SCOTTISH INDEPENDENCE REFERENDUM (FRANCHISE) BILL
SCOTTISH YOUTH PARLIAMENT

Introduction and Context of Evidence

The Scottish Youth Parliament (SYP) welcomes the opportunity to give evidence on the Bill, and indeed the publication of the Bill itself, as it paves the way for 16 and 17 year olds to exercise their right to vote for the first time in the referendum, and removes any technical issues that may have prevented some from registering to do so.

The Scottish Youth Parliament believes that it is fundamental that 16 and 17 year olds should be allowed to vote, and have campaigned for the principle of Votes at 16 for over a decade. When the suggestion of lowering the voting age was proposed in the Scottish Government’s ‘Your Scotland, Your Referendum’ consultation paper, Members of the Scottish Youth Parliament (MSYPs) voted overwhelmingly to organise a national campaign to ensure decision-makers were left in no doubt that Votes at 16 was a priority for Scotland’s young people and should be pursued. The SYP was delighted that the UK and Scottish Governments – contrary to the expectations of many – agreed that the voting age could be lowered for the referendum, and are extremely proud of the part we played in making that happen.

SYP also welcomes the Scottish Government’s action to address a technical, but serious issue in its initial proposals, which would have led to most 16 year olds being allowed to vote, but not legally permitted to register to do so. During 2012 we corresponded regularly with the UK and Scottish Governments to urge them to work together to address this issue and made suggestions for ways in which this could be achieved. The creation of a Register of Young Voters, as proposed by the Bill, addresses this technicality and appears a sensible solution which is to be welcomed.

Our evidence is based on the principles that every 16 and 17 year old living in Scotland not otherwise restricted by existing law should be eligible to vote; it should be as easy as possible for young people to register to vote; and that the processes for doing so are as clear as possible. In addition to comments on the Bill and its accompanying documents, we have also added comments on some of the other issues raised in the Scottish Government’s Annexes to the earlier draft Bill published in December¹, in responses from organisations invited to take part in the Scottish Government’s limited consultation in January², and from points raised in the oral evidence session that SYP participated in on 14th March³.

¹ http://www.scottish.parliament.uk/S4_ReferendumScotlandBillCommittee/20121214_Reply_from_DFM_Annex_A_background.pdf
² We are grateful to Scotland’s Commissioner for Children and Young People, the Centre for Excellence for Looked after Children in Scotland, the Electoral Commission and the Electoral Reform Society Scotland for making their responses available.
Eligibility to join the Register of Young Voters and Design of Forms

The Scottish Youth Parliament welcomes the creation of a Register of Young Voters, which will enable those not entitled to join the main local government register to take part, and also creates opportunities to tailor awareness-raising activity to young people to ensure that they are fully informed of the referendum, their right to vote in it and how they can register to do so.

SYP recommend that the registration forms, information and publicity accompanying the canvass refer to dates of birth (i.e. born between 1st December 1997 and 18th September 1998) rather than age (‘if you will be 16 at the time of the referendum’) to avoid unnecessary confusion being caused.

As certain 15, 16 and 17 year olds will be eligible for different registers, the possibility of young people being registered incorrectly in error is high, and a matter of concern. Based on our reading of the proposals, those born on 30th November 1997 or earlier would be eligible to join the current register of local government electors. Those born between 1st December 1997 and 18th September 1998 would be eligible to both join the Young People’s Register and vote in the referendum. The proposed household canvass form for the Register of Young Electors included in the draft Bill however refers to “young people…who are 15 at the moment, but will be 16 by the referendum” which is likely to cause confusion and increase the likelihood of young people who are eligible to be registered being left off the form in error. We are concerned that young people being led to believe that they would be able to vote in the referendum, but being denied the opportunity to do so in practice would lead to widespread confusion and disappointment amongst them and could lead to their subsequent disengagement from the democratic process. We strongly suggest referring to the dates of birth, in a similar way to the way in which we have outlined above rather than ‘15 now, 16 at the time of the referendum’.

Duplicate Registrations

Given that there will be two registers in operation, and that the vast majority of young people registering will be doing so for the first time, it is likely that a number will inadvertently register more than once at different stages of the process. This could include a head of household completing a form on a young person’s behalf at canvass and the young person subsequently completing a form on their own behalf as part of rolling registration. It may include young people who are unsure whether or not they are registered and completing a form to make certain that they are. Additionally, there is a reasonable prospect of young people, their parents or carers completing forms for the local government register when they should be registered on the Register of Young Voters and vice versa.

The Scottish Youth Parliament strongly believes that the importance of ensuring all young people who are eligible to register to vote are given as many opportunities as possible to do so outweighs any administrative difficulties caused by people inadvertently registering more than once, or accidentally completing the form for the wrong register. The advice we would hope to give to young people who are uncertain about whether they are registered to vote in the referendum is to complete a form to make sure that they are. We hope
that this is advice that others are able to give too. SYP urges clarification at the earliest possible stage that in cases where young people are registered twice, or that forms are completed for the wrong register, that their registration is accepted and that they will not face the penalty of being disenfranchised for an error made in good faith by their parent, carer or by themselves. We recognise that the lowering of the voting age will create additional administrative challenges for Electoral Registration Officers, but we are confident that the difficulties posed are not insurmountable and should not present a barrier to young people completing registration forms.

In line with this we would welcome clarification of how the standard electoral offence of ‘registering when you are not entitled to do so’, as outlined in the Policy Memorandum, will be applied in this situation. Whilst we agree that this should be included, in line with regular electoral law and acknowledge that it is already possible for a young person under 16 to commit and be prosecuted for this offence, we are concerned that this may be used to deter young people who are not sure whether or not they are registered, from completing a form to make certain of this. SYP would welcome clarification being included in guidance that prosecutions for this offence will be reserved for cases where people are trying to fraudulently obtain more than one vote, rather than a punishment for a duplicate registration committed in error.

Rolling Registration

In line with our comments above, the Scottish Youth Parliament would stress the importance of the rolling registration process alongside the household canvass, and strongly encourage an increased focus on it for the registration of young voters.

This would enable forms to be distributed in schools, youth clubs and with other information sent to young people, to encourage them to exercise the right to register to vote. As this is the first time 16 and 17 year olds will be eligible to vote in a national poll, increased information about the registration process and an increased focus on encouraging young people to take part will be required.

As most of the young people who will be eligible to vote for the first time in the referendum will be at school or engaged in formal or non-formal education, SYP believes that Votes at 16 has the potential for a natural enhancement of democracy and citizenship education – which young people have consistently raised as a priority for drastic improvement - by providing a practical opportunity for young people to learn about voting and political participation by voting in a referendum. The process of registering to vote is an important part of this, by alerting young people to the fact that they will have a vote on Scotland’s future, and what they learn can be put to practical use when making up their mind on how they vote on referendum day.

We would also support the ‘block registration’ of students living in halls of residence, as has been successfully done in several areas in the past, but does not appear to be done by every university and Valuation Joint Board at present.
Guidance for Schools and Other Organisations

We support the production of guidance from the Electoral Commission or other appropriate body for local authorities and head teachers on how the referendum should be approached in schools.

This guidance should aim to ensure that a consistent approach is taken in every school in Scotland; that pupils have equal access to all points of view and that schools are not scared off engaging young people in the referendum or avoiding it entirely due to uncertainty over concerns of being seen as biased, or because of they are afraid they may break the law.

Schools have a vital role in engaging young people in the referendum, helping them to register, encouraging them to consider the issues and exercise their right to vote. Teachers have a responsibility to teach issues in an impartial way and present pupils with different points of view and are well-placed and extremely capable of enthusing young people to cast their first vote, and have their say on Scotland’s future.

Guidance for other organisations, such as students’ associations, youth forums, trade unions, churches and other civil society organisations would be helpful to enable them to consider their role and what they can or cannot do in the run-up to the referendum, such as organising hustings, providing information to their members, or taking a public position on the outcome. In particular, this would be extremely helpful to charities and voluntary organisations. As SYP is a registered charity we always need to be extremely careful at election time to ensure that we do not breach charity law in our efforts to support the participation of young voters, and guidance from the Electoral Commission or the Office of the Scottish Charity Regulator (OSCR) would be welcome.

Protecting Young People’s Personal Information

The Scottish Youth Parliament welcomes the additional safeguards that have been included in the Bill to ensure that the personal information of young people is protected. We agree with the merging of the local government register and Register of Young Voters, not specifying dates of birth or whether someone is under 18 or not, before names and addresses of all electors are given to referendum administrators and campaigners for appropriate communications.

We note the concerns raised by the Electoral Commission in relation to campaigners being unable to check whether an donor is allowed to do so (i.e. on the local government register) if electors from the Register of Young Voters are also included without any marker. To address this, we would suggest that electors from the Register of Young Voters are also allowed to donate to the campaigns.

Level of Turnout Amongst 16 and 17 Year Olds

In line with the sensible approach taken to merging the two registers prior to distributing them to campaigners and administrators, we were slightly concerned at the contradictory approach suggested in the original draft of the legislation, which
suggested the register given to counting officers for use in polling stations would include a marker identifying 16 and 17 year olds for the purpose of determining the level of turnout amongst them. As these registers will be made available for public scrutiny after the referendum, SYP were concerned at this suggestion, and are pleased it has not been pursued.

There may be alternative approaches to calculating the turnout amongst 16 and 17 year olds if this policy were to be pursued however. For instance, as Electoral Registration Officers will have access to the full range of information (including dates of birth) submitted as part of the registration process, we feel that it should be possible to calculate this figure by comparing unmarked registers from polling stations to the information they hold centrally.

However, whilst we understand the interest in determining the level of turnout amongst 16 and 17 year olds, the SYP feels that the impact of Votes at 16 should not be judged solely by the turnout percentage. Whilst turnout amongst 18-30 year olds is generally lower than other age groups, and it may well be the case that it is also lower amongst 16 and 17 year olds in the referendum, this is no reason to pronounce enfranchising over 100,000 additional electors as full citizens a success or failure based on how many of them are persuaded to vote.

Considering just 50% of those registered to vote at the Scottish Parliament election actually did so\(^4\), and only 64% turned out to cast their ballot in Scotland at the 2010 UK General Election\(^5\), this is a hardly an issue confined to the young. Turnout and political engagement is also lower amongst other groups in society, for instance amongst socially excluded groups\(^6\), but any attempts to deny them the right to vote on this basis would, quite rightly, be met by fierce criticism and protest. **Whilst we are interested in the turnout figure amongst 16 and 17 year olds, SYP does not feel that this should be used as the only factor to decide whether the voting age should be lowered for future elections, and we would urge decision-makers to refrain from using it in this way.**

**Vulnerable Young People**

The Scottish Youth Parliament welcomes the consideration given to vulnerable young people in the Scottish Government’s approach to the registration process to ensure that young people whose address should not be disclosed does not have to be to enable them to register to vote.

We would encourage targeted information about ‘declaring a local connection’ or anonymous registration is provided to young people in circumstances, such as young people living in residential units, or a non-disclosure order has been given regarding young people’s whereabouts in the interests of their safety. We would

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\(^4\) BBC News Vote 2011 – Scotland

\(^5\) BBC News Election 2010 Results – Scotland
http://news.bbc.co.uk/1/shared/election2010/results/region/7.stm

\(^6\) Social Exclusion and political engagement research report – Electoral Commission
encourage information is given to those that work with young people young people in vulnerable circumstances to enable them to discuss the full range of options with young people and decide which option is best for them. We would also echo the call of the Children’s and Information Commissioners in oral evidence to the Committee, for clear information on ‘declaring a local connection’ or anonymous registration to be included with the household canvass forms, setting out the qualifying criteria and process for applying to do so.

SYP would also recommend that Electoral Registration Officers work with organisations that work with young people who are not in a stable household (e.g. young people in care, careleavers, homeless) to ensure that they are able to register in an appropriate way and can participate as full citizens.

**Requirement for Awareness Raising Programme**

With the extension of the franchise to 16 and 17 year olds, and the creation of the Register of Young Voters, the Scottish Youth Parliament feels it is essential that a comprehensive awareness raising programme is carried out in the months leading up to the referendum to ensure that Scotland’s young citizens are fully informed of their right to vote, the process for registering to do so, the process for casting a vote together with impartial information on the issues to allow them to make a fully informed decision and encourage them to fully participate in the democratic process on referendum day.

Information should be produced on these topics in straightforward, accessible and plain language and efforts must be taken to ensure this is conveyed to young people in an appropriate manner. This should include work to ensure that appropriate resources are available for use in citizenship and democracy education in schools and non-formal educational settings, and that learning about voting in the referendum is not confined to Modern Studies classes and information about the issues is not left up to the campaigners. It must involve young people as peer educators to help raise awareness of the process and use the issues that matter most to young people to encourage them to actively participate as first-time voters. Given the importance of the internet in the daily lives of young people, ensuring that information is available online, and on smartphones is essential.

The Scottish Youth Parliament supports the Society of Local Authority Lawyers and Administrators in Scotland being given a duty to promote the referendum to young voters, in line with the proposal from NUS Scotland. We are supportive of the suggestion that other organisations can share responsibility for informing, engaging and supporting young voters to register and participate in the referendum. We would also urge the Scottish Parliament and Government to ensure that sufficient resources are allocated to this vital work.

The Scottish Youth Parliament would be keen to play our part in ensuring that an awareness raising programme leads to a new generation of informed citizens casting

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7 Written submission from NUS Scotland - [http://www.scottish.parliament.uk/S4_ReferendumScotlandBillCommittee/Agenda_and_papers_14_March.pdf](http://www.scottish.parliament.uk/S4_ReferendumScotlandBillCommittee/Agenda_and_papers_14_March.pdf)
their vote on referendum day and would be delighted to discuss and assist with an awareness raising programme as appropriate.

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