Introduction

NUS Scotland welcomes the inclusion by the UK and Scottish Government of the issue of the franchise within the Memorandum of Agreement on a referendum on independence for Scotland. We particularly welcome agreement that the Scottish Government will have the power to extend the vote to 16 and 17 year olds for the referendum.

NUS Scotland has maintained support for all 16 and 17 year olds to have the vote in this referendum and would be concerned if extending the franchise resulted in only some 16 year olds actually having the right to vote.

16 and 17 year olds today are ready to engage and participate in our democracy, having learnt the principles in compulsory citizenship education. We know that they are engaging in significant numbers, through being a local youth councillor, a member of a youth parliament or their student union.

Not only are 16 and 17 year olds by law able to make complex decisions and take on wide-ranging responsibilities, they are also showing in practice that they want to make a positive difference. By having the vote, 16 and 17 year olds would be able to raise issues that are persistently affecting young people in their area and vote on whether the introduction of a policy would improve their area for the better.

We welcome the indications made after the Agreement was signed that the Scottish Government would be able to extend the franchise in such a way that all 16 and 17 year olds in Scotland at the time of referendum would be able to vote.

NUS Scotland now wishes to see the Scottish Government outline how this can be done in a clean and clear way that leaves no room for confusion as to who can and who cannot vote, and how they can register.

We also believe it is incredibly important that young people who will be eligible to vote are both informed for this historic vote. It will be incredibly important to ensure as many 16 and 17 year olds are registered to vote and to ensure as many turn out as possible.

NUS Scotland support moves to maximise registration and turnout, to ensure that as many 16 and 17 year olds are able to take part in what will be an historic vote with an unprecedented franchise.

We hope that the Section 30 order allows for sufficient resources to be set aside for this work, whether through the Electoral Commission or others.
Concern over partial extension of the franchise

Sections 10 and 11 of the Memorandum of Agreement specifically refer to the issue of the franchise and how the vote could be extended to 16 and 17 year olds.

10. The Scottish Government’s consultation on the referendum also set out a proposal for extending the franchise to allow 16 and 17 year-olds to vote in the referendum. It will be for the Scottish Government to decide whether to propose extending the franchise for this referendum and how that should be done. It will be for the Scottish Parliament to approve the referendum franchise, as it would be for any referendum on devolved matters.

11. The Scottish Government’s decision on what to propose to the Scottish Parliament will be informed by the analysis of responses to its consultation exercise and by practical considerations. The Order does not restrict the extension of the franchise in the case of this referendum.

NUS Scotland, in its consultation response to the Scottish and Westminster Governments, has expressed our support for extending the franchise for 16 and 17 year olds. In those responses, we outlined are concerns over a partial extension of the franchise.

At present, the electoral roll includes some 16 and 17 year olds, so that it is up to date for all 18 year olds by the time of an election. The electoral roll is updated for the 30 November each year; if a young person turns 18 on or before 30 November, they will appear on the previous year’s electoral roll.

Currently, for all 16 year olds to be able to vote in the referendum, we believe the roll would have to include 14 and 15 year olds to ensure it included every 16 year old by the time of the referendum. We are concerned that 14 or 15 year olds will not be included in the canvass the year before the referendum, whether due to lack of resources, legislative barriers or child protection issues. This would mean that a young person who turns 16 any time between the publication of the register and the referendum would not be able to vote.

NUS Scotland believes that only allowing some 16 and 17 year olds to vote would lead to confusion and disillusionment by young people, just as they are engaging in civic debate for the first time, and on a topic that will have great consequences for their future.

We would therefore hope the Committee is able to clarify that the Section 30 Order provides all the powers required to ensure the franchise can be lowered to 16 and that, crucially, the Electoral Commission can be instructed by the Scottish Parliament to change its procedures in order to ensure votes at 16 is genuine votes at 16.

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A clean and clear extension of the vote

NUS Scotland believes there are a number of methods that could allow all 16 and 17 year olds to vote, such as allowing 14 and 15 year olds to appear on the register, or setting up a separate measure. Such moves would of course need to address child protection issues.

There also needs to be sufficient time, and resources devoted, to educate and register young people long before the date of the actual referendum.

The Scottish Assessors Association (SAA) have recently said that "significant canvass and registration issues that would require to be addressed" to allow all 16 and 17 year olds to vote. Brian Byrne, chair of the SAA's Electoral Registration Committee, has said that he believes it is possible to extend the vote for all 16 and 17 year olds, if there is legislation that is “clear, unambiguous and early”.

NUS Scotland agrees that such legislation is needed that is clear and long before the referendum. It must also ensure that all 16 and 17 year olds will be able to vote in the referendum.

Conclusion

NUS Scotland welcomes the agreement forged by the Scottish and UK Government that will allow the franchise to be potentially expanded to allow 16 and 17 year olds the vote in the referendum.

We are keen to now see how the Government proposes to do this. Extending the franchise would empower young people to better engage in society and influence decisions that will define their future.

The Scottish Government has indicated that the Scottish Parliament has the mechanisms to extend the franchise for all 16 and 17 year olds. We now look to the Government to quickly overcome any hurdles to the allowing all 16 and 17 year olds the vote, so that young people will have the information and resources they need to make an informed decision about Scotland’s future.

We hope the Committee can clarify whether the Scottish Parliament has the powers it needs to provide genuine votes at 16 and to ensure the Electoral Commission and other relevant agencies can be instructed, as required, to ensure their procedures and action does what is required in response to a lowering of the franchise.

Mike Heffron
Press and Policy Officer
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