



PORTFOLIO AREA: Health and Community Activities

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Outside Policy Framework

Title: The minimum age of voting and candidacy in UK elections
Report of: Head of Legal and Democratic Services
Report reference: LDS 53/03

Summary:

The Electoral Commission has issued a consultation paper seeking views on whether the minimum ages for voting and standing for election should be reduced. The consultation has come about in response to a number of calls for change and views are sought on nine questions raised in the document by 31st October, 2003

Recommendations:

Members are invited to respond to the Electoral Commission's consultation paper.

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1 Introduction

- 1.1 The Electoral Commission has published a consultation paper on the minimum ages for voting and standing as a candidate at elections in the UK and invited views on nine specific questions raised in the document.
- 1.2 Responses to the consultation must be submitted by **Friday 31st October**.

2 Background

- 2.1 The Electoral Commission has a statutory obligation (under Section 6 of the Political Parties, Elections and Referendums Act 2000) to 'keep under review, and from time to time submit reports to the Secretary of State on ... such matters relating to elections to which this section applies as the Commission may determine from time to time'.
- 2.2 It is widely recognised that election turnouts have been consistently declining for a number of years and the age group least likely to vote is the young – estimated turnout of the 18– 24 year-old age group has been 39% at the 2001 general election, 11% at the local elections in 2002, and in 2003, 16% at the National Assembly for Wales elections and 42% at the Scottish Parliament elections. Similarly, the young are the least likely group to hold elected office. Fewer than 1% of MPs in the Parliament elected in 2001 are under 30 years of age, whilst just 0.1% of councillors on principal local authorities in England and Wales are under 25.
- 2.3 In response to these declining rates of participation, the last few years have seen a number of independent bodies established to make recommendations on ways to encourage participation in local government and local elections in the different parts of the UK: in Scotland, the Working Group on Renewing Local Democracy (reported June 2000); in England the Commission on Local Governance (reported June 2002); and in Wales the Commission on Local Government Electoral Arrangements (reported July 2002). Each of these bodies recommended a reduction in either or both of the minimum voting and candidacy age as a way of encouraging interest and participation by the young.
- 2.4 In the light of its responsibility for keeping the law and policy on public elections in the UK under review, in 2002 the Commission announced its intention to conduct a review of the minimum voting and candidacy ages in the UK. This review also responds directly to a recommendation made in a Government report on young people and political engagement, 'Young People and Politics' (2002), that the Commission should 'seriously consider the arguments for lowering the voting age'.

3 Scope

- 3.1 With one exception, the review will look at the minimum voting and candidacy ages for all public elections across the United Kingdom, from parish/community council elections up to those for the European Parliament. That exception is the candidacy age for local government elections in Scotland: this is an issue that is devolved to the Scottish Parliament.
- 3.2 The Commission has considered whether it was necessary to examine the case for increasing the minimum ages for voting or candidacy but it is not aware of any significant body of opinion that would support a move to raise these ages. The central issue which the consultation paper addresses is, therefore, whether to maintain the status quo or to reduce the age of electoral majority. However, should any respondents put forward reasoned arguments supporting an increased age threshold for democratic engagement, such views will be given equal consideration alongside all other responses received.

4 The current legal position

- 4.1 There is no single age of majority in relation to public elections in the United Kingdom. In relation to the right to vote, an individual must be 18 years of age or above; to stand as a candidate in an election, an individual must be 21 years of age or above.

Other minimum ages

- 4.2 In the UK, the law identifies a significant number of other minimum ages at which various rights or responsibilities accrue. There is no standard age of majority that applies across all rights and responsibilities; the law has evolved in a piecemeal fashion. There are many areas of statute and case law that provide for minimum ages. One of the main reasons for having minimum age limits imposed by statute is protection of young people themselves as well as society in general.
- 4.3 The following list highlights some of the main legal thresholds currently operating:
- at 10, (8 in Scotland) a person can be held responsible for a crime they have committed.
 - at 13 a person can be employed on a part-time basis.
 - at 16 a person can leave full-time education and enter full-time employment, have sex, smoke, play the National Lottery, join a trade union, apply for a passport in their own right and pay tax and National Insurance. There are also a number of activities that can be done by 16 year-olds, but only with parental consent, such as join the armed forces, get married or leave home.
 - at 17 a person can drive a car or light motorbike.
 - at 18 most other activities that have a minimum age become available, including buying alcohol without a meal, gambling in a betting shop or casino, being tried in an adult court and serving on a jury. This is also the age at which rights exercisable at 16 only with parental consent can be exercised without such consent.

- there are a few activities that can only be done from an age higher than 18, for example driving larger and more powerful motorbikes, public buses or Heavy Goods Vehicles from age 21.

- 4.4 It is, of course, rather arbitrary to have a single minimum age that applies to the whole population in relation to a particular activity, as people mature at different rates. However, it is generally accepted that in order to make the legal system workable a fixed age has to be imposed rather than operating a more subjective test of individual maturity. The difficulty lies in determining what the age for particular activities should be.
- 4.5 Setting a threshold in law does not mean that young people will take advantage of their rights at the earliest opportunity, or that they will wait until they reach the legal age before engaging in a specific activity. In relation to elections, there is no apparent problem of under-age voting, but a significant volume of data suggests most young people do not take advantage of the right to vote at the first opportunity presented to them. For some, voting is a right that will never be exercised. For others, interest in voting will grow as their social and family responsibilities increase.

5 International context

- 5.1 There may be lessons that can be drawn from international comparisons and the experiences of individual countries. However, 'stepping out of line' with the approach in other similar countries is not necessarily the wrong thing to do, and was indeed what the UK did in lowering the voting age to 18 in 1969: within a few years of that, both the USA and France had followed suit.

Voting age

- 5.2 The vast majority of countries around the world (including all the EU member states, Australia, Canada and the USA) have a minimum voting age of 18. Japan has a voting age of 20, but it should be noted that in Japanese culture the customary age at which an individual is considered to become an adult is 20, whereas in the West it is generally held to be 18.
- 5.3 The minimum voting age is 17 in East Timor, Indonesia, North Korea, the Seychelles and the Sudan, 16 in Brazil, Cuba and Nicaragua, and 15 in Iran. It is 20 in Cameroon, Japan, South Korea, Nauru, Taiwan and Tunisia, and 21 in Central African Republic, Fiji, Gabon, Kuwait, Lebanon, Malaysia, Maldives, Monaco, Morocco, Pakistan, Samoa, Singapore, Solomon Islands, Tokelau and Tonga.
- 5.4 There are also some variations between local and national elections in particular countries.

Candidacy age

- 5.5 There is a less clear picture when it comes to minimum candidacy age. For all levels of public election, the minimum age is 18 in Denmark, Finland, Germany (with the exception of mayoral elections), Netherlands, Portugal, Spain and Sweden, 19 in Austria, and 21 in Belgium. Eighteen is also the standard age of candidacy for elections in Australia and Canada.
- 5.6 However, the minimum age is determined by the level of election in many EU countries. In France, candidates in local elections must be 18, but for the national legislature must be 23 or older, and a candidate for President has to be at least 35. In Greece, a person can be a candidate in local elections at 21, but must be 25 to get elected in national elections. In Ireland it is 18 for local elections, 21 for the parliament and 35 for the office of President. In Italy, it is 18 for local elections, 25 for the Chamber of Deputies (first house of the national parliament) and 40 for the Senate (second house).
- 5.7 Similarly, in the USA the minimum candidacy age ranges from 18 for some City/borough elections, through 21 for members of the state House of Representatives, 25 for election to the federal House of Representatives, 30 for the Senate, up to 35 for the Presidency. In Japan, it is 25 for municipal assemblies, mayoral elections and the House of Representatives (the first house), but 30 for provincial governor or the House of Councillors (the second house).

Other rights and responsibilities

- 5.8 Taking two typical rights that are commonly focused on – the right to marry (without parental consent), and the right to consume alcohol without a meal – indicates a general picture across the EU of both rights being exercisable at age 18. There are a few exceptions to this: in Ireland and Portugal marriage without parental consent is not permitted until age 21; and in Austria, France, Spain, and Portugal it is possible to consume alcohol without food from age 16 (17 in Luxembourg).

6 Young people and democratic engagement

- 6.1 The Commission's interest in the issue of the age of electoral majority stems principally from its concern about declining participation rates in UK elections, especially among young people. There is considerable evidence to suggest that young people in Britain have developed an increasingly indifferent attitude to the process of elections and formal party politics over the past decade. There is evidence-based research to show that there has been a generational or cohort effect and that young people in the first decade of the twenty-first century are more cynical and less supportive of the political process than young people in the 1990s.

Turnout and participation

- 6.2 In their account of the 2001 election, MORI estimate that 39% of 18–24 year-olds voted in the general election of 2001, making them the least likely of all electorate age groups to have voted in the election. MORI's separate research for the Commission at the 2001 election found only 55% of 18–24 year-olds saying they had voted, compared to over 80% of those aged 25 or over. These figures confirm the general finding of the previous research on electoral participation and age: the youngest sections of society are more likely to opt-out of the electoral process than their older counterparts.
- 6.3 There are two competing explanations for the changing level of political interest amongst young people – the first argument is based around a 'life cycle' effect – where political interest more or less automatically increases with age, so that today's teenagers and adults will consequently acquire more interest in politics as they grow older.
- 6.4 A second possible explanation is that of a 'generational' effect – that today's teenagers and young adults differ fundamentally from their older counterparts, and that they will retain these differences as they grow older. As a result, the present electorate will eventually be replaced by a more disillusioned and apathetic group.
- 6.5 Better and more long-term data is however required in order to establish whether the 'problems' of youth disaffection will diminish as individuals age. Overall, it is impossible to say without further long-term research whether the disengagement of the electorate that we have seen in recent UK elections is part of a longer-term pattern or simply a 'blip'.

Citizenship education

- 6.6 One of the ways the Commission believes a link might be forged between young people and the political process is through the 'citizenship' initiatives for older school-pupils currently underway across the UK. Virtually all known studies of voting indicate that the two best predictors of turnout are age and educational attainment. If the electoral engagement of young people is to be significantly improved, a large-scale voter-education programme should be beneficial.
- 6.7 In England citizenship is now part of the National Curriculum with a key aim of developing pupils' knowledge and understanding of their role and responsibilities as active citizens in a modern democracy. It has three basic strands:
- **Social and moral responsibility:**
Pupils learning – from the very beginning – self-confidence and socially and morally responsible behaviour both in and beyond the classroom, towards those in authority and towards each other.
 - **Community involvement:**
Pupils learning about becoming helpfully involved in the life and concerns of their neighbourhood and communities, including learning through community involvement and service to the community.

• **Political literacy:**

Pupils learning about the institutions, problems and practices of our democracy and how to make themselves effective in the life of the nation, locally, regionally and nationally through skills and values as well as knowledge – a concept wider than political knowledge alone.

- 6.8 It is still early days for any serious assessment of how well - or otherwise - citizenship is being implemented and delivered in schools.

Making a connection

- 6.9 The key issue for debate is whether there is any likely connection between the age at which a citizen first exercises the right to vote and overall levels of democratic engagement – as measured in particular through turnout at elections. At the moment, young people learning about citizenship at 16 will have to wait at least two years, and sometimes three or four years, before they are able to cast their vote in national or local elections, and even longer before they can stand for election themselves. Some people argue that if young people have to wait years before they can play a real part in the democratic process, the impact of citizenship education is likely to be undermined and their knowledge and interest might be lost. For them, allowing voting at 16 is the logical conclusion of citizenship education in schools.
- 6.10 Those who support change in the voting age also tend to argue that, regardless of citizenship education, allowing participation in elections at a younger age could help 'reconnect' politicians and the electorate. Allowing younger candidates to stand in elections could also create more politicians who are able to more easily understand and represent young people and their views, or at least be more likely to genuinely seek out those views. If this trust was demonstrated it could help break down one of the main barriers to young people taking part in the political process.
- 6.11 On the other hand, the fact that young people are not allowed to vote or stand as candidates does not mean that they are not consulted and listened to. Elections are not a very precise way of finding out public opinion on specific issues, so giving younger people the right to vote and stand in them may not be the answer to making sure young peoples' voices are heard. When decisions are being taken on particular policies it is becoming more common to involve young people as part of the consultation process. For example, some local councils have established Youth Councils and central government produces 'youth' versions of some consultation papers.

Questions for consultation

Question 1 *Do you think that lowering the voting age, or allowing younger candidates to stand for election, might encourage young people to take part in elections?*

Question 2 *Do you think that lowering the voting age, or the age for standing as a candidate, would increase the levels of trust between young people and politicians?*

[Question 3 If you are a young person, teacher or parent – in your experience, is citizenship education changing young peoples' knowledge of and interest in elections and democracy?]

7 Time for change?

- 7.1 Neither of the two largest political parties in the UK have a fixed policy either for or against lowering the minimum voting age and/or candidacy age. By contrast, the Liberal Democrats, Scottish National Party, Plaid Cymru, the Green Party, and the Scottish Socialist Party all have a policy of support for lowering both the minimum voting age and candidacy age to 16. Additionally, the Local Government Association has recently resolved to support the campaign for votes at 16 in national and local elections (February 2003).
- 7.2 Parliament has seen a number of reform attempts. When lowering the voting age to 16 was voted on in the House of Commons in 1969, it was heavily defeated. A Private Members' Bill in the 2001–02 Session, intended to reduce the voting age to 16, ran out of time. Another Private Member's Bill, also aimed at reducing the minimum voting age for all public elections to 16, has passed through the House of Lords and is now awaiting time for debate in the House of Commons.

Independent reports on local government

- 7.3 As highlighted in paragraph 2.3, between the summers of 2000 and 2002, three separate independent commissions recommended lowering either or both of the voting and candidacy minimum ages, in relation to local government elections in Scotland, England, and Wales respectively.

Votes at 16 campaign

- 7.4 The Votes at 16 campaign was officially launched in January 2003. The campaign membership includes most of the political parties noted as supporting a reduction in the voting age above, but is also supported by a range of organisations representing young people and democracy including The National Youth Agency, British Youth Council, Article 12, Young People's Rights Network, YMCA England, Electoral Reform Society, National Children's Bureau, Children's Society, UK Youth Parliament, National Union of Students, Black Youth Forum and the Children's Rights Alliance for England. The core reasons that the campaign sets out in favour of lowering the voting age are:
- to give 16 and 17 year olds genuine **equality of expression** with older citizens;
 - to improve **consistency** with the age at which other significant rights and responsibilities arise;
 - to avoid an anomalous gap of two years between the end of school-based formal education in **citizenship** and being able to use that knowledge in elections; and
 - it is **morally right**, as the arguments used against it are the same as those used against extending the suffrage to women and the working classes a century ago and are as wrong now as they were then.

Maintaining the status quo

- 7.5 The primary argument relied upon by those who believe the minimum ages should stay as they are is one of maturity. In respect of the voting age, their view is that 18 is the age by which most people have reached a sufficient level of emotional and intellectual development to exercise the important responsibility of electing political decision makers. Further, in respect of the minimum candidacy age, those in favour of retaining the current minimum argue that some further life experience beyond that appropriate for voting is needed before an individual should themselves be in the position to potentially become a political decision maker.
- 7.6 The maturity argument has at least three aspects:
- younger people are more susceptible to being influenced by others in how to vote.
 - younger people might be more likely to vote for parties with superficially attractive policies, without realising the wider consequences.
 - younger people do not have sufficient intellectual development or experience of life outside school to appreciate the wider ramifications of the vote they are casting.
- 7.7 Many of those who wish to keep the current minimum ages also argue that there would be no point extending the right to younger people given the low numbers of younger people presently using their vote or standing as candidates. They are concerned that if the current minimum ages are reduced, overall turnout will get even lower because many of those eligible to vote will not cast their ballot.

Young people's views

- 7.8 In 2001, the YVote?/ YNot? project was initiated by the then Minister for Children and Young People, to find out what young people think are the reasons behind the increasing evidence of voter disengagement, what needs to be done to tackle it and by whom. Strong views were expressed by the young people consulted about the current voting age, mainly in favour of lowering it to 16 but with a substantial minority arguing for it to remain the same and a few thinking it should be raised to 21. There was, however, widespread agreement on the need for and timeliness of a debate on this issue as citizenship education becomes mandatory in secondary schools.
- 7.9 Rigorous quantitative data on young people's attitudes to the age of electoral majority (or indeed, general public opinion on the subject), however, is not easy to find.

Questions for consultation

Question 4 *Do you want to see a change in the current minimum age for voting (18)? Why?*

Question 5 *Do you want to see a change in the current minimum age for standing as a candidate (21)? Why?*

8 Options for change

Voting age

- 8.1 There is a school of thought (largely in America) that believes there should be no fixed minimum age: it should instead be for the individual to decide the age at which he or she is ready to vote, the suggestion being that if you are interested enough, you are mature enough. However, the vast majority of the debate in this country has been focused around whether to lower the minimum voting age by one or two years. This age is linked to other legal rights in the UK, and to the cut-off age for formal citizenship education. There are estimated to be around one and a half million 16 and 17 year-olds in the UK.

Questions for consultation

Question 6 *If the voting age were to be reduced, what age do you think it should be reduced to? Why?*

Question 7 *Would you advocate the same minimum age for all levels of election in the UK?*

Candidacy age

- 8.2 The debate about the most suitable age for candidacy has two elements. The first is the basic argument of what particular minimum age is right for candidacy. In this regard, many of the arguments that are employed in the voting age debate are similarly aired in relation to candidacy, e.g. comparison with non-electoral rights and responsibilities, international comparisons, level of political awareness and interest among the young, and the issue of maturity.
- 8.3 The second major element has been a particular focus on the relationship between the minimum voting and candidacy ages: whether there should be any difference between the two, and if so why and what the extent of that difference should be. In this context, it is the norm for the voting age and the age for standing to be the same in most European countries, at least for local elections – for the great majority that age is 18.

Questions for consultation

Question 8 *If the minimum age for standing as a candidate at UK elections were to be reduced, what age do you think it should be reduced to? Why?*

Question 9 *Would you advocate the same minimum age for all levels of election in the UK?*

8 Conclusion

Members are invited to respond to the Electoral Commission's consultation paper.