



**TOWN OF BROOKLINE
MASSACHUSETTS**

**REPORTS OF SELECT BOARD
AND ADVISORY COMMITTEE**

on the

Articles in the Warrant

for the

**SECOND SPECIAL TOWN
MEETING**

to be held in the High School Auditorium

Tuesday, November 19, 2019

at

7:30 P.M.

(Please retain this copy for use at the Town Meeting)

Town of Brookline

SELECT BOARD

Bernard W. Greene, Chair

Benjamin J. Franco

Nancy S. Heller

Heather Hamilton

Raul A. Fernandez

Melvin A. Kleckner, Town Administrator

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MODERATOR

Edward N. Gadsby, Jr.

ADVISORY COMMITTEE

Michael Sandman, 115 Sewall Ave., No. 4, Chair, Street.....	232-7125
Carla Benka, Vice-Chair, 26 Circuit Road	277-6102
Benjamin Birnbaum, 15 Feneno Terrace,	276-5944
Harry Bohrs, 27 Toxeth Street.....	566-3556
Clifford M. Brown, 9 Hyslop Road	232-5626
Carol Caro, 1264 Beacon Street, #2.....	739-9228
John Doggett, 8 Penniman Place	566-5474
Dennis Doughty, 57 Perry Street.....	739-7266
Harry Friedman, 27 Clafin Road	BE2-0122
Janet Gelbart 216 St. Paul Street #601.....	566-5616
David-Marc Goldstein, 22 Osborne Road	232-1943
Neil Gordon, 87 Ivy Street.....	(508)265-1362
Susan Granoff, 52 Vernon Street #1	731-0822
Amy Hummel, 226 Clark Road	731-0549
Alisa G. Jonas, 333 Russett Road	469-3927
Janice Kahn, 63 Craftsland Road.....	739-0606
Steve Kanes, 89 Carlton Street	232-2202
Bobbie M. Knable, 243 Mason Terrace.....	731-2096
David Lescohier, 50 Winchester Street	383-5935
Carol Levin, 61 Blake Road.....	731-0166
Pamela Lodish, 195 Fisher Avenue	566-5533
Mariah Nobrega, 33 Bowker Street	935-4985
Carlos Ridruejo, 16 Holland Road.....
Michael Sandman, 115 Sewall Ave., No. 4	232-7125
Lee L. Selwyn, 285 Reservoir Road	277-3388
Kim Smith, 22 Brington Road	277-1606
Stanley Spiegel, 39 Stetson Street	739-0448
Claire Stampfer, 50 Sargent Crswy.	448-4201
Charles Swartz, 69 Centre Street	731-4399
John VanScoyoc, 307 Reservoir Road.....	731-3584
Christine M. Westphal, 31 Hurd Road.....	738-7981
Neil Wishinsky, 20 Henry Street, No.2	739-0181
Lisa Portscher, Executive Assistant, Town Hall.....	730-2115

NOVEMBER 19, 2019
SECOND SPECIAL TOWN MEETING
INDEX OF WARRANT ARTICLES

ARTICLE
NUMBER

TITLE

1. Home Rule Petition to allow who have reached the age of 16 or older, to register and vote in municipal elections within the Town. (Select Board)

2019 SECOND SPECIAL TOWN MEETING WARRANT REPORT

The Select Board and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2019 Second Special Town Meeting to be held on Tuesday, November 19, 2019 at 7:30 pm.

Note: The following pages of this report are numbered consecutively under each article.

ARTICLE 1

FIRST ARTICLE

Submitted by: Select Board

To see if the Town will request that the Select Board file a Home Rule Petition to allow any citizens in the Town of Brookline, notwithstanding the provisions of G.L. 51, Sections 1 and Section 47A, who have reached the age of 16 or older, to register and vote in municipal elections within the Town, or to take any other action relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

This Warrant Article seeks to authorize the Select Board to advocate the state legislature to allow the Town to lower the voting age to 16 years old in municipal elections.

There are numerous reasons for the Town to advocate for this change in public policy.

The goal of any democracy should be to be as inclusive as possible. This means that we have a responsibility to encourage voter participation and help residents establish consistent voting habits.

A substantial majority of Brookline registered voters do not exercise their right to vote in municipal elections. Over the ten years from 2010 through 2019, average turnout in Brookline’s municipal elections was about 16%.

In other words, about 5 out of 6 registered voters, on average, have chosen not to exercise their right to vote in Brookline’s municipal elections.

The year-by-year turnout has been as follows:¹

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
10%	8%	8%	24%	11%	29%	6%	16%	22%	26%
Ten Year Average									16%

While municipal elections typically see the lowest turnout, they are more likely to directly affect the lives of minors in significant ways. Casting their first votes in local elections will allow students to see the direct impact and importance of their vote.

¹ <https://www.brooklinema.gov/1028/Election-Results>

Over the past few years, many warrant articles have either been petition-driven by students at Brookline High School or directly affected them. Those include raising the age on the sale of tobacco products, climate change policies, and access to menstrual products, just to name a few.

There are some who believe that since the mind does not fully develop until the mid-20s, that lowering the voting age does not make sense; that children are impressionable and will be influenced by their parents, that they do not typically pay property taxes. However, many voters are influenced by both logic and hyperbole. Owning land has not been a requirement to vote for a long time. And, if we start placing judgments on who has the mental capacity to vote, or who can vote based on property-rights, we slide backwards to times where many segments of the population were denied the right to vote.

This is another move towards broadening democracy and that shouldn't be feared, but embraced.

SELECT BOARD'S RECOMMENDATION

Article 1 asks Town Meeting to request that the Select Board file a Home Rule Petition to allow any citizens in the Town of Brookline, who have reached the age of 16, to register and vote in municipal elections within the Town.

The Select Board supports this article because they believe it will help increase interest and voter turnout in municipal elections. It was noted that many recent municipal elections had seen voter turnout that had been in the single digits. The Board believes that it is important to include youth in Town deliberations and encourage them to participate in meaningful decisions at the local level. Despite some members of the Board having concerns about this article and the potential impact of lower the voting age. The Board believed that this article merits a debate at Town Meeting.

On October 22, 2019, the Board recommended FAVORABLE ACTION, by a vote of three in favor, one opposed, and one abstention on the following motion:

VOTED: That the Town request that the Select Board file a Home Rule Petition to allow any citizens in the Town of Brookline, notwithstanding the provisions of G.L. 51, Sections 1 and Section 47A, who have reached the age of 16 or older, to register and vote in municipal elections within the Town, or to take any other action relative thereto.

ROLL CALL VOTE:

Aye:
Greene
Heller
Fernandez

Nay:
Franco

Abstain:
Heller

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee's report and recommendation on Article 21 will be included in the supplemental mailing.

XXX

ARTICLE 1

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

Special Town Meeting 2, Article 1 would change the minimum voting age for municipal election to age 16. Existing State and federal requirements would remain in effect for those elections

The Advisory Committee recommends NO ACTION on STM 2, Article 1.

BACKGROUND:

Warrant Article 1 of Special Town Meeting 2 seeks to ask the Select Board to petition the state legislature to allow the Town to lower the voting age to 16 years old in municipal elections. The Select Board does not need Town Meeting's permission to make this request; however, the Select Board has expressed the "desire to know Town Meeting's preference before speaking for the entire town."

Communities across Massachusetts (including, recently, Somerville, Concord, Ashfield, Shelburne, Wendell, and Northampton, as well as efforts by Cambridge, Harwich, and Lowell in prior years) have taken steps towards lowering their voting age. There is a prominent national "VOTE16" movement. At the state level, H.720/S.389 (the "EMPOWER Act") would give cities and towns the option to lower their voting ages to 16 without the need to file home rule petitions.

Municipal voting is a largely unexercised right in Brookline: average turnout for the most recent 10 years in Brookline's municipal elections is 16%; the high turnout for that period was 29%. Analysis from other communities (abroad) shows that one is more likely to develop a lifelong voting habit if voting begins at 16 than if it begins at 18, although there remains some disagreement around the explanations.

US society is filled with a hodgepodge of age restrictions which reflect a lack of consensus regarding when "maturity" has been reached: access to tobacco or alcohol products, the right to drive, the right to vote, the right to choose an abortion, the right to marry, access to "juvenile" sentencing, the ability to join the military (or be drafted), and "emancipation" all have age restrictions. Many of these use 18 as the cutoff, but this varies regionally and, in addition, has changed significantly over the years. There are active campaigns to raise the ages of access to tobacco and alcohol, raise the age of emancipation, raise the driving age, and lower the voting age. These campaigns often cite brain development studies as the basis for whatever age is proposed, and science seems to show that the ability to make different types of decisions does vary with maturity (for example, as one matures one tends

to become less impulsive, which could have implications for certain types of decision making).

These threshold ages are not strictly independent. When the age of military service was decreased, substantial pressure to lower the voting age and the drinking age ensued. When the voting age dropped, the emancipation age quickly followed.

DISCUSSION:

The Advisory Committee is overwhelmingly opposed to Warrant Article 1. Although many members acknowledged substantial political and social contributions from teenagers, ranging from those who have sponsored Warrant Articles or spoken at Town Meeting all the way to Greta Thunberg and the climate strike, most members expressed sympathy with the recent statement from Governor Baker, who said “I raised teenagers, and based on that I’m pretty dubious about lowering the voting age to 16.” As an example, during the committee discussion one member said “Would I want to put my fate in the hands of 16 year-olds? With all due respect, I would not.”

A repeated theme was that 16 year-olds in general simply do not have sufficient experience or expertise to make informed political decisions and that to the extent that our schools provide civics education this education is not an adequate substitute.

Considerable time was spent discussing the concerns raised by Kate Silbaugh (TMM-1), who has been independently researching this topic for some time. Her concerns are expressed from a child welfare perspective. At the moment, there are many active political constituencies (including Brookline’s repeated adjustments to the age limits around tobacco) attempting to raise the ages associated with certain activities. Lowering the voting age makes these efforts more difficult. In addition, it puts pressure on lowering the age of emancipation, which can have dire consequences for children. Advisory Committee members were quite concerned about the risks associated with “adultification,” especially in the light of brain science studies which show that certain types of decision making ability doesn’t fully develop until well after 18. One member suggested than one impetus for lowering the municipal voting age was to create a group of voters who would be more amendable to voting favorably for tax overrides to support the schools.

A difficult constitutional question is raised by this article. Today, parents have a constitutional right to protect their children from certain speech. If the voting age is lowered and 16 year-olds become voters, candidates and lobbyists will have a free speech right to communicate with them. If you are a parent who wishes to shelter your child from certain speech (such as from a company lobbying for expanded access to a product you oppose), what can you do? The answer is not clear.

Finally, one member performed analysis of the registration and voting patterns of different quintiles of Brookline voters. In the most recent election, in the 18-19 age category there are 1,000 registered voters. 56 voted locally and 90 voted in state election. These sorts of

engagement numbers are similar until you reach voters over 50 years old. “If our goal is to raise engagement,” he said, “we need to focus on the 18-50 year-olds and not just add a few more voters to the rolls at the lower end.”

RECOMMENDATION:

By a vote of 4 - 20 with 1 abstention, the Advisory Committee recommends NO ACTION on Warrant Article 1 of Special Town Meeting 2.

SELECT BOARD

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Heather Hamilton
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ADVISORY COMMITTEE

Michael Sandman, Chair