



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# REFERENDUM (SCOTLAND) BILL COMMITTEE

Thursday 7 February 2013



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**REFERENDUM (SCOTLAND) BILL COMMITTEE**  
**3<sup>rd</sup> Meeting 2013, Session 4**

**CONVENER**

\*Bruce Crawford (Stirling) (SNP)

**DEPUTY CONVENER**

\*James Kelly (Rutherglen) (Lab)

**COMMITTEE MEMBERS**

\*Annabelle Ewing (Mid Scotland and Fife) (SNP)  
\*Linda Fabiani (East Kilbride) (SNP)  
\*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)  
\*Rob Gibson (Caithness, Sutherland and Ross) (SNP)  
\*Annabel Goldie (West Scotland) (Con)  
\*Patrick Harvie (Glasgow) (Green)  
\*Stewart Maxwell (West Scotland) (SNP)  
\*Stuart McMillan (West Scotland) (SNP)  
\*Tavish Scott (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Michael de la Haye (States of Jersey)  
Paul Whitfield (States of Guernsey)

**CLERK TO THE COMMITTEE**

Andrew Mylne

**LOCATION**

Committee Room 1



## Scottish Parliament

### Referendum (Scotland) Bill Committee

*Thursday 7 February 2013*

[The Convener opened the meeting at 10:00]

### Proposed Referendum Franchise Bill

**The Convener (Bruce Crawford):** Good morning. Welcome to the third meeting in 2013 of the Referendum (Scotland) Bill Committee. This morning, we will take evidence on the proposed referendum franchise bill, hearing first from Michael de la Haye, the clerk of the States Assembly in Jersey.

I believe you are also known as the greffier of the States Assembly, Michael. That is a great name. I think that we will start calling the Scottish Parliament clerks greffiers as well. I like it.

I am grateful to you for agreeing to speak to us this morning. I hope that it will help us to understand the challenges that we face as we consider legislation to enable 16 and 17-year-olds to vote in the referendum in the autumn of 2014.

I will start off with a general question. What is your role in relation to electoral administration? Can you give us a brief overview of the process of the lowering of the voting age?

**Michael de la Haye (States of Jersey):** I should say that I do not have a direct role in the electoral registration process. However, as clerk of the Assembly, I have a central role in relation to the various authorities and how the franchise works. I work with the political committee that is responsible for the public elections law.

We lowered our voting age to 16 in 2007. It was not done as a result of a particular initiative of the Government of Jersey or anything of that sort. An individual private member of our Assembly—she happened at the time to be the Assistant Minister for Education, Sport and Culture, but she was acting more in a private capacity—brought the proposal to the Assembly for debate and members took a political stance on it.

As you know, we have a system of independent members in Jersey—we are not based on political parties—and the members of the Assembly take their own political stances on issues. The nearest parallel that I can think of to help you understand that process is the recent vote on gay marriage in the United Kingdom House of Commons, in which individual MPs took their own political stance on

the issue. That was the case with regard to the lowering of the voting age in Jersey, for which there was a fairly narrow majority. The change was in place for the 2008 elections.

**The Convener:** What were the main process challenges that you faced once the decision was made?

**Michael de la Haye:** I do not think that anyone encountered any major challenges. Voting registration in Jersey is still done largely on a household basis, with a form being sent annually to each household—I believe that that is the case in the United Kingdom, too, although I understand that the system might change soon.

Although it is the duty of each eligible voter in the household to fill in the form and sign it, the form comes pre-completed with the names that are already known to be on the register. It is the duty of the people in the household to check that they are still entitled to vote—obviously, if they are on it, they are likely still to be able to register. If there are people in the household who have become eligible to vote or who have left the household, the people in the household make those changes to the form and send it back.

In practice, many 16 and 17-year-olds live at home with their parents, so one assumes that the responsible adult, often a parent, will take the initiative to put little Johnny or Sarah on the form.

If someone has missed the annual trawl through the household lists, they can, of their own volition, seek to register separately at any time by applying to the relevant parish—the electoral register is maintained by our 12 administrative parishes, each of which covers its own area. Registration closes around three to four weeks before the election or referendum—there is no annual cut-off date. Our referendum law gives a 21-day period.

**The Convener:** That is a useful overview.

**Annabel Goldie (West Scotland) (Con):** When in 2007 was the law changed?

**Michael de la Haye:** You might know that the process of the passing of primary legislation in Jersey involves a formal sanction by Her Majesty in council. The in-principle decision on the proposition that was brought by the member whom I mentioned was made in July 2007, and the legislation was adopted by our Assembly in September. The change to the law was a simple, one-line change that involved simply changing “18” to “16”. After the Privy Council process, the change came into force on 1 April 2008. Our elections were held in October that year, so there was a six-month gap between the change and the elections.

**Annabel Goldie:** I know that the electorate in Jersey is around 82,000—I believe that that was

the figure in 2011. You had six months to ascertain who would be eligible to vote in the 2008 election. You have mentioned that you work on the basis of household registration.

**Michael de la Haye:** That is correct. Fortunately, the April date for the change coming into force was before that year's annual trawl, so the forms that went out in 2008 encouraged people to include anyone in their household who met the new registration criteria.

**Annabel Goldie:** If you had been on an individual voter registration system, would that have increased the administrative work?

**Michael de la Haye:** It is a slightly hypothetical question, as we did not have to think about that, but I suppose that the answer could be that it might have done. I read the *Official Report* of the evidence that you heard last week about the move to individual registration. It seems that your electoral authorities have quite wide-ranging statutory powers to get into schools and so on. I was surprised that they would be able to get access to school roles, university lists and so on. In Jersey, we would probably have to change our law in order to give us that power.

There is a sort of hybrid situation. I am not sure of the position in the UK, but, under our law, it is not the duty of the head of the household to complete the form. The form goes to a household address and it is the duty of each individual eligible voter to fill that in. Obviously, that requires some co-operation between the people in the household, and I am sure that there could be occasions on which a head of the household might not show the form to someone. Of course, a household might not be a traditional family; it might just be some people who live together in a property and who might not have a particular reason to pass the form around. That could be a failing in our system, I suppose.

**Annabel Goldie:** So, between April 2008 and that year's election, the electoral registration office conducted a basic trawl of households—canvasses of people who could vote—and then tried to identify the attainers—the 16 and 17-year-olds—on the back of that. Is that correct?

**Michael de la Haye:** Yes. What we do not have is any sort of reconciliation process with regard to who we think we should have and who we have got. There is no way of verifying that.

From what I read in the *Official Report* of your previous meeting, if you have a list of people at a particular university or school, someone will be able to say, "We should have them on the register; do we have them?" We do not have that sort of reconciliation process. We can only do all that we can to get as many people as we can. We estimated that, in the 2011 elections, we

registered about 80 per cent of eligible people. I think that the UK national average is around 82 per cent. The assessors who spoke to you last week seemed to say that Scotland does slightly better than that.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** I note that about 2,000 16 and 17-year-olds were added to the register and that, as a percentage of the total, that is fairly small. Was there a difficulty in doing that? You have referred to the 12 parishes that deal with the issue. I guess that that work would be fairly small in relation to their overall job of ensuring that the register is up to date.

**Michael de la Haye:** There is political pressure in Jersey for the parishes to do more. The largest parish, St Helier, where I am talking to you from and which is the capital of Jersey, has about a third of the population. There is a lot of proactive work here involving electoral officers going out and knocking on doors to say, "We don't seem to have a form from you." However, there is a feeling that some smaller parishes are perhaps not doing enough. Perhaps in those parishes the feeling is that it is people's duty to register, that they should come and do it, and that we should not have to knock on doors. You might be right that more could be done, but our perception is that the registration level among the lower age group is probably as good as the average level for the overall voting population. I do not think that it is particularly better or worse.

**Rob Gibson:** But, overall, the people who do the registration did not have a huge extra amount of work.

**Michael de la Haye:** No, I do not think so. As I said, because of the way that the forms went out, households that had been Mr and Mrs Smith simply had to add a 16 or 17-year-old, in the same way as they would have had to do in the past when one of their children became 18.

**James Kelly (Rutherglen) (Lab):** You have outlined that the data capture is pretty much a manual exercise, in that you do the mailing and you have some follow-up with officers canvassing households and reminding them to register. Do you have any feeling for what the percentage success rate was in the attempt to get 16 and 17-year-olds on to the register?

**Michael de la Haye:** As I alluded to in a previous answer, the level reached about the same as the general level across the population. In 2011, we had a second set of elections with voting at 16. For that, we did a big push on registration and managed to add 2,000 or 3,000 people to the register across the island. Our perception is that the percentage of 16 and 17-year-olds who are registered is probably about the

same as the percentage for the population as a whole. It is not greater or less than the average across the population.

**James Kelly:** Are any additional data capture measures under consideration to try to improve your success rate, not just with 16 and 17-year-olds but across the population? The aim would be not only to get more people registered but to address the issue that you highlighted earlier about the lack of reconciliation between the register and the potential number of people who have not signed up.

**Michael de la Haye:** There is something fairly major on the horizon, because the Government of Jersey is about to set up a population database. In effect, that is for monitoring immigration, because the size of the population is a big issue in the island as a result of the pressure on space and accommodation. The committee of our States Assembly that deals with electoral matters has recently had discussions with the Government about whether, in due course, there might be options for data sharing to allow access to the database, as that might be an accurate way of working if we can pin down the residency and other eligibility criteria for voting.

I know that one of your possible questions is about data protection. The data protection commissioner in Jersey has concerns about allowing the population database to be used for a public register that, at election time, will be made available to candidates and others and will become a public document. Those concerns would have to be addressed in any data sharing agreement.

**The Convener:** That fits closely with some of the stuff that Patrick Harvie wants to ask about.

10:15

**Patrick Harvie (Glasgow) (Green):** I am interested in public awareness and the promotion of the change. The proposal from the deputy who originally proposed the change points out that there was a trawl of schools to begin discussions with young people about the idea. However, when the proposal was going through and, after the change was made, when the forms went out before the election, were other efforts made to raise awareness among 16 and 17-year-olds not only to get them to register but to promote voting? Do different bodies have responsibility for promoting registration and participation in the election?

**Michael de la Haye:** Largely, that work falls to the Privileges and Procedures Committee. In effect, it does both jobs: it raises awareness of both registration and voting. With hindsight, it is fair to say that in 2008 we perhaps did not do

enough to raise awareness. The change was fairly recent, and there was perhaps a feeling that we went into the elections having just changed the voting age and without quite knowing whether young people of that age would be interested in registering and voting.

I do not think that enough was done on that, so more effort was made for the 2011 elections. There was a bigger voter registration and voting campaign. In effect, it was a two-stage campaign. Initially, in the lead-up to the cut-off date for registration, the campaign reminded people, for example, that there were only five days left to register and that they should get their form in. The campaign used social media sites, a website and media advertising.

After the cut-off date for registration, the campaign was about encouraging people, now that they had registered, to go out and vote. As I imagine that there will be in Scotland, there was political and general pressure to ensure that efforts were made to reach 16 and 17-year-olds. Things such as Facebook and Twitter were used. Although those might appeal more widely, there was an expectation that they would appeal particularly to younger voters.

We commissioned a YouTube video by a character who had done some irreverent and humorous YouTube videos about Jersey in which he poked fun at politicians and at life in Jersey. We took a slight risk with that. Initially, we were not sure that politicians would be happy to sign him up for the voter campaign, but they were good sports about it. He did an irreverent and amusing but factually based YouTube video about getting out and registering and the point of voting. I can send members the link if you would like to see it on the big screen as some light relief.

**Patrick Harvie:** I suspect that we will all look it up when we get back to our offices. Maybe we will have to recruit Limmy for the campaign in Scotland.

I have a question about the level of success. A graph in our briefing shows a line that rises from a low of 33 per cent turnout among 16 to 34-year-olds to a 79 per cent turnout in the higher age group. That is not dissimilar to the situation here. Can you say what the turnout was among 16 and 17-year-olds, which is the group that the change refers to? Is there on-going work to try to increase turnout among that group for future elections?

**Michael de la Haye:** There is no empirical data on that, as we do not record voters' ages. There would be issues of voter secrecy if we were to trawl through registers and identify who had voted.

All the evidence that we have is anecdotal, although it is fairly robust anecdotal data. Yesterday afternoon, in advance of this evidence

session, I spoke to one of the most senior returning officers, who has handled elections for many years and who is very experienced. Her view, which agrees with what was widely said in the island, is that unfortunately the turnout among that age group was very low. She said that she saw virtually no people who looked to be 16 or 17, although there were some who came with their parents. The general message is that, unfortunately, we did not reach that age group.

However, it would be wrong of me to say that the change has been a failure as a result. I have read the *Hansard* of the debate on the issue in 2007. Some people said that it was not necessarily quantity that mattered, that some people in the age group are politically engaged and that we should do all that we can to get as many people as possible in Jersey interested in politics. Even if only 10 per cent turned out—that was what the evidence showed and was the figure in the first Isle of Man election after the change there—that would be at least 10 per cent that we would not have had before.

The matter is for political judgment. I could find as many politicians in Jersey who would say that the move has been a failure as would say that it has been a success. Unfortunately, I cannot say that there was massive enthusiasm and a massive turnout, as that certainly was not the case.

It is probably true to say that young people generally—with notable exceptions—might find the political process difficult to engage with, particularly with our system of independent politicians. Even many adults struggle to know exactly what candidates stand for and what their policies are. Sometimes candidates are well known, and sometimes they are not. Judgments are made and existing politicians are judged on their records. It could be difficult for a 16 or 17-year-old to know why they would want to go out and vote for a candidate; they might think, “I don’t know who they are, most of them look a lot older than me and I don’t really understand what they’ll do for Jersey.”

The situation in Scotland is very different. I would dread to touch on Scottish politics but, looking in from outside, it is clear that you have a one-issue referendum and that the issue is clear. I assume that even young people would have views on that, so they would not have the difficulty that people have in Jersey in choosing three members to vote for from a long list of 50 and 60-year-olds whom they do not know and have never met, when they do not know what those people stand for.

**Patrick Harvie:** I think that we could all empathise with that from time to time.

**Stewart Maxwell (West Scotland) (SNP):**

Good morning, Mr de la Haye. In response to Patrick Harvie’s questions, you explained some of the difficulties that you had in relation to young people. Have any practical difficulties arisen? For example, are 16 and 17-year-olds who go to polling stations ignorant of the process? Is there evidence that they have been put off by the process? Some who oppose the change argue that under-18s are immature, unaware and ignorant of the process and of what is going on, so the voting age should not be lowered.

**Michael de la Haye:** I am not aware of and have not been told of any practical difficulties. It is difficult to answer your question whether young people have been put off by the process. As I just said to Mr Harvie, the turnout has not been high, so one could argue that they have been put off by the process.

Perhaps people have not voted because they find the process off-putting—I do not know; there is no evidence about whether that is the case or whether they do not vote because they are not interested. I think that the young people who have voted were not confused or put off by the process, because—by definition—they are politically alert and aware, so they would have no difficulty.

One strong argument that was made when the change was proposed—it is in the *Hansard* of the debate and in the proposition that the member involved made—was that one assumes that opponents of the proposal possibly assume that, at 18, people suddenly and magically become politically aware and become aware of the process, whereas there are probably just as many 16-year-olds who are aware of the process as there are 18-year-olds who are aware of it.

I do not think that 16 or 17-year-olds have been put off by the process, but they might not have wished to engage with it or might not have found it to be something that they are vaguely interested in or which is relevant to their lives.

**Stewart Maxwell:** I have a quick supplementary question. Was work done to assess the views of 16 and 17-year-olds on the proposition of lowering the voting age? Politicians and others had a debate, but they were clearly over 18.

**Michael de la Haye:** The member who brought the matter to the States Assembly for debate was—coincidentally—an assistant minister in the education ministry at the time. She did not wear that hat when she brought the proposition, so it was not an education ministry matter, but she still had that hat. She visited schools and talked to young people. She canvassed opinion and her assessment was that there was quite strong support for the change. However, that did not



necessarily translate into young people taking the opportunity when they were given it.

**The Convener:** I ask Stuart McMillan for a short question, because I am anxious for us to get to child protection issues before I wind up the session.

**Stuart McMillan (West Scotland) (SNP):** Good morning, Mr de la Haye. I seek a wee bit of clarification of something that you said. You highlighted a point in relation to 16 and 17-year-olds, and particularly 16-year-olds, going on the electoral register. When do you undertake to get young people on the register? Does that happen when they turn 16 or when they are 15? I ask because I think you said that someone goes on the register when they turn 16.

**Michael de la Haye:** That is right. I understand that our law differs from that in the United Kingdom. In Jersey, a person must be 16 before they can apply to be on the register—we have no form of pre-registration, so a 15-year-old cannot register in advance of a particular date.

The law says that people who apply for registration must be 16 or over, so they cannot apply in advance. Our sub-committee that is reviewing the law is looking at whether we should be able to capture people who will be 16 by a given date. At the moment, no one goes on the register until they are at least 16.

**Stuart McMillan:** If that is the case, what is the estimated number of 16-year-olds who have been disenfranchised when an election has occurred because they could not apply to be registered before the closing date for applications?

**Michael de la Haye:** I have not looked at the statistics but, in theory, the figure should be fairly small. As I said, we do not have an annual cut-off date such as 1 December or 1 August. Registration remains open in effect until the eve of the nomination day for an election, which is usually about three to four weeks before the election. Unfortunately, a small group will turn 16 in those three weeks. If they were politically active, I imagine that they would feel particularly aggrieved, because they would be 16 on voting day.

As I said, the sub-committee that is looking at our law is aware of the issue and I think that it will make recommendations on it. If the vote is given to 16-year-olds, it seems only fair that they should be able to vote if they are 16 on the day of the election.

I do not know the Scottish position on the cut-off date for the referendum. I assume that a cut-off date will be set; I am sure that you will look at that.

**Linda Fabiani (East Kilbride) (SNP):** I have a quick question that relates to Michael de la Haye's

last point. Was the decision about registration taken because of data protection concerns?

**Michael de la Haye:** No. Your committee's clerk kindly sent me possible areas of questioning, and I confess that the subject that jumped out at me and which I did not expect was data protection. I wondered where the committee was coming from on data protection.

What might be a big difference in Jersey—it might address some of the committee's concerns—is that we have no system of selling or allowing our register to be used for other purposes; it is purely an electoral roll. In Scotland and the United Kingdom, the register can be used by credit rating agencies, for example. In preparing for this meeting yesterday evening, I looked out of interest on the internet and found [www.peopletracer.co.uk](http://www.peopletracer.co.uk), which allows people to pay money to access the electoral register.

Jersey does not have such a system and has been firm about that. We have had a lot of pressure from the UK's largest credit rating agency, which sent some of its chief executives to meet a committee of ours a couple of years ago. Those executives said that the position of people in Jersey was being prejudiced and that they would not be able to get credit cards because agencies could not access the electoral register. In practice, people can apply to their parish simply for certification that they are on the register. The fact that the register is not used in the way that it is used in the UK lessens greatly the data protection issues.

10:30

When I spoke to our data protection commissioner, she expressed a slight concern about a public copy of the register being available in the public library. It does not have any dates of birth but it contains names and addresses, and I think that, if she had her way, she would want the law to be changed to ensure that all that personal information is not sitting in the public library. I should say, though, that it is not available electronically on a website, which I guess lessens some of the data protection concerns.

**The Convener:** Tavish Scott has a question about schools.

**Tavish Scott (Shetland Islands) (LD):** With regard to the promotion of voting for 16 and 17-year-olds and charges of political indoctrination, did you have any concerns—well, not you personally, but parents, school teachers and others, which I suppose might include you—about politicians' imposing not the right to vote itself but their political views on that age group? If so, how did you address them?

**Michael de la Haye:** The very strong message from our education ministry was that individual politicians would not be going into schools to talk to groups of sixth-formers and so on, because it felt that that was simply not right. Schools organised one or two events that, in a very fair and objective way, brought together all the candidates for a sort of youth hustings

Some candidates were slightly aggrieved and felt that the schools were being overprotective by not allowing people to go in and organise meetings and so on. Nevertheless, the education ministry was quite firm and thought that such moves were inappropriate. Perhaps that might address some of the issues that you are alluding to.

**Tavish Scott:** Indeed. Was the education ministry reflecting parental concerns? Was the problem being actively raised in letters to local newspapers or in television interviews, or was the issue not as great as might have been envisaged?

**Michael de la Haye:** No, I do not recall any large groundswell of concern. The main pressure came from the education ministry, which in the 2008 elections firmly said, "We don't want candidates to go into schools." For the 2011 elections, it conceded that an event might be put on to which all the candidates would be invited on an impartial basis. As I have said, it was a bit like a youth hustings or some other public meeting for a normal election.

**Tavish Scott:** I understand your arguments, but how were politicians able to put their case to this new young group in Jersey who were able to vote and participate in elections if they were not able to access schools? After all, that is where most young people will be.

**Michael de la Haye:** The candidates had to use the other methods that they used for the rest of the population by, for example, having public meetings to which everyone—including younger voters if they were interested—would be invited. As I am sure is the case in your jurisdiction, most candidates these days have websites and send out leaflets, and supplements that included candidate manifestos were sent out to households.

You, too, will no doubt have to grapple with this interesting question of the extent to which one concentrates on this particular group. One might think that the logical consequence of lowering the voting age would be a pressure to concentrate more on the group of people involved, but the view of some in Jersey is that it is as important to concentrate on everyone and get voters across the piece to turn out. My colleague from Guernsey, who is giving evidence after me, told me that, as a result of that pressure, he had to show that he was

not just concentrating on the younger age group by visiting an old people's home and pressing the case for registration there.

**Tavish Scott:** So schools were out of bounds to politicians.

**Michael de la Haye:** Except on a very organised, objective and impartial basis. Even though many of them wanted to and thought it wrong that they were not allowed to, candidates could not come into schools one at a time and speak to groups of people.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** You mentioned at the outset that the legislation was passed in Jersey by only a narrow margin. Five years on, is there a significant clamour to repeal it and push the voting age back up from 16 to 18?

**Michael de la Haye:** No. The change has very much been seen as a one-way street or however one might describe it. Although some people and politicians in Jersey remain opposed to the move and will say, "It was a total waste of time. Why did we do it? I was always against it", I do not think that anyone has ever suggested we should go back. That would be inconceivable.

Speaking purely as an outsider, I am struck by the anomaly you might have in Scotland of having different voting ages for different elections. I am sure that when the bill is introduced you will examine the question of people being able to vote in the referendum but unable to vote in the following UK parliamentary elections—unless of course you are pressing your Westminster colleagues to do some work on that matter.

**Annabelle Ewing:** I am sad to say that those matters are outwith our control at the moment.

**The Convener:** Thank you for your very helpful evidence, which has provided us with an overview of what is going on in your jurisdiction. I hope that you enjoy the rest of the winter in your warmer climes.

**Michael de la Haye:** Thank you, convener. I have to say that the videolink has been very clear.

**The Convener:** I suspend the meeting.

10:35

*Meeting suspended.*

10:45

*On resuming—*

**The Convener:** We have with us Paul Whitfield, the deputy registrar general of electors (electoral roll) in the States of Guernsey. Welcome to our proceedings, sir. We are grateful to have you with us.

I will start with a general question. Could you explain your role in electoral administration in Guernsey and provide a brief overview of the process of lowering the voting age in your jurisdiction? I will then open the meeting up to questions, with the first question coming from Annabel Goldie.

**Paul Whitfield (States of Guernsey):** In Guernsey, my role as deputy registrar general of electors involves my wearing two hats, as I am normally chief officer of the Home Department. We have a responsibility for covering the registration part of the election process. In the most recent election, which was in 2012, we put significant effort into engaging with younger voters and had quite a degree of success. You have quite a bit of background information about our structure, but I remind the committee that we do not have a party-political system. We have seven parochial electoral districts, and all candidates stand for 47 independent seats within our Parliament, being known as the States of Deliberation.

In 1972, the voting age in Guernsey was lowered from 20 to 18. As in Jersey, and following the path of other Crown dependencies, there was a move prior to the 2008 election to lower the voting age to 16, the timeline for which was very short. The issue was raised not by an individual member but by a parliamentary committee that at the time was called the House Committee. It took a report to the States of Deliberation to lower the age to 16. That report was cleared in the States in December 2007, in time for the elections of April 2008. The electoral roll was closed in January 2008. There was, therefore, for that election a very short time to engage and motivate the younger people to vote. Effort was made to do that by holding a reasonably extensive awareness campaign.

Towards the end of the process of getting people to register, registration slips were sent to each household. Those slips are familiar to people in Jersey, too; households are targeted, rather than individuals. The registration slips contained the approval in law for younger people to engage with the process.

**The Convener:** That was a very short timescale. Within that timescale, what significant—or insignificant—legislative change was required?

**Paul Whitfield:** The legislative change related to the Reform (Guernsey) Law of 1948, which was amended to provide a reduction in the voting age from 18 to 16. That had to pass through the States. The timeframe was very short, but the change was approved in the December prior to the 2008 election.

**The Convener:** Was it a one-word sort of change in legislation, or was there a more substantial change to the law?

**Paul Whitfield:** It was not a substantial change. It was an amendment, but it was not a particularly difficult change to make.

**Annabel Goldie:** Good morning, Mr Whitfield. Did you say that you work on the basis of household registration and not individual voter registration?

**Paul Whitfield:** Yes. Households are targeted with forms. We also have online registration.

**Annabel Goldie:** We gathered from the evidence from Mr de la Haye from Jersey that young people there have to be 16 before they go on the roll. What is the position in Guernsey?

**Paul Whitfield:** We allow our 15-year-olds to pre-register in order to ensure that we capture everybody who will be able to vote at 16 at the time of the election.

**Annabel Goldie:** That is helpful.

Am I correct in saying that there were around 29,500 individuals on the electoral roll in 2012?

**Paul Whitfield:** That is correct.

**Annabel Goldie:** There was a tight timescale because you changed the law in December, the roll closed in January and the election took place in April 2008. Were there practical challenges in addressing that?

**Paul Whitfield:** There were considerable challenges at the time. Based on evidence that we have, I cannot tell you the degree of success, but young people engaged and voted.

As I said, there was an awareness campaign once the Government report had gone through and the amended legislation had been put in place; we send a registration slip to all households to confirm who has been successfully placed on the register. The slip was revised to contain further encouragement for young people to engage in the process in the time window that was left. Of course, for the most recent election in 2012, a considerable campaign was done in Guernsey to engage specifically with young people.

**Annabel Goldie:** I am not a mathematical genius, as my colleagues will confirm, but I presume that the tight timescale in the 2008

election meant that the number of 15-year-olds was small because the roll closed in January.

**Paul Whitfield:** Yes. The number would have been small at that particular time.

**The Convener:** I am going to introduce some people who have just arrived and whom Paul Whitfield cannot see because they are sitting behind the videoconference camera.

I welcome members of the National Assembly of the Republic of Serbia. The delegation is led by Zoran Babić, the committee chairman and president of the Westminster Foundation for Democracy Serbia advisory board. Two deputy speakers from the National Assembly of the Republic of Serbia, Ms Gordana Čomić and Ms Vesna Kovač, are also in attendance. I hope that I have pronounced your names correctly.

After that short break in proceedings, we turn to questions from James Kelly.

**James Kelly:** Bearing it in mind that there is, as I understand it, no legal requirement to include the date of birth on the registration form, what is to stop a 15-year-old who will only be 15 at the time of the election registering ahead of an election and voting when they are not yet 16?

**Paul Whitfield:** Obviously, there are good checks in place at the time of registration and when voting. Also, good information is put out in our awareness campaign about fraudulent behaviour in relation to the registration process and electoral roll. The bailiwick puts a degree of trust in people, and we have seen no significant abuse of the electoral roll.

**James Kelly:** You said that "there are good checks in place".

Is there anything that checks 16 and 17-year-olds against, for example, school or university rolls?

**Paul Whitfield:** No. We do not use the school or education rolls in Guernsey with regard to the electoral roll.

**James Kelly:** As I understand it, the data capture process is that a letter is sent to the households, which includes a slip that must be filled in. Are there alternative methods of identifying people in the general population, or 16 and 17-year-olds, who should be on the register but have not applied?

**Paul Whitfield:** That is a difficult question to answer. We engage heavily with colleges and high schools on the island to encourage young people to register. On making a check against those who could be on the roll, we have, obviously, an estimated number of the young people who will be available. For example, for the 2012 election there were 1,270 potential individuals in that age group,

and the hope was that they would be captured for engaging with that election.

**James Kelly:** Thank you.

**The Convener:** I am keen that we get evidence on data protection and child protection issues, because we could not get any evidence on those from Michael de la Haye in our previous evidence-taking session. Linda Fabiani will open on that area.

**Linda Fabiani:** You said that you allowed pre-registration for 15-year-olds and that a note of date of birth could be voluntarily included in that. Were any data protection issues discussed, were any concerns expressed and have any issues arisen since?

**Paul Whitfield:** Data protection was a consideration, so we spoke to the data protection commissioner. We have some arrangements on which we work closely with Jersey; we share a pan-islands data protection commissioner, for example.

Data protection was not seen to be a problem, simply because there is no requirement to put age on the household registration slip. As happens in Jersey, date of birth is not recorded on the electoral roll. We do not use the Guernsey electoral roll for any other purpose. Although it is publicly available, the age groups are not identified in the registry or on the roll itself.

**Linda Fabiani:** Thank you.

**The Convener:** Patrick Harvie had questions on publicity and schools.

**Patrick Harvie:** You mentioned in passing to one of my colleagues the awareness campaign. During the political debate about whether to make the change, there would have been a level of public awareness. In the months that followed, up to the election, what activities took place to promote not only registration for 16 and 17-year-olds but participation in the election? Do different bodies have responsibility for those different functions?

**Paul Whitfield:** The political starting point is that there is no party politics in Guernsey. It is considered that because politicians stand for independent seats it would be inappropriate for them to visit schools in an uncontrolled way to engage with pupils about their mandate to vote. However, given our structure and the responsibility of my role and the department, we conducted an extensive campaign with our education department to engage with and encourage young people to be stimulated by the process.

Pupils undertake citizen awareness programmes within the curriculum, which include political awareness. We joined up with that

process and visited all the high schools and colleges on the island. We gave presentations and talked about the history of voting, why it is valuable to our society, our democratic style of Government—the 47 independent seats—and why voting is important now and for the future for those young people and for the island.

We stimulated people about voting and talked about the process and how to register, including registering online. We also used Facebook to try to provide attractive means for people to register. We had a website so that people could find information about how the awareness campaign was developing and how they could engage with it.

We were delighted by the take-up by young people. Statistical information in Guernsey is quite difficult to get for various reasons—one being that dates of birth are not included on the electoral roll. However, it was interesting that quite often the older generation in households—the parents—did not register, but the young people did. We put that down to our extensive campaign to engage with young people.

11:00

**Patrick Harvie:** Can you tell us anything about participation of newly-registered 16 and 17-year-olds in the election? Your colleague from Jersey could not break down the turnout statistics for that age group. Are you able to do that?

**Paul Whitfield:** Sure. It is difficult, because we do not make it compulsory to record date of birth, but more than 600 young people did record their dates of birth—more than 50 per cent of the potential number in that age group registered—and 156 15-year-olds pre-registered and went on to vote in the election. As far as we are concerned, the outcome was positive.

**Rob Gibson:** The collection of data is interesting. I understand that you have seven districts. Do they all take part in collecting data, or is there a centralised system?

**Paul Whitfield:** Two things happen. There are seven electoral districts, but information in relation to the electoral roll is collated centrally.

**Rob Gibson:** Okay, thank you. We do not need to go further into that.

**Annabel Goldie:** I have a wee technical question, which relates to child protection. Because electoral registration is done on a household basis and you include 15-year-old attainers, is there provision for keeping the address of a 15-year-old undisclosed for the purposes of the final register?

**Paul Whitfield:** I hope that I understood your question correctly. We do not envisage a problem with the roll, because although the occupants are transferred on to the electoral roll after the information on the household has come in, their ages are not shown. Someone who was looking at the roll would not know a person's age unless the person was familiar to them.

**Annabel Goldie:** However, if a 15-year-old were the subject of a non-disclosure order in relation to their address, because of difficulties in the family, would there be any way in which their address could be withheld, if they wanted to vote? Could they just be put on as an eligible voter?

**Paul Whitfield:** I am not sure that I have the answer to that. I can certainly come back to you, if that would be useful.

**Annabel Goldie:** Thank you.

**Stewart Maxwell:** You said that candidates are not allowed to go into schools, for obvious reasons. Was it permissible for written material from candidates to be distributed to 16 and 17-year-olds in schools?

**Paul Whitfield:** Indeed, it was. The mandates of all the independent candidates were made widely available, including in schools. Some schools ran mock elections, which included registration and voting. Some of our politicians went into schools, to talk about the purpose of the election process but not to sell a mandate or interest in themselves. They were there to encourage involvement in the electoral process.

**Stewart Maxwell:** I presume that such access was strictly controlled, given the necessity for political balance, in order to avoid allowing a particular candidate to access 16 and 17-year-olds while another could not do so.

**Paul Whitfield:** That is absolutely right. We worked closely with the education department on how we would introduce anyone who wanted to engage politically with pupils or students. Engagement was purely about awareness of the election process; it was not about individual politicians.

**Stewart Maxwell:** Were the views of 16 and 17-year-olds—and, perhaps, 15-year-olds—canvassed in advance of the change in voting age in order to ascertain their opinions on the lowering of the voting age? Did you come across practical difficulties for young people when they voted in polling stations, or did they find voting as easy or difficult as other members of the population find it?

**Paul Whitfield:** To answer the first part of the question, before the 2008 election, the House Committee widely distributed a questionnaire to households and young people. It recorded that 56 per cent wanted the voting age to be reduced and

54 per cent said that, if it was reduced, they would certainly vote in the 2008 election.

No particular difficulty was perceived with the process and young people. At the time, we put up quite a lot of information on our website and Facebook page to take out the fear factor and the perception that it is a boring thing to do. We tried to demonstrate how voting is very simple and how much value young people would add by taking part in the process.

**The Convener:** Thank you. Tavish Scott has some questions.

**Tavish Scott:** Stewart Maxwell has pretty much asked the questions that I was going to ask.

**The Convener:** There are no further questions, so I thank Paul Whitfield from the States of Guernsey for joining us this morning. I am very grateful to you for giving us your evidence. It has been very helpful in giving us a broader overview of some of the challenges that we might face in Scotland. Thank you. Enjoy the rest of your winter in Guernsey; I am glad for your sake that you are not here. [*Laughter.*]

**Paul Whitfield:** Thank you, and thank you for asking me. [*Interruption.*]

**The Convener:** That is my phone ringing.

**Members:** Ooh!

**The Convener:** Just give me two seconds. I think it would be appropriate for me to reprimand myself severely for allowing that to happen, given that I usually tell everyone to switch their phones off at the beginning of meetings.

That brings us to the conclusion of this week's meeting and evidence session. The next meeting is scheduled for 21 February, when we will continue to take pre-stage 1 oral evidence on the draft franchise bill, and we will hear by videoconference from Stephen Carse, who is an electoral registration officer on the Isle of Man, and we will hear from Gordon Blair, who is a returning officer from West Lothian. We will also consider our approach to the draft franchise bill, including potential witnesses and a call for written evidence.

With that, I thank you all for your attendance this morning.

*Meeting closed at 11:07.*

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