Scottish Parliament – Devolution (Further Powers) Committee

Electoral Commission written evidence

20 April 2015

The role of the Electoral Commission

The Electoral Commission is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. Our objectives are:

- Transparency in party and election finance, with high levels of compliance.
- Well-run elections, referendums and electoral registration.

Our principles for free elections that support a healthy democracy are:

- **Trust**: people should be able to trust the way our elections work.
- **Participation**: it should be straightforward for people to participate in our elections, whether campaigning or voting; and people should be confident that their voice counts.
- **No undue influence**: there should be no undue influence in the way our elections work.

This written evidence sets out the Commission’s views on the Scottish Elections (Reduction of Voting Age) Bill. Where we have not commented on an aspect of the Bill, the absence of comment does not imply that we support it.

The Commission is continuing to review the detailed implications of the provisions included in the Bill, including those relating to the administration of the registration process and the regulatory framework for political donations. We will continue to brief the Scottish Parliament on any relevant issues as it considers the Bill.
Reduction of the voting age

The Commission does not take a view on the principle of lowering the voting age to 16 for Scottish Parliament and local government elections, as we recognise that the definition of the franchise for these elections is properly the responsibility of elected representatives to decide. Therefore we will limit our written evidence to implementation issues, including how the enfranchisement of 16 and 17 year olds would operate in practice and how to ensure that 16 and 17 year olds are registered and therefore able to participate.

Timing of legislation

In our report on the September 2014 Scottish Independence Referendum, we recommended that when any policy maker or legislator is considering legislation for referendums or elections with a franchise including 16 and 17 year olds, they consider the need to ensure legislation concerning the extension of the franchise is commenced six months prior to the beginning of the canvass in order to allow administrators to plan for the canvass and public awareness activities, including political literacy initiatives.

While we are disappointed that this legislative timescale will not be achieved, we understand that now that the Bill has been introduced, the legislation should be passed by Parliament by the summer recess. The introduction of the bill should enable necessary planning activities to be implemented, although any delay to the passage of the legislation would risk effective implementation.

Registration of electors

We broadly agree with the approach to the registration of electors as set out in the Bill. The measures provide for a process to register those aged under 16, while at the same time disapplying certain features of the current registration system – for example, conducting personal visits; imposing civil penalties on non-respondents; the inclusion of young electors’ details on the open (previously edited) register.

We note that section 5(4) of the Bill removes the requirement for an application to register and any objection to such an application to be made available for inspection, where that application has been made by someone under the age of 16. The requirements for a registration application are that once it is received it must be listed on the following day for five working days. Removing this period for applications from persons under 16 will effectively mean that the registration deadline for those
electors will be later. The Committee may wish to consider the impact of this change on the wider registration process.

Publication of the Register

We have seen no evidence that, in the circumstances of the independence referendum, restricting access to the details of young voters adversely affected either young voters or registered campaigners’ ability to participate in the independence referendum. However, as a matter of principle, it raises the issue that registered campaigners did not have details about all those registered to vote for the referendum on 18 September 2014, which impacted on their ability to communicate directly with them.

We fully support the policy intention around the security of young people’s data, but noted after the Scottish Independence Referendum that the use of the data contained in electoral registers provided to registered referendum campaigners was, and is, already subject to certain legal restrictions. However, there are no designated organisations at elections, and registers are available to a wider range of organisations than at a referendum, so specific consideration will need to be given to this issue.

Political donations

We are in the process of considering in detail the implications of the Bill for political donations, to analyse the impact of any potential workability issues.

It will be important that the Scottish Government and Parliament are clear on the implications of how the wider PPERA regulatory framework for political donations would apply to 14-17 year olds when the franchise is extended. Extending the franchise in Scotland may mean that these additional people included on a relevant register will become permissible donors and lenders across the UK.

If necessary, we will submit supplementary evidence to the Committee.
Guidance for Electoral Registration Officers

The Commission produces comprehensive written guidance and supporting resources to support Electoral Registration Officers (EROs) and their staff with managing the electoral registration process. We intend to revise our guidance and resources in consultation with EROs, to ensure the updated tools support them in carrying out any new duties arising out of the franchise legislation. Our guidance package will cover what EROs need to do to comply with the legislation and will be designed to support EROs in engaging with young people and encouraging registration amongst this group. We have already commenced work on designing new Household Enquiry and Individual Electoral Registration forms that take into account the lowering of the voting age.

Public awareness campaigns

We plan to run a six-week public awareness campaign aimed at 15-17 year olds around the annual canvass which will potentially commence early August. The campaign will aim to raise awareness of the change in the voting franchise among 14 to 17 year olds; encourage registration among 15-17 year olds who will be eligible to vote next May; and maximise the number who complete an online application. All advertising will encourage people to register at www.gov.uk/register-to-vote.

We are currently developing the detail of the strategy but we expect to run online ‘display’ advertising (adverts that you see when visiting particular websites), and that social media and partnership work will play an important role. The partnership work will build on the activity we undertook with a range of organisations across Scotland ahead of the referendum, focussing particularly on groups that work with young people (e.g. Young Scot) and social media sites that are popular with this age group (e.g. Facebook, Twitter). We would also expect to co-ordinate our activity closely with work taking place in schools and will discuss with Education Scotland, the Association of Directors in Education Scotland (ADES), School Leaders Scotland and the Electoral Management Board how best to do this, as we did for the referendum.

The campaign will incorporate learnings from the current UK Parliamentary general election campaign, as well as the Scottish independence referendum campaign, on how to reach and engage attainers.