

SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Scottish Elections (Reduction of Voting Age) Bill introduced in the Scottish Parliament on 2 April 2015. It has been prepared by the Scottish Government to satisfy Rule 9.3.3 of the Parliament's Standing Orders. The contents are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 66–EN.

POLICY OBJECTIVES OF THE BILL

General overview

2. The Scottish Elections (Reduction of Voting Age) Bill (“the Bill”) provides for the lowering of the voting age to 16 for Scottish Parliament and local government elections, including by-elections, and any other poll using the franchise for local government elections in Scotland (for example, elections for membership of a National Park authority). It also puts in place certain specific arrangements in relation to the registration of 14 and 15 year olds to ensure that they are able to vote in those elections as soon as they attain the age of 16.

BACKGROUND

3. It has been a long-standing commitment of the Scottish Government to extend the franchise to 16 and 17 year olds wherever it is within the power of the Scottish Parliament to do so. While the voting age was set at 16 for the two pilot Health Board elections in June 2010 and the Crofting Commission elections, the independence referendum held on 18 September 2014 represented the first occasion at which all eligible 16 and 17 year olds were able to vote in a national electoral event.

4. The Scottish Independence Referendum (Franchise) Act 2013 and Scottish Independence Referendum Act 2013 set out the detailed arrangements for enfranchising 16 and 17 year olds in the referendum.

5. Since the referendum, there is now support across all parties represented in the Scottish Parliament for lowering the voting age to 16 in Scottish Parliament and local government elections. As a consequence of this, the Smith Commission report, published on 27 November,

provided that “*the parties call on the UK Parliament to devolve the relevant powers in sufficient time to allow the Scottish Parliament to extend the franchise to 16 and 17 year olds for the 2016 Scottish Parliamentary elections, should the Scottish Parliament wish to do so*”¹.

6. An Order in Council under sections 30 and 63 of the Scotland Act 1998, the *Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc) Order 2015*², was laid before both the Scottish and Westminster Parliaments on 20 January 2015. The order extends devolved competence so that the minimum voting age for Scottish Parliament and local government elections can be reduced to 16. It also allows the Scottish Parliament competence to make adjustments to registration legislation to give effect to that reduction in the minimum voting age and provides that the Scottish Ministers will be able to make provision in relation to the Individual Electoral Registration Digital Service (IERDS – the UK Government’s online portal for the registration and verification of voters) through regulations, and with the agreement of UK Ministers.

7. Full powers in relation to Scottish Parliament and local government franchise and registration are expected to be devolved to Scotland as part of the wider package of Smith Commission-related transfer of powers through the UK Government’s proposed Scotland Bill.

GENERAL APPROACH

8. The proposals underpinning the Bill seek to create broadly the same effect as the arrangements for the referendum – providing an effective process to register those aged under 16, and protection on the storage and use of data on those youngest electors, with specific arrangements in relation to looked after children, young people in secure accommodation, children of those with a service qualification and those registering anonymously.

9. However, many of the specific arrangements made for the referendum in relation to 16 and 17 year olds were necessitated by the fact that the Scottish Government was unable to adjust local government registration rules, or alter any of the arrangements for those already dealt with by the local government register. The referendum legislation, therefore, had to provide for a separate Young Voter Registration form to be issued alongside the annual canvass form to collect the details of those 15 year olds who would become 16 by the date of the referendum, and for a separate Register of Young Voters.

10. The powers provided by the section 30/63 order allow some flexibility in the approach that can be taken and the approach has, therefore, been adjusted to make the arrangements more effective overall and better for electoral administrators and the electorate. In addition, the arrangements reflect the changes arising from the UK-wide transition to Individual Electoral Registration (IER) and that this is intended to be a permanent reduction in the voting age for Scottish Parliament and local government elections, including by-elections.

¹ http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf

² <http://www.legislation.gov.uk/ukdsi/2015/9780111127551/contents>

PROVISIONS OF THE BILL

11. The Bill lowers the voting age to 16 in Scottish Parliament and local government elections, and any other elections in Scotland using the local government franchise, by adjusting section 2 of the Representation of the People Act 1983. Section 11 of the Scotland Act 1998 provides that people who are entitled to vote as electors at elections for membership of the Scottish Parliament are those who, on the day of the poll, would be entitled to vote as electors at a local government election. Therefore, the amendment to the local government franchise in section 2 will feed through to the franchise at elections for membership of the Scottish Parliament. It will also feed through to the franchise for any other election which uses the local government franchise, for example elections for membership of a National Park authority.

12. Many of the changes necessary for the enfranchisement of all 16 and 17 year olds flow through directly from that change, and do not require specific provision in the Bill. Some other changes are dealt with in the Bill by amendment to the processes set out in that Act or regulations made under it, to reflect the needs of a younger age group. Other changes can be dealt with administratively (for example, changes to registration forms), outwith the Bill. In addition, aspects may be dealt with in a Scottish Parliament Elections Order or a Scottish Local Government Elections Order, which are made every four or five years to set out the detailed arrangements for those elections. This memorandum describes the policy in its entirety, not just as expressly provided for in the Bill.

13. The Bill provides for restrictions on access to and disclosure of information on 14 and 15 year olds, and also provides for enhanced arrangements for vulnerable young people.

14. The arrangements are intended to balance putting young voters on an equal footing with other voters with a desire to ensure that their data is treated sensitively and responsibly. The Bill's general approach is therefore to replicate current registration practice for the youngest voters as far as possible. It does this by applying existing electoral legislation, amending that where necessary to take into account the lowering of the voting age. The "cut-off point" for when data are treated with greater sensitivity is mostly based on a person being under 16 at the point of submitting an application to register.

15. Specifically, the Bill provides for:

- A lowering of the voting age to 16 for Scottish Parliament and local government elections and any other elections using the local government franchise in Scotland. For Scottish Parliament elections, that change will take effect on 5 April 2016, to reflect the fact that the date of the Scottish Parliament ordinary general election planned for 5 May 2016 can potentially be varied by up to a month if the Presiding Officer so proposes. For local government elections, and any other relevant poll, the change will take effect from 5 May 2016.
- Consequential alterations to existing procedures in relation to registration to enable existing registration processes to be used to collect information on those who are under 16, or who are 16 or 17 but require to interact with the electoral registration system in a particular way that is not currently adequately provided for, specifically the children of those in the services.

- Electoral Registration Officers (EROs) to be generally prohibited from publishing, supplying or otherwise disclosing information on those who are aged under 16, and permitted to provide such information only to a limited group of people. An exception is provided where the information needs to be disclosed in connection with a poll at which the person will have reached voting age.
- Specific arrangements for those aged under 16 in relation to anonymous registration and making a declaration of local connection (which allows the person to avoid using a current address for registration).

The Canvass and registration process

Pre-Individual Electoral Registration

16. Until 2014, information on voters in Scotland was collected through a combination of an annual household canvass (usually conducted in the autumn, beginning around July/August), and rolling registration, under which applications could be made at any point of the year. The two resultant registers (Westminster and Local Government) were published on 1 December in the canvass year.

17. The previous household canvass form was issued to all households in Scotland and required the person in receipt of the form to provide the names of all people eligible to vote who were resident in the household. It also required the provision of names and dates of birth of all 16 and 17 year olds in the household, and indicated that individuals were eligible to register from 16 upwards. The information obtained on 16 and 17 year olds was used by EROs to identify “attainers”, i.e. those aged 16 or 17 when they registered who would be 18 before the next but one 1 December (i.e. during the one year life of the register the information was being gathered for). 16 and 17 year old attainers were then placed on the register.

18. Information on attainers was required to ensure that EROs had the necessary details as soon as the individual turned 18 and was eligible to vote. The register provided to returning officers ahead of electoral events included the names and dates of attainment (of age 18) of these individuals, so that returning officers could easily see dates of attainment, from which point the individual would be entitled to vote. While information on those 16 year olds in households who would not turn 18 before the publication of the next but one canvass (i.e. the youngest 16 year olds) was collected, it was not put on the published registers.

Individual Electoral Registration

19. A new system of voter registration, Individual Electoral Registration (IER) began being rolled out in Scotland on 19 September 2014 (the roll-out process had started slightly earlier in the rest of the UK, but had been delayed in Scotland to avoid affecting the arrangements for the referendum). During autumn 2014, EROs wrote out to individuals on their register, including attainers, with either confirmation that the individual’s details had been confirmed, and that the individual need take no further action; or with an Invitation to Register, to provide additional information to prove the individual’s residence at that address.

20. The annual canvass will now be in two stages from autumn 2015 onwards, with the issuing of a Household Enquiry Form (HEF – the new annual canvass form) to collect

information on all individuals living in a household, followed by an Invitation to Register (ITR) which will be sent individually to anyone not already on the register identified through that process.

21. There can be two types of HEF – blank and pre-populated. The blank HEF will ask for information on all those living at an address who are aged 16 or above (name, address and nationality). It does not ask for dates of birth. The pre-populated version lists (where it is practicable to do so) all of the information that the HEF seeks which the ERO already holds for each person registered at that address.

22. In order to ensure that EROs have information on all of those eligible to vote in Scottish Parliament and local government elections as soon as they attain the age of 16, the Bill provides that the HEF will be modified in Scotland to collect information on those aged 14 and over. The form will make it clear that 16 and 17 year olds will only be entitled to vote in Scottish Parliament and local government elections, and will seek a date of birth for those aged 14 and 15, so that the ERO can apply any special arrangements from that point onwards.

23. EROs will follow up the HEF with an ITR to any new electors identified, which will therefore include all 14 and 15 year olds as they will not have been registered before. The ITR will be modified in Scotland to explain the special arrangements for the treatment of data for those aged under 16, to reflect any other changes – such as the removal of the reference to the £80 penalty for failing to respond – and to explain that those aged under 16 will not appear on any published register. That form will be for completion and return by the individual themselves, regardless of age. The Bill removes the requirement for house visits to those 14 or 15 year olds who have not returned an ITR, and the £80 penalty that for older people can be imposed for failing to return an ITR, under existing electoral rules.

24. Both the HEF and the ITR are provided for under UK Government legislation. The Electoral Commission will be responsible for modifying both forms and for testing the modified ITR, and the Lord President of the Council (the Minister of the UK Government who is in charge of the Office of the Privy Council) will be responsible for approving them. The Bill also provides a power for the Scottish Ministers to make provision for a bespoke form to collect data on those aged under 16, should that be deemed necessary at any point in the future.

25. 14 and 15 year olds will be able to make limited use of the UK Government's online portal to enter their registration details online, as well as in paper form. Their details would then be routed to the relevant ERO to process.

26. As the majority of those aged under 16 will not have a National Insurance Number (the chief mechanism for verifying voter details under IER) the information provided on the ITR will be verified by the relevant ERO against local authority education data, or, if such data are not sufficient to satisfy the ERO as to the applicant's identity and entitlement to register, the individual could be asked to provide personal verification, such as a copy of the applicant's passport. If an individual cannot provide this, their application to register can be attested by an appropriate person.

The Local Government Electoral Register

27. The Local Government Electoral Register is a public document which contains the details of all of those aged 18 or over who are entitled to vote in local government elections and, as a consequence of that, in elections to the Scottish Parliament. It also contains the details of 16 and 17 year old attainers. These attainers are included in any version of the register which is published or otherwise made available. The local government register is normally published on 1 December every year.

28. Under the Bill's proposals, and unlike the referendum, there will not be a separate Register of Young Voters (RYV). EROs have indicated a strong preference for a single register (as opposed to a separate Register of Young Voters, that would be merged with the local government register to create a polling register for use at an electoral event), as they felt that the arrangements for the referendum had meant an additional layer of complication for the voter, and additional cost, work and software issues for EROs.

29. As the terms of the section 30/63 order allow changes to be made to the local government register, information on older 14 year olds and on 15 year olds (i.e. those who will attain the age of 16 during the life of the upcoming register) will therefore be added to the electronic databases that are used to hold the local government register.

30. This will also assist where the voting age is reduced in consequence of the change in the local government age. That will apply to some other elections which use the local government register (e.g. National Parks Authority elections, and polls under some local Acts, and may apply to community council elections depending on local schemes).

Availability of Local Government Register

31. There are two versions of the local government register:

- The full electoral register, which contains the names and addresses of all those registered to vote in public elections (apart from those registered anonymously), and is a public document that can be made available to any member of the public who wishes to consult it. The main purpose of this version of the register is electoral, and copies are supplied to returning officers, parliament or council members and candidates for that purpose, shortly before an election. However, a copy of that register can be made available or sold to a range of other individuals or groups, including (for example) for credit references.
- The open register is an extract of the electoral register. It is not used for the administration of elections, and can be bought by any person, company or organisation. An elector's name and address is included in the open register unless the elector asks not to be included in it (individuals generally do that through the annual household canvass form). Not being included in the open register does not affect a person's right to vote.

Data on 14 and 15 year olds

32. Information on older 14 year olds and on 15 year olds (i.e. the new Scottish Parliament and local government attainers) will be held in the electronic databases that are used to hold the local government register, along with the information that is currently kept on those databases on 16 and 17 year olds and all those aged 18 and over who are eligible to register (and have done so).

33. The following general rules will apply to the data on 14 and 15 year olds:

- Only EROs and their staff will be able to have access to and use the data on under 16s. However, the data may be disclosed to the individual themselves or for the purposes of a criminal investigation or criminal proceedings relating to an electoral offence.
- Those aged under 16 will not appear on any published version of the register, other than in tightly defined circumstances.
- The exception to that general principle will be that, before a relevant electoral event, returning officers, the Electoral Commission and certain other groups will be entitled to a copy of the register that will contain details of all those entitled to vote at the electoral event. That will include not just those who are already aged 16 or over, but also those who will become 16 on or before the date of the electoral event, but will not contain dates of birth, or anything else that would identify a voter as under the age of 16. Since that process happens around 6 weeks before the electoral event, that means that only those aged around 15 years and 46 weeks upwards are likely to appear on that version of the register.
- Arrangements for the marked register – the version of the register used by polling clerks, marked to indicate who has voted – will be as usual, as all individuals listed on the register should have turned 16 by that point. That means it will be available to the public to view and to others on payment of a fee.

Issue for future consideration

34. A range of interests have access to the full local government register under current legislation. These include the Electoral Commission for donation controls, and local authorities in respect of their statutory functions relating to security, law enforcement and crime prevention. A number of these may have a legitimate interest in having access to information on 14 and 15 year old attainers, as well as just those aged 16 and over, particularly since this is intended to be a permanent reduction in the voting age. However, widening access in such a way requires careful consideration. The Bill, therefore, provides a regulation-making power for the Scottish Ministers to make further provision for or about the disclosure of information on 14 or 15 year olds in this context, to allow this subject to be returned to once the Bill has completed its parliamentary passage.

Registration of vulnerable young people

35. As described in paragraphs 32 and 33, the availability of data on 14 and 15 year olds contained on the local government register databases will be restricted to ensure that young voters' details are protected. However, there are still circumstances in which, to ensure even

greater security, a young person should be able to register to vote without disclosing their name and address.

36. Normal arrangements for making an application through a declaration of local connection or to register anonymously will apply to those aged under 16, with certain enhancements to reflect the particular needs of this younger group of voters. These additional arrangements are in line with those provided at the referendum.

Declaration of Local Connection

37. This arrangement applies where an individual does not use a current address to register. Currently, a limited group of individuals are entitled to use this route to registration if they are detained in custody (on remand), are resident in a mental hospital, or do not have a fixed address, for example travellers. This allows them to register in an area with which they have a connection, but need not be where they are actually residing. It also means that the register does not show their actual residential address.

38. The Bill will provide an additional ground for making such a declaration for individuals aged under 16 if they are – or have been – looked after children, or are currently being kept in secure accommodation. This will allow young people to register as if they are resident at an address at which they have previously been resident, although it is not their current address. For example, a young person living with a foster family at an address the individual does not wish to disclose could register by making a declaration giving the individual's birth parents' address. A young person registering in this way can also give a different address to be used for correspondence. The individual could also seek to be issued with a postal vote, which could be routed to them at the individual's current residence or through an addressee of choice (for example, the local authority responsible for the individual's care).

39. EROs will be expected to engage actively with local authorities and other bodies with responsibilities of care to promote awareness of these arrangements. In addition, in line with feedback from young people's groups, the Bill places a duty on local authorities to promote awareness of the registration options available to looked after children, and to take any action that the authority considers is necessary to assist them in such registration.

Anonymous registration

40. Some young people will be able to apply to register to vote anonymously. Currently, anonymous registration is available to everyone who satisfies statutory requirements. In order to be registered anonymously, an Electoral Registration Officer must be satisfied that the safety of the applicant or someone in their household would be at risk if the register disclosed an individual's name or address.

41. An application to register must be accompanied either by evidence in the form of a listed court order or interdict, or be accompanied by an attestation from a "qualifying officer" – generally a chief social work officer or a police officer of the rank of superintendent or above – certifying that the applicant's safety, or the safety of someone in the same household, would be at risk if the applicant's name or address was included on the register. The Bill allows a chief social work officer to authorise any person to attest such an application for anyone aged under

16. The expectation is that authority would be given to other social work officers with more direct contact with vulnerable young people, though the Bill does not limit provision and leaves it for a chief social work officer to determine what is appropriate.

Children of those with a service qualification

42. Under current electoral law, the spouse or civil partner of someone with a service qualification is also deemed to have a service qualification and, therefore, entitled to register to vote via a service declaration, but this facility does not currently apply to their children who are living with them. This is because children under 18 would not have been able to vote and, therefore, there would be no point in them seeking to register. Arrangements were made to enable children in this situation to register to vote in the independence referendum, and the Bill seeks to replicate those arrangements.

43. The Bill provides a route for such young people to register to vote as adjuncts to their parents for the purposes of Scottish Parliament and local government elections, by providing them with a service qualification. That enables them to use a service declaration to register as if they were resident at any address in Scotland at which they have previously resided.

44. The arrangements will apply to anyone aged under 18, but their registration will cease when the person reaches 18 years old since at that point they become subject to the usual electoral arrangements as an adult. If they are resident in the UK, the 18 year old can register based on that residence or at any other address that electoral legislation permits (for example if the person has themselves joined the armed forces they could use a service declaration based on their own service). If the person is not UK-resident, they may be entitled to register as an overseas elector, depending on their circumstances.

Postal and proxy voting

45. Other registration and voting arrangements will be the same for 16 and 17 year old voters as they currently are for voters aged 18 and over. Those who will be at least 16 years old by the time of an electoral event will be able to apply to vote by post at that event, in the same way that those under 18, but who will reach that age by the date of a poll, can vote by post at present. It is also intended that 16 and 17 year olds will be able to be designated as, and act as, proxy voters for other voters, and they will be able to designate other voters to act as a proxy for them.

Electoral offences

46. The electoral registration offences set out in the Representation of the People Act 1983 will apply to the extended franchise. These include:

- providing false registration details;
- registering when not entitled to do so;
- making a false or fraudulent postal or proxy voting application.

47. It is already possible for a young person under 16 to commit, and be prosecuted for, any of these offences in relation to the parliamentary or local government electoral registers.

Extending the franchise, therefore, does not create new registration offences which a young person could not already commit.

ALTERNATIVE APPROACHES

Canvass

48. Details of the majority of under-16s who will be eligible to vote in the referendum are held in local authorities' education records. As an alternative to seeking information on them through the HEF, EROs could have used education records to identify which households were home to individuals in the target age group. The Invitation to Register form could then have been sent to only those households. However, this approach could potentially have missed some households where an eligible young person was resident, for example those who have moved areas between the end of one school year and the start of another.

49. In order to streamline these arrangements with existing practice as far as possible, ensure maximum coverage, and provide every opportunity for eligible people to register wherever they are resident, it seems preferable to rely on the HEF that will be sent to every household. This is to be followed up with an ITR to all those identified as not being on the register. This approach also ensures that the first point of contact for the collection of data will be with the householder, who is likely to be the parent or guardian of the 14 or 15 year old. It will also provide an additional layer of verification that the individual is resident at that address.

50. Consideration was also given to trying to minimise the information that needs to be collected to ensure that all 16 year olds are able to vote as soon as they become 16. A way to have done that may have been to set a reference date (which at the moment is the date of application) for those aged under 16, by collecting information on those who are 15 by the 30 November of the relevant canvass year (and so would attain the age of 16 within the following year). However, doing so would create risks and limitations, given the possibility that the canvass publication date – set by the UK Government – could be delayed, as it was in 2013, which could result in some 16 year olds being unable to vote.

Individual Electoral Registration Digital Service (IERDS)

51. The terms of the section 30/63 order allow the Scottish Ministers to make provision in relation to the Individual Electoral Registration Digital Service (IERDS – the UK Government's online portal for the registration and verification of voters) by regulations, and with the agreement of UK Ministers.

52. The IERDS currently deals with registration applications from all those aged 16 and above. Consideration was given to allowing registration applications from those aged 14 and 15 to be dealt with in the same way. However, given the terms of the order, there would be real difficulties in terms of the timing of the necessary legislation. There are also substantial practical issues. The IERDS verifies applications by reference to individual's National Insurance Number (NINO). However, individuals do not receive a NINO until they are 15³/₄. Therefore, the details of most 14 and 15 year olds could not be verified automatically through the system, unless there was a significant change made to it, which is not achievable in the required timescales.

53. However, 14 and 15 year olds will be able to enter their registration details online to the IERDS. Such details would then be routed to the ERO to deal with.

CONSULTATION

54. Development of the policy to extend the vote to 16 and 17 year olds builds on a significant amount of consultation with the people of Scotland. The Scottish Government's consultation paper *Your Scotland, Your Referendum*³, published in January 2012, consulted on the principle of extending the franchise to 16 and 17 year olds for the referendum. The independent analysis of consultation responses found that 24,777 respondents to the consultation commented specifically on this issue, and the majority of these respondents were broadly in favour of the policy⁴. Following the referendum, there is now widespread support for extending the franchise to 16 and 17 year olds.

55. The policy set out here and in the Bill is very similar to that developed for the referendum, which was supported by electoral administrators and child protection interests both before and after the referendum.

56. These proposals have been developed in conjunction with electoral administrators and their software providers, the Electoral Commission and Cabinet Office. Electoral administrators have been supportive of both the content of the proposals and the process for developing them. The draft proposals were also shared with a range of stakeholder interests, including child protection and youth organisations. The feedback from stakeholders was positive, including around key issues such as protection of data of younger voters. This Bill and the proposals underpinning it reflect a number of suggestions made to the Scottish Government.

57. For example, EROs and software providers indicated their strong preference for a single register for elections, rather than the development of a separate Register of Young Voters. EROs also favoured a single ITR for Scotland, rather than a separate form for those aged under 16.

58. Other stakeholders have made a number of suggestions, most of which can be taken forward administratively. However, one suggestion – the placing of a duty on local authorities to promote awareness of registration options among looked after children, and to assist them in making such applications – has been incorporated into the Bill. That approach arose from a recent survey undertaken by Who Cares? Scotland and the Centre for Excellence for Looked After Children in Scotland (CELCIS), which highlighted the need for consistency in the approach taken by local authorities to their work in the light of experiences at the referendum.

³ <http://www.gov.scot/Publications/2012/01/1006>

⁴ <http://www.scotland.gov.uk/Publications/2012/10/3849>

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

Equal opportunities

59. The Bill extends the franchise to 16 and 17 year olds in a way that is intended to be permanent, reflecting the Scottish Government's policy that young adults should be able to participate fully in the democratic process. The Bill's provisions are intended to ensure equality of opportunity for these young people in having their say in local government and Scottish Parliament elections. The Bill provides that standard electoral practice will mostly apply to all those aged 16 and 17, keeps registration arrangements for those aged under 16 consistent with all other voters as far as possible, while making modifications where there is reason to do so, particularly to reflect the need to treat data on young people sensitively.

60. The arrangements that sections 7 and 8 of the Bill put in place to enable vulnerable young people to register are intended to ensure that registration is accessible to all young people, regardless of their living and personal circumstances, and taking into account requirements for additional security over their names and addresses. That is furthered by the duty placed on local authorities by section 15.

61. The Bill's provisions do not impact on voters by virtue of their gender, race, disability, marital status, religion or sexual orientation.

Human rights

62. The Scottish Government is satisfied that the provisions of the Bill are compatible with the European Convention on Human Rights (ECHR).

63. Sharing electoral registers can engage Article 8 of the ECHR (the right to respect for private and family life). However, the Bill places greater restrictions on the availability and use of data on those aged under 16. Such data disclosure as is enabled by the Bill pursues legitimate aims under Article 8(2), principally to protect the rights of others by ensuring fairness at the election that uses the data. By allowing only certain persons access to that data, under safeguards, the provisions strike the right balance between the private life of the young individuals on the register and the public interest in running elections.

Island communities

64. The Bill has no disproportionate effect on island communities.

Local government

65. The Bill extends requirements on EROs in relation to registration to register 14 and 15 year olds. EROs' costs are met through local authority budgets, and the Scottish Government will reimburse those local authorities for the extra costs associated with extending the franchise to 16 and 17 year olds as a result of the provisions in the Bill. The accompanying Financial Memorandum sets out these costs and the arrangements for reimbursing EROs. It also notes that

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Returning Officers are likely to incur some additional costs as a result of the increase in size of the electorate.

66. The Bill also places a duty on local authorities to promote awareness of registration options among looked after children, and to assist them in making such applications.

Sustainable development

67. This Bill has no disproportionate effect on sustainable development.

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POLICY MEMORANDUM

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