

MORE THAN THE VOTE: 16-YEAR-OLD VOTING AND THE RISKS OF LEGAL ADULTHOOD

KATHARINE SILBAUGH*

ABSTRACT

Advocates of 16-year-old voting have not grappled with two significant risks to adolescents of their agenda. First, a right to vote entails a corresponding accessibility to campaigns. Campaign speech is highly protected, and 16-year-old voting invites more unfettered access to minors by commercial, government, and political interests than current law tolerates. Opening 16-year-olds to campaign access undermines a considered legal system of managing the potential exploitation of adolescents, which sometimes includes direct regulation of entities, and that also gives parents authority in both law and culture to prohibit, manage, or supervise contacts with every kind of person interested in communicating with a minor, through the age of 18. Second, voting is the most significant civil right. The history of other campaigns to earn the vote, including Woman Suffrage and 18-year-old voting, suggests that lowering the voting age will lead to a more far-reaching civil equality, meaning a lower age of majority, regardless of the current protestations of the Vote16 advocates. Lowering the voting age will therefore undermine the protective commitments we make to youth in school, in the justice system, and in the child welfare system. The neuropsychological development framework for evaluating 16-year-old voting needs to operate alongside a missing institutional analysis of the age of majority. Vote16 advocates cannot continue to avoid filling out the broader case for a 16-year-old age of majority, and reckoning with its inconsistency with current protective family and child welfare law. The Vote16 movement repeatedly justifies its case with evidence that lifelong voter turnout can be improved by starting younger. Conceding this point, this Article argues that lifelong voter turnout cannot be improved at the cost of our ongoing commitment to a youth-protective legal posture. Because the agenda of Vote16 is to improve lifelong voter turnout, rather than to address the status of adolescents, the movement has not grappled with situating its claim within the legal identity of adolescents broadly. Until Vote16 addresses these issues, state legislatures and local governments should pause their consideration of Vote16 proposals.