released on Educating America's Youth for Civic & Political Participation, https://iop.harvard.edu/press-releases/groundbreaking-report-released-educating-americas-youth-civic-political [https://perma.cc/FLZ8-LZBC] (last visited July 10, 2026).

125. See supra section III.B.

126. See 52 U.S.C. § 21082 (requiring voting information); Thessalia Merivaki & Mara Suttmann-Lea, U.S. Election Assistance Comm'n, Voter Education Report 7–9 (2024), https://www.eac.gov/sites/default/files/2024-10/EAC_Voter_Education_Report_508.pdf [https://perma.cc/R8VR-HFJ2] (studying the effects of voter education policies).

127. Vote16USA, Young Voices, supra note 21, at 41–42.

128. Analogously, HAVA permits states to certify compliance prior to the passage of state laws. See 52 U.S.C. § 20902(b)(2).

129. See supra section III.B.

renewal. This structure ensures genuine commitment while accommodating the realities of state constitutional processes.

Vermont's experience illustrates the model. After a 2015 referendum failed, youth advocates and the legislature spent four years building support through public education and community organizing.[130] When the question returned to voters in 2019, it passed overwhelmingly, and the legislature subsequently enacted youth voting despite gubernatorial opposition.[131] YECPA planning grants would finance precisely this kind of sustained democratic deliberation.

4. *Impermissible Coercion.* — Opponents may argue that conditional grants become coercive when they are politically difficult to refuse, thereby undermining the voluntariness that Spending Clause doctrine requires.[132] This objection, however, conflates political pressure with constitutional coercion.

*NFIB v. Sebelius* instructs that courts scrutinize the magnitude and structure of the federal inducement, not its political salience.[133] A condition becomes impermissibly coercive when it threatens to withhold such a substantial portion of a state's budget that refusal is financially untenable, or when it leverages existing funds in a manner that effectively compels participation.[134] YECPA does neither.

The proposed grants would represent new, supplemental funding targeted at election administration and civic education—policy domains where existing federal contributions are modest. Even at the upper bound of the funding estimate (around $150 million annually if all states participated at Tier 4), YECPA would constitute a tiny fraction of aggregate state election spending. For perspective, estimates of total state and local election expenditures in a "normal" election year exceed $4 billion;[135] YECPA's maximum annual authorization would represent less than 4% of that figure, distributed across participating states. For individual states, YECPA grants would constitute well under 1% of total state budgets.[136]

---

130. Siefer, supra note 66; see also Brattleboro Common Sense, Charter Change Press Release, supra note 60; Brattleboro Common Sense, Youth Vote Hearings, supra note 66.

131. Sherwood, supra note 67.

132. See supra section III.A.

133. See Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 580–82 (2012) (finding that withholding all Medicaid funding, over 20% of the average state's budget, constitutes impermissible financial inducement without accounting for the Affordable Care Act's objective to expand healthcare access).

134. Id.

135. Charles Stewart III, Nat'l Inst. for Civ. Discourse & MIT Election Data Sci. Lab, The Cost of Conducting Elections 3 (2022), https://electionlab.mit.edu/sites/default/files/2022-05/TheCostofConductingElections-2022.pdf [https://perma.cc/H5HY-X3Z6].

136. Total state general fund expenditures in estimated FY 2025 exceeded $3 trillion. Nat'l Ass'n of State Budget Officers, 2025 State Expenditure Report: Fiscal Years 2023–2025, at 8 (2025), https://www.nasbo.org/reports-data/state-expenditure-report [https://perma.cc/S9LB-36QU]. Even the largest state YECPA grant (e.g., $10 million for California's approximately one million sixteen- and seventeen-year-olds) would constitute 0.002% of that

Crucially, states that decline to participate would retain full entitlement to all preexisting election-related funds, including ongoing HAVA appropriations. The offer is one of additional resources, not the threatened withdrawal of critical support. This structure mirrors *Dole* itself, in which the withheld highway funds represented only 5% of total federal highway assistance to states,[137] and stands in stark contrast to *NFIB*, in which the threatened loss of all Medicaid funding could have cost states over 20% of the average budgets.[138]

Moreover, YECPA includes the same modest matching requirements that HAVA successfully employed—5% to 20% depending on tier—demonstrating that states must affirmatively choose to participate and invest their own resources.[139] States have repeatedly demonstrated willingness to decline conditional grants when the conditions are unacceptable, as the Medicaid expansion litigation itself proved.[140] Under *Dole* and *NFIB*, YECPA's structure should easily withstand coercion scrutiny.

Perhaps the closest YECPA comes to coercion would be (1) the financial incentives offered to states that make concrete efforts to remove state constitutional barriers and (2) the cessation of funding for states that do not remove those barriers within the specified timeframe. But this is not an unprecedented use of the spending power. HAVA encourages states to enact laws that would make them eligible for federal funds by permitting states to certify compliance prior to passage of state laws.[141] But HAVA does not place a deadline on compliance; it just requires those states to "submit an additional certification once such legislation is enacted."[142] And although cessation of funding is always the implied enforcement mechanism of Spending Clause legislations, HAVA does not explicitly threaten to withhold funds from states that fail to enact the necessary legislation.

YECPA goes further in several respects. It places a deadline on compliance, and it explicitly threatens to withhold funds when changes to state law are not completed within the specified timeframe. Also, while HAVA merely encourages states to change state law, YECPA contemplates changes in state constitutions and funds the amendment process itself. But

---

state's approximately $350 billion budget. See Annie E. Casey Found., supra note 118; Cal. Dep't of Fin., California State Budget, Fiscal Year 2026–2027 (2026), https://ebudget.ca.gov/budget/e/2026-27/BudgetDetail (on file with the *Columbia Law Review*).

137. South Dakota v. Dole, 483 U.S. 203, 211 (1987).

138. Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 581–82 (2012).

139. 52 U.S.C. § 20903(b) (HAVA matching requirements).

140. As of January 2026, ten states have not expanded Medicaid under the ACA. See Status of State Medicaid Expansion Decisions, Kaiser Fam. Found. (May 21, 2026), https://www.kff.org/medicaid/status-of-state-medicaid-expansion-decisions [https://perma.cc/VY2H-WCC3].

141. See 52 U.S.C. § 20902(b)(2) ("[T]he State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.").

142. Id.

there are two key aspects of the proposal that answer the coercion problem. First, these process funds would be a subset of YECPA funding, a separate stream of planning and implementation grants. The process funding is even more modest than the overall YECPA scheme, and so the threat of coercion is even less. Second, because it is a separate stream of funding, it could be easily severed from the statute if courts found the process funding unconstitutionally coercive.

5. *Tier 3 Recreates the* Mitchell *Problem.* — A more technical objection focuses on Tier 3's potential to recreate the very problem that prompted the Twenty-Sixth Amendment: dual voting systems. Tier 3 would condition grants on states' permitting sixteen- and seventeen-year-olds to vote in state and local elections while potentially excluding them from federal contests. This mirrors the *Oregon v. Mitchell* scenario that election officials warned would create administrative chaos.[143] This objection fails for three reasons.

First, and most fundamentally, YECPA does not recreate the *Mitchell* problem because it does not compel states to do anything. It offers financial support to states that voluntarily choose to adopt them. A state's decision to accept Tier 3 funding represents a judgment that the benefits of youth enfranchisement (plus federal grants to offset implementation costs) outweigh the administrative burdens of maintaining separate systems. That is an informed choice made by states, not a federal mandate.

Second, although Tier 3 may come with administrative burdens—ones the states assume willingly—YECPA's tiered structure provides an escape valve: Tier 4 (youth voting in all elections), which eliminates administrative bifurcation entirely. The graduated funding structure incentivizes this choice: Tier 4 grants would be larger than Tier 3 grants, rewarding states that embrace comprehensive enfranchisement and avoid operational fragmentation.

Third, some states may simply prefer Tier 3 despite its administrative complexity. State constitutional provisions or political constraints may make extending the franchise to federal elections more difficult than to state and local contests.[144] For such states, Tier 3 provides a pathway to youth enfranchisement that respects state constitutional processes while still advancing democratic participation. YECPA's grants would fund precisely the technology and training needed to manage dual systems efficiently: upgraded registration databases that can flag age-specific eligibility, ballot software that generates appropriate ballot versions, and poll worker training to prevent confusion.

---

143. See supra section I.A.

144. For instance, a state constitution might contain restrictive amendment procedures for provisions governing federal elections but more flexible processes for state or local election rules. Or a state might have support for youth voting for school board and municipal offices (where youth have direct stakes in the outcomes and knowledge of the landscape) before that extends to state legislative or congressional races.

Indeed, several municipalities already operate bifurcated systems successfully. Takoma Park, Hyattsville, and other Maryland cities permit sixteen- and seventeen-year-olds to vote in municipal elections but not in state or federal contests conducted simultaneously.[145] While this bifurcated system introduces some administrative complexity, they have managed it effectively with far fewer resources than YECPA would provide, in part because these municipalities already permitted sixteen-year-olds to register to vote.[146] If small municipalities can administer dual systems, states with federal support certainly can—if they choose to.

Voluntary state choice, coupled with federal funding and structural incentives toward unified systems, transforms what was once a constitutional crisis into a manageable administrative question. States retain freedom to avoid dual systems by selecting Tier 4, and those that prefer Tier 3 receive resources to implement it efficiently. This is not *Mitchell* redux; it is cooperative federalism at work.

6. *Political Infeasibility and the "HAVA Had a Crisis" Objection.* — Skeptics may argue that YECPA will never attract sufficient political support to secure passage or appropriations. After all, HAVA responded to a widely recognized crisis—the 2000 Florida debacle—that created bipartisan urgency for election reform. Youth enfranchisement lacks such a galvanizing moment.

To be sure, the Twenty-Sixth Amendment and HAVA were motivated by crisis, and they might not have passed absent those emergency conditions. But the political feasibility of YECPA relies not on crisis but on state volunteerism and demonstrated success. The proposal does not assume immediate nationwide consensus on youth enfranchisement. Rather, it envisions a gradual process: Early-adopting states (likely those already sympathetic to youth voting) participate at Tier 1 or 2, their experiences generate evidence and momentum, skeptical states observe results before committing, and federal appropriations scale with demonstrated success and state demand.

The political feasibility objection also underestimates the power of federalism as a selling point. Conservative and moderate legislators skeptical of federal mandates may nonetheless support a voluntary program that respects state autonomy, especially when modeled on the successful bipartisan precedent of HAVA. There will surely be unpersuaded legislators, but the very features that make YECPA constitutionally sound—state choice, modest inducements, and respect for local variation—are also features that make it politically palatable to a broader coalition than a constitutional amendment or federal mandate could ever attract.

7. *What's the Federal Interest?* — The federal interest in HAVA is apparent: Federal funds are used by states to improve election systems with direct benefits for all elections, federal and state. There is also a clear

145. Vote16USA, Takoma Park and Hyattsville, supra note 58, at 3.

146. Id.

federal interest in YECPA Tier 4—providing funds to states that extend the franchise in all federal, state, and local elections. But Tiers 1–3 provide funds to states that extend the franchise in all elections except federal elections. What exactly is the federal interest in that? critics may question.

The normative debate provides the answer. Studies suggest that extending the franchise in state and local elections correlates with stronger lifelong civic habits and may establish patterns of engagement that counter broader trends of democratic disillusionment and political extremism.[147] Even where the federal government lacks a direct interest in the first election cycle—where sixteen- and seventeen-year-olds vote in state and local but not federal elections—the payoff comes in the next federal election cycle, when those voters become eighteen- and nineteen-year-olds who are eligible to vote in federal elections, and are more likely to participate due to the introduction of early voting in state and local elections, and the inculcation of civic values. So, while the federal interest in Tiers 1–3 may be more attenuated than Tier 4, there is a broader interest in more robust democratic participation and a direct interest in the more engaged voting population in the next federal election cycle, with compounding benefits every cycle.

### D. *Benefits Beyond Universal Adoption*

YECPA's value does not depend on immediate nationwide participation. Even partial adoption would yield three systemic benefits that advance the cause of youth enfranchisement and inform broader debates about electoral reform.

1. *Demonstration Effects.* — Early-adopting states would function as large-scale laboratories, generating empirical data on youth turnout, political knowledge acquisition, and downstream civic engagement far more robust than existing municipal experiments can provide. Takoma Park and similar jurisdictions offer valuable proof of concept, but their populations are small and their political contexts atypical.[148] Statewide implementation in demographically diverse jurisdictions would produce evidence at scale—evidence that could reshape public opinion in holdout states.

This dynamic mirrors the path of the Twenty-Sixth Amendment itself. Before Congress acted in 1970, Georgia, Kentucky, Alaska, and Hawaii had already reduced their voting ages, creating a foundation of state-level experience that legitimized federal intervention.[149] Similarly, if California, Colorado, or Massachusetts extended the franchise to sixteen- and seventeen-year-olds under YECPA and demonstrated measurable increases in youth civic participation without disruption to election administration,

147. See supra section I.B.

148. See Vote16USA, Takoma Park and Hyattsville, supra note 58, at 3, 8.

149. See Report of Constitutional Amendments Subcommittee, supra note 18, at 3.

skeptics in other states would face a harder case for categorical exclusion. Conditional spending thus facilitates the kind of democratic learning that can precede broader reform.

2. *Institutional Reframing.* — YECPA would redirect public discourse from abstract questions of adolescent maturity to concrete questions of institutional design: how to structure school-based registration programs, develop age-appropriate ballot materials, train poll workers to assist younger voters, and create youth advisory commissions to inform election policy. This shift from normative debate to operational problem-solving may prove politically productive. Opponents who frame youth enfranchisement as irresponsible experimentalism must contend with proponents who frame it as carefully scaffolded civic infrastructure. When the question becomes not "Should we trust teenagers?" but rather "How can we equip young citizens to vote effectively?," the terms of engagement change.

Moreover, conditioning federal funds on civics education enhancements allows supporters to answer the competence objection directly. If the concern is that sixteen-year-olds lack knowledge, YECPA offers resources to address that deficit rather than ratifying exclusion as the only solution. This rhetorical move—from gatekeeping to capacity-building—may resonate with voters otherwise ambivalent about lowering the voting age.

3. *Local Empowerment.* — Because YECPA channels federal resources through states to local jurisdictions, it empowers cities, counties, and school districts that support youth voting but lack the fiscal or legal capacity to act independently. Many municipalities have expressed interest in enfranchising young residents for local elections but hesitate due to concerns about implementation costs, voter-database interoperability, or conflicts with state law. A state's decision to participate in YECPA would remove these barriers, enabling local governments to extend the franchise with federal fiscal backing and state legal authorization.

In this respect, conditional spending operates not as a centralizing force but as a tool for local empowerment—facilitating democratic experimentation at the level closest to affected communities. Cities that pioneered youth voting, such as Greenbelt, Maryland,[150] and Oakland, California,[151] did so because local coalitions mobilized around the issue and because state law permitted local variation. YECPA would formalize and finance that dynamic, transforming ad hoc local initiatives into a sustainable, federally supported framework. The result would be a more decentralized form of electoral innovation than either a constitutional amendment or a top-down statutory mandate could achieve.

---

150. See supra text accompanying notes 63–65.

151. See Heys et al., supra note 21, at 16 ("In 2016, Berkeley and Oakland youth-led efforts successfully lowered the voting age for school board elections for 16- and 17- year olds.").

## CONCLUSION

The first youth-enfranchisement revolution ultimately required a constitutional amendment. That amendment emerged from an extraordinary confluence of moral urgency, political mobilization, and institutional necessity. Today's movement to lower the voting age is unlikely to replicate that path, at least in the short term. The normative debate hasn't shifted public skepticism; the political system is polarized; and voters are wary of sweeping constitutional change.

The path forward runs not through another round of abstract normative argument, but through a concrete institutional design that respects state autonomy, addresses administrative costs, and leverages federal resources to support local democratic innovation. A conditional-spending regime like the proposed Youth Enfranchisement and Civic Participation Act would fit comfortably within existing Spending Clause doctrine, avoid the pitfalls of *Oregon v. Mitchell*, and give willing states and municipalities the tools they need to bring emerging adults into the electorate.

Ultimately, the question "Who gets to vote?" is inseparable from the question "Who gets a say in how voting rules are made?" A Spending Clause approach answers both at once: It invites local communities to decide, with meaningful federal support, whether the time has come to welcome sixteen- and seventeen-year-olds into the democratic fold. It ensures that when communities are ready to say "yes," the law does not respond with, "You're on your own." Over time, as more jurisdictions take up that invitation and the extraordinary becomes familiar, public perception of youth enfranchisement may shift—not because scholars win an argument on paper, but because citizens see it working in practice.