

SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

As required under Rule 9.3 of the Parliament's Standing Orders, the following documents are published to accompany the Scottish Elections (Reduction of Voting Age) Bill introduced in the Scottish Parliament on 2 April 2015:

- Explanatory Notes;
- a Financial Memorandum;
- a Scottish Government statement on legislative competence; and
- the Presiding Officer's statement on legislative competence.

A Policy Memorandum is published separately as SP Bill 66–PM.

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

THE BILL

3. The Bill covers a range of issues associated with lowering the voting age at Scottish elections, set out under the following headings:

- reduction of the voting age (section 1);
- registration of electors (sections 2 to 11);
- publication etc. of the register (sections 12 to 14);
- looked after children (section 15); and
- general (sections 16 to 19).

COMMENTARY

4. The Bill consists of 19 sections, which are largely modifications to existing electoral law, in particular the Representation of the People Act 1983 (“the 1983 Act”) and the Representation of the People (Scotland) Regulations 2001 (“the 2001 Regulations”). The 2001 Regulations provide much of the operational detail of the registration system (amongst other things) and therefore reduction of the voting age requires modifications not just to the 1983 Act but to the detail of its operation. The Bill includes a power (at section 17) to make further provision should either of these enactments be modified in future.

Reduction of the voting age

5. **Section 1** of the Bill provides that the voting age in Scotland for local government electors is 16 years or over. It does so by amending section 2 of the 1983 Act, which sets out who is eligible to vote at local government elections. Section 11 of the Scotland Act 1998 provides that the franchise for local government elections in Scotland also applies at Scottish Parliament elections.

6. Section 1(2) specifies the dates from when the reduced voting age applies in relation to the various categories of elections to which section 2 of the 1983 Act applies. These are:

- Scottish Parliament elections on or after 5 April 2016; (section 2 of the 1983 Act applies to these elections by virtue of section 11 of the Scotland Act 1998);

- local government elections on or after 5 May 2016; and
- any other relevant poll (defined in section 1(3)) on or after 5 May 2016); the main example here is elections for membership of a National Park authority, to which section 2 of the 1983 Act applies through paragraph 3 of schedule 1 to the National Parks (Scotland) Act 2000.

Registration of electors

7. **Section 2** makes amendments to the existing annual household canvass process as set out in the 1983 Act and 2001 Regulations. Section 2(1) removes the requirement for an electoral registration officer to make house to house enquiries in respect of a 14 or 15 year old where a canvass form has not been returned, and section 2(2) provides that the canvass form must require the date of birth of any person named on the form who is aged 14 or 15. Requiring the dates of birth of 14 and 15 year olds to be entered on the canvass form will allow the electoral registration officer to ensure that engagement with persons aged under 16 is treated in an appropriate manner.

8. **Section 3** deals with invitations to register. Invitations to register are issued by electoral registration officers to any potential electors not currently registered who are identified on the household canvass form described above.

9. Section 3(1) provides that an electoral registration officer's ability under section 9E(7) of the 1983 Act to impose a civil penalty on someone who fails to respond to a requirement to register does not apply to anyone aged 14 or 15.

10. Regulation 32ZC(2) of the 2001 Regulations lists the things which an invitation to register must include. These are: the full name and address of the person to be invited; an explanation of how to make an application for registration; and a statement as to the circumstances in which a civil penalty may be imposed and the amount of that penalty (as discussed at paragraph 9 above, civil penalties will not be imposed on 14 and 15 year old applicants). Section 3(2) of the Bill adds to this list that invitations to register issued to anyone under the age of 16 must include an explanation of how that person's information will be held and used (protection of information is dealt with in sections 12 to 14, discussed at paragraphs 27 to 35 below).

11. Section 3(3) removes the requirement for an electoral registration officer to make a house visit to anyone who fails to respond to three invitations to register, where that person was under the age of 16 when given the invitation.

12. Section 3(4) amends regulation 32ZE of the 2001 Regulations to remove a requirement which is placed on registration officers before they can require a person under the age of 16 to register. This is the requirement to inform a person that a civil penalty may be imposed if they fail to respond to a requirement to register. The section also removes the need for the notice requiring a person to register to include information relating to the civil penalty.

13. **Section 4** provides that Scottish Ministers may make regulations about invitations to register which are to be issued to those under the age of 16, including provision about the design and content of the invitation to register, how the invitations are to be given, and how they are combined with or accompanied by other registration forms or documents. Section 4(2) explains that regulations made under this section may confer functions on the Electoral Commission, for example by requiring the Commission to design an invitation to register. The Scottish Ministers must consult the Electoral Commission before making any regulations under this section, and those regulations will be subject to the affirmative procedure in the Scottish Parliament.

14. **Section 5** makes amendments to the provisions in the 2001 Regulations which deal with applications for registration. Section 5(2) provides that an application form must include information on how data on applicants under 16 will be handled, and that where an applicant is authorised by a registration officer to provide information by telephone or in person, the registration officer is not obliged to provide an explanation of the edited register. This is because by virtue of section 12 no details of 14 and 15 year olds will be included in the edited register, which is an extract of the register that can be bought by any person or organisation. Section 5(2) also prevents anyone under the age of 16 from making an application through the Digital Service and removes the requirement for an application from anyone under the age of 16 to include the person's national insurance number.

15. Section 5(3) deals with the registration officer's power to request additional evidence in support of an application for registration. It provides that a registration officer may not seek additional evidence in support of an application from a 14 or 15 year old where the registration officer is satisfied on the basis of educational records that the applicant is who they say they are and is eligible to register. Regulation 35 of the 2001 Regulations authorises a registration officer to inspect records kept by the council which appointed that officer and regulation 35A of those Regulations allows the council to disclose information from its records to that officer. These records would include those held by the council for educational purposes.

16. Section 5(4) removes the requirement for an application to register and any objection to such an application to be made available for inspection, where that application has been made by someone under the age of 16. The application details of those under the age of 16 will not be published.

17. Section 5(5) removes the need for registration officers to apply the standard verification procedures (sending the applicant's information to be checked against records held by the Department of Work and Pensions or Her Majesty's Revenue and Customs) to applications made by anyone aged under 16.

18. **Section 6** removes the requirement for a registration officer to publish for inspection details of a review, where the subject of that review is under the age of 16. This is a review of whether a person who has been registered was entitled to be registered, or has ceased to be registered at the address at which they are registered, or has otherwise ceased to satisfy the conditions to be registered.

19. **Section 7** deals with applications for anonymous registration by those under the age of 16. It extends the list of people who may attest such applications, to include any person

authorised by a chief social work officer in Scotland. To register anonymously, a person has to satisfy a registration officer that their safety, or the safety of a member of their household, would be at risk if their name or address appeared on the register. Various court orders and interdicts can be used to support the application, or the applicant can produce an attestation signed by a chief social work officer amongst others. Section 7 allows that officer to delegate the function to other persons. For example, that officer might choose to delegate the function to social workers who work closely with young people.

20. **Section 8** amends provisions on declarations of local connection set out in section 7B of the 1983 Act. The effect of a declaration of local connection is that the declarant can be registered by reference to an address which may not be the one at which they normally reside. Specifically, section 8 provides an additional ground for 14 and 15 year old applicants to the local government register in Scotland. Those applicants may apply to register using a declaration of local connection if they are, or have been, looked after by a Scottish local authority, or if they are being kept in secure accommodation. Looked after children and secure accommodation are both defined under section 8(2) by reference to relevant legislation. Section 8(3) provides that the address given in such application declaration must be an address in Scotland at which the child has previously been resident. Section 8(4) clarifies that declarations made under this provision will not have effect at UK parliamentary elections, even when a person who has made such a declaration reaches the age at which they can register as a UK parliamentary elector.

21. **Section 9** amends the 1983 Act to allow eligible children of those with a service qualification to register to vote in Scottish elections via a service declaration of their own. The effect of a service declaration is to allow a declarant to register to vote by reference to an address in Scotland while they are posted abroad on service, generally military service. The rules around eligibility for a service qualification are contained in section 14 of the 1983 Act. Section 9(2) amends those rules so that, for the purposes of registration as a Scottish local government elector, they also apply to anyone who is under the age of 18; has a parent or guardian who has a service qualification; and who resides at a particular place to be with that parent or guardian.

22. Section 9(3) provides for the expiry of service declarations made by eligible children when the person who has made the declaration reaches the age of 18. As with declarations of local connection, service declarations made under the provisions of this Bill will not have effect for the purposes of UK parliamentary elections, even when a person who has made such a declaration reaches the age at which they can register as a UK parliamentary elector. Section 9(4) provides that a service declaration made under this section does not need to be attested. Section 9(5) makes a consequential change to a presumption that attaches to a service declaration that has been properly made and submitted. The presumption is that it was made by a person who has a service qualification. Section 9(5) provides that the presumption ceases when the person attains the age of 18.

23. **Section 10** deals with the contents of a service declaration under regulation 15 of the 2001 Regulations. Section 10(2) allows service declarations to be made by those who have a service qualification under the provision made by section 9(2). Section 10(3) lists additional information that such a service declaration must include. These include details of the applicant's parent or guardian who has a service qualification. For example, a declaration made on the basis

of a parent or guardian who is a member of the armed forces must include the service, rank or rating, service number, and regiment or corps of that parent or guardian.

24. **Section 11** makes further provision about service declarations. Section 11(2) requires a registration officer to send a reminder to a person who has a service declaration under the provisions of this Bill that their registration will cease on their 18th birthday. That reminder must be issued as soon as practicable in the three month period before the person turns 18.

25. Section 11(3) amends the rules contained in regulation 26B of the 2001 Regulations on the power of registration officers to request additional information in support of applications for registration. It provides that, in respect of service declarations made under the provision made by section 9(2), a registration officer may request a copy of the applicant's passport or identity card, certified by a relevant official (a relevant official is defined as a Crown Servant, an officer of the forces, or a British Council employee who is not the applicant's parent, guardian, spouse or civil partner).

Publication etc. of the register

26. This portion of the Bill makes provision about protecting information about children under 16 from publication, supply or disclosure. Sections 12 to 14 require to be read as a whole.

27. **Section 12** prevents electoral registration officers and persons assisting them (e.g. members of staff in their office or persons contracted to collect the information) from publishing, supplying or otherwise disclosing information relating to a young person under the age of 16. "Information" is anything in the register entry relating to the young person (typically their name, their address and the date they will attain the age of 16). Breach of this duty by a registration officer or their staff will be a criminal offence under section 63 of the 1983 Act.

28. **Section 13** sets out the circumstances in which the prohibition on publication, supply or disclosure of a young person's details does not apply. Under section 13(1) to (3), the first circumstance in which information can be supplied by electoral registration officers is where it is in connection with the electoral process. Specifically this is where the supply is necessary for the carrying out of functions relating to electoral registration or the conduct of the elections e.g. among registration officer staff and returning officers. The supply is in accordance with various enactments authorising supply in particular electoral contexts. These are:

- the supply is to a local authority returning officer for the purposes of an election to a National Park authority. In this case, the information can only be used for the purposes of a National Park authority election;
- the supply is to the Electoral Commission. In this case, the Electoral Commission is only allowed to use the information in connection with its legal functions in relation to donation control and publication of information about electors, but the latter does not enable publication of the names and addresses of electors;
- the supply is to candidates standing for election to the Scottish Parliament or as a councillor in local government (in which case the candidate can only be supplied with information about the young person for electoral purposes or to comply with the rules on political donations);

- the supply is to returning officers for the purposes of Scottish Parliament or local government elections.

29. Under section 13(4), the second circumstance in which electoral registration officers may disclose information about a young person is where the disclosure is necessary for the purposes of a criminal investigation or criminal proceedings (as long as the crime is connected with voter registration or the conduct of an election).

30. In each of these first two circumstances, the person to whom the information is disclosed commits a crime if they pass on the information to another person (unless that is specifically allowed under the law) (section 13(6) to (8)).

31. The third and final circumstance in which electoral registration officers may disclose information about a young person is where the disclosure is to the young person (section 13(5)).

32. **Section 14(1)** allows the Scottish Ministers to make regulations for or about the disclosure of information about young people.

33. Section 14(2) sets out a non-exhaustive list of the things that the regulations can include. These are:

- the persons who can receive the information;
- the allowable purposes for a disclosure;
- restrictions on disclosure to, and access for, third parties or use for other purposes;
- restrictions for those compiling the full register of electors.

34. Section 14(3) allows the regulations to change the circumstances set out in section 13 and to create criminal offences.

35. Section 14(5) and (6) require the Scottish Ministers to consult the Electoral Commission before making any regulations, which are subject to affirmative procedure in the Scottish Parliament.

Looked after children

36. **Section 15(1)(a)** requires each of Scotland's 32 local authorities to promote awareness of how to register as local government electors for children that are "looked after" by that council (who can be up to the age of 18). Legally, "looked after" children in these circumstances are children that:

- the council is providing living accommodation for because no-one has parental responsibility for the child, the child is lost or abandoned, or the person who had previously been caring for the child cannot provide suitable accommodation or care;
- the council is required to supervise under a "supervision requirement" of a children's panel or a sheriff;

These documents relate to the Scottish Elections (Reduction of Voting Age) Bill (SP Bill 66) as introduced in the Scottish Parliament on 2 April 2015

- the council has responsibilities for under a legal order, authorisation or warrant issued, in Scotland, by a children’s hearing or sheriff, or in the rest of the UK, by a court.

37. Section 15(1)(b) requires each council to do things they think are needed to help these “looked after” children to register to vote in the local government electoral register.

General

38. **Section 17** gives the Scottish Ministers powers to make regulations in consequence of, or to give full effect to, the Bill (or changes that are made to legislation relating to the registration of voters).

39. Section 17(3)(b) and (4) allow those regulations to change other legislation (including the Scottish Elections (Reduction of Voting Age) Act itself (as it will be if enacted). However, where regulations seek to change an Act, the affirmative procedure is required to be used in the Scottish Parliament.

FINANCIAL MEMORANDUM

INTRODUCTION

1. This Financial Memorandum has been prepared by the Scottish Government to satisfy Rule 9.3.2 of the Parliament's Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

2. 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.

3. 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.

4. Since the Scottish independence 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 2014, 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"*.

5. A section 30/63 order, the *Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015*, 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.

6. 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.

7. The Scottish Elections (Reduction of Voting Age) Bill:

- lowers the voting age to 16 for Scottish Parliament and local government elections;

- provides for modifications to electoral registration forms to capture the details of all those eligible to register;
- makes provision for how young persons in particular situations are to be dealt with within electoral registration systems; and
- sets out specific protections to be placed on any data collected on electors aged under 16.

BACKGROUND

8. The purpose of this financial memorandum is to set out the best estimates of the administrative and other costs to which the provisions of the Bill will give rise, and an indication of the margins of uncertainty in these estimates. It has been developed using the best available evidence, recognising that some of the expense will be incurred through contractual arrangements between external parties and is therefore subject to commercial and contractual considerations.

9. The additional costs arising from the Bill relate to the costs of extending the franchise to a relatively small number of young voters. There are approximately 110,000 people aged 14 or 15 in Scotland at the moment, according to National Records of Scotland population estimates. 110,000 is therefore the maximum number of young voters that we estimate could register during the 2015 canvass, although we do know that the registration rate at the referendum among this age group was around 90%. The arrangements in the Bill for allowing this group to register to vote have been designed as far as possible to be consistent with the existing arrangements for electoral registration in Scotland. A system of Individual Electoral Registration (IER) is being introduced across the UK to replace the previous system of household registration. Work to make the necessary changes for electoral registration in Scotland began in September 2014, immediately following the Referendum. The centrally run element of IER is the Digital Service, where voters can make applications online, and their details are automatically verified using Department of Work and Pension records. This aspect is funded by Cabinet Office through departmental expenditure. The front line aspect of the service is funded through Electoral Registration Officer (ERO) budgets, with top-up funding allocated by Cabinet Office according to a formula.

10. The costs associated with the provisions of the Bill can be separated into the following broad categories:

- user testing amended electoral registration forms;
- changes to electoral management software;
- additional administrative and other costs falling on EROs;
- public awareness;
- Cabinet Office costs for minor changes to IER system; and
- returning officer costs.

COSTS ON THE SCOTTISH GOVERNMENT

11. The Scottish Government will reimburse the Electoral Commission, local authorities and electoral registration officers (through their lead local authorities) for the additional costs in the categories listed above. The costs of registering anyone aged 16 or over under the existing arrangements outlined in paragraph 9 above are not affected by the Bill. All 16 and 17 year olds can be dealt with through the current system, and the majority of them already appear on electoral registers so that they can vote from the date when they reach 18. The additional costs therefore relate to collecting and checking the details of 15 year olds and some 14 year olds so that they can in future be registered on the same basis. The costs also include associated public awareness work, and the minor additional costs falling on returning officers during elections as a result of the increase in the size of the electorate.

12. Under the terms of the Representation of the People Act 1983, the costs incurred by electoral registration officers in the performance of their statutory functions are paid by the relevant local authority from funds made available through the local government settlement. The Bill expands the scope of the existing functions of EROs and will therefore give rise to additional costs which will need to be reimbursed by the Scottish Government.

13. The total of the costs falling on the Scottish Government is expected to be within the range of £1,115,000 to £1,365,000, falling across the 2015/16 and 2016/17 financial years. These figures are the total of the costs falling on various bodies as discussed in more detail in the following sections. They are set out here as costs falling on the Scottish Government because it will be responsible for reimbursing these costs to the bodies concerned.

14. The Scottish Government has worked closely with electoral administrators and others in developing the proposals contained in the Bill, and the estimates contained in this financial memorandum are based on advice and estimates of likely expenditure received from the Scottish Assessors Association (the professional body for EROs in Scotland), the Electoral Commission, and relevant software providers. The Scottish Government will continue this engagement to refine costs and ensure that expenditure remains within the estimates as far as possible.

COSTS ON THE ELECTORAL COMMISSION

15. The first stage of the individual electoral registration process is for a Household Enquiry Form to be sent to every household in Scotland. In 2015, the household canvass is due to take place between July and December. The existing Household Enquiry Form will be modified slightly from the current design to ensure that it collects details of all eligible persons aged over 14. Under the arrangements for IER the Electoral Commission have a statutory responsibility for designing the Household Enquiry Form. The Commission have confirmed that the minor changes required as a result of the Bill can be made under their existing statutory duties, and will not require the form to be user tested.

16. Once the Household Enquiry Form is returned, the ERO will follow up anyone not on the register with an individual Invitation to Register. The Invitation to Register will need to be modified more substantially, as it will need to include specific information on the registration options available to electors aged under 16, and information on how their data will be handled. Given the Electoral Commission's responsibility for designing the Invitation to Register, we are

working closely with them on the amendments to the form arising from the provisions of this Bill. Under the arrangements for IER the Lord President of the Council (currently the Deputy Prime Minister) is required to give approval to any changes to the Invitation to Register and so the Scottish Government is also working with the UK Government on this issue.

17. As mentioned above the Electoral Commission have advised us that the changes to the Invitation to Register should be user-tested to ensure that it is clear and easy to understand, and that no barriers to registration are created by an overly complex form. This is standard practice for any new or significantly revised electoral registration form. Their initial estimate for the cost of this user testing is £40,000. The Commission also estimate that designing the form (and making any necessary minor changes to other related forms, including the Household Enquiry Form) will cost a further £35,000. The design and testing for the revised Invitation to Register form will need to be carried out to a tight timescale.

18. The provisions of the Bill will have the effect of lowering the voting age to 16 and introducing a number of consequential changes to the registration process and arrangements for safeguarding the personal information of young voters. It will be important for these changes to be reflected in the public awareness activity which will precede the Scottish Parliament election in May 2016 and the local government elections in May 2017.

19. As with previous elections (and most recently the Scottish independence referendum) the Electoral Commission will have the primary responsibility for carrying out these public awareness campaigns. EROs will also continue to have an important role to play in advertising the arrangements for registration. The Electoral Commission have estimated that in carrying out their public awareness activity ahead of the referendum (which had an overall budget of £1.6m), approximately £93,000 was spent on awareness campaigns specifically targeted at younger voters. Recent discussions with the Commission have suggested that, if specific material targeted at young voters is required then, a figure of around £120,000 would be an appropriate estimate for the additional public awareness costs for the Scottish Parliament elections arising from the Bill.

COSTS ON LOCAL AUTHORITIES

20. For the purposes of the 2016 Scottish Parliament elections and the 2017 local government elections, the Scottish Government will reimburse local authorities for any additional costs which can be identified as being associated with provisions to extend the franchise. The Bill places a new duty on local authorities to ensure that looked after children know how to register. Any costs arising from this duty are expected to be modest and to be absorbed within existing budgets.

Electoral registration officer costs

21. The costs of electoral registration in Scotland are normally met through the local government finance settlement, based on an area's share of dwellings registered for council tax. The system of IER is currently being introduced across Scotland. IER is a UK wide system, introduced by the UK Government which is funding transitional arrangements.

22. Full powers in relation to Scottish Parliament and local government franchise and registration are expected to be devolved as part of the wider package of Smith Commission-related transfer of powers through the UK Government's proposed Scotland Bill, which will be introduced at Westminster after the UK General Election in May. In line with the principles set out in paragraph 95 of the Smith Commission report, a transfer of funding will be associated with that transfer of competence. The implementation of additional powers will require careful consideration, not least in terms of how electoral registration in Scotland will be funded in the future. The Scottish Government's intention will be to conduct a review of funding arrangements involving all of those with an interest before any changes are introduced. Among other things, this review will need to reflect the fact that registering young voters will have become part of an ERO's normal duties. The Scottish Government has written to the Convention of Scottish Local Authorities to inform them of this general approach. The remit for the review will not be able to be set until the scope of the further devolution to be provided for in the proposed Scotland Bill is clear. The review will not therefore begin in sufficient time to cover the 2016 Scottish Parliament elections and is unlikely to be concluded in time for the 2017 local government elections.

23. The administrative costs falling on EROs will be associated mainly with the issuing of the Invitation to Register and follow-up reminders to 14 and 15 year olds (anyone aged 16 or over would have received an Invitation to Register under existing legislation), and the verification, checking and processing of those applications once the forms are returned. Publicity and public engagement will also be required to ensure that young voters (as with all voters) are aware of the registration process.

24. On the basis of information received from EROs we estimate that this work will cost in the region of £250,000 to £300,000 per year. This is based on their experience of extending the franchise at the referendum, consideration of the policy proposals of the Bill and takes into account the extra requirements under the new system of IER, which was not in place for the referendum.

25. The estimated costs include provision for Invitations to Register and the canvass (£120,000), verification checking and processing (£45,000), issue of notices of any changes to the register (£30,000) and publicity/voter engagement (£55,000). Given the delayed start to the implementation of IER in Scotland, EROs have not yet had the opportunity to complete a full IER-based canvass which adds some uncertainty to the estimated costs. This is therefore reflected in the range of costs in paragraph 24.

26. Initial registration-related costs will be higher than in subsequent years. The number of new young voters coming on to the register, for example, will reduce after the initial year.

Electoral management software

27. EROs use electoral management software to create and maintain their registers. Adaptations to the software will be required to ensure that the systems are able to implement the provisions of the Bill while simultaneously retaining the functionality necessary for other elections. For example, EROs will need to be able to add data on 14 and 15 year olds to the electronic databases that are used to hold the local government register, but apply specific

protections to their details and ensure that they do not appear on any published version of the register. The registration software will also need to be able to distinguish between voters eligible to vote in Scottish Parliament and local government elections, and those eligible to vote in UK and European Parliament elections, where the voting age will remain 18.

28. The creation and maintenance of the electoral register (including any required software) is the responsibility of each local ERO and they hold the contracts for the software. Five software systems are in use across Scotland, and each will need to be developed separately. The systems are all different, and support a varying number of EROs so the costs are different for each system.

29. The Scottish Government has worked with EROs and their software suppliers to develop a policy specification setting out the requirements resulting from the Bill and the necessary changes to the collection and retention of electoral registration data. On the basis of this specification and subsequent discussion the software suppliers have provided estimates of the likely costs. The total of these estimates is between £400,000 and £600,000. This range includes an element of contingency to reflect the fact that elements of the specification are still being finalised. The Scottish Government will keep track of the cost of the software changes through regular discussions with EROs and their suppliers and monitoring of the implementation schedule of work and associated costs.

Returning officer costs

30. It is also likely that returning officers will incur some additional costs when it comes to running the Scottish Parliament and local government elections as a result of the increase in size of the electorate. Lowering the voting age to 16 will potentially add up to 110,000 extra voters and there will therefore be additional costs associated with, for example, ballot paper printing and production of postal voting packs. Returning officer costs for Parliamentary elections are dealt with in a separate fees and charges order which sets out the maximum recoverable amounts that returning officers can claim for the costs incurred by them in running an election. The fees and charges order is currently made by the Scotland Office (although from the 2016 elections onwards this will fall to Scottish Ministers as a result of the transfer of responsibilities for Scottish Parliament elections made in the Scotland Act 2012). Returning officer costs will be considered and provided for in the fees and charges order introduced ahead of the elections but at this stage we would estimate them to increase by around £250,000 at a general election as a result of the extension of the franchise.

OTHER COSTS

Cabinet Office costs

31. The Scottish Government will also need to reimburse the Cabinet Office for costs associated with minor changes to allow 14 and 15 year olds to make limited use of the UK Government's Individual Electoral Registration Digital Service (IERDS) to enter their registration details online. Based on discussions to date with the UK Government, our estimate of these costs is around £20,000.

Use of delegated powers

32. Section 4 of the Bill contains a delegated power for the Scottish Ministers to provide for a separate form of invitation to register for persons aged under 16. This power has been taken in case experience in the initial registration year shows that it would be better to create a separate form, rather than adapt a form so that it is suitable for potential electors of all ages. Section 14 contains a delegated power to make further provision for supply of information held on registers about persons aged under 16, and section 17 contains a delegated power to make incidental, supplemental, consequential, transitional, transitory or saving provision for the purposes of, in consequence of, or for giving full effect to, any provision made by the Bill, or to make provision in consequence of other modification of enactments relating to electoral registration.

33. The Scottish Ministers have no specific intention for use of these powers; they have been sought in the Bill as a reasonable and responsible precaution to allow the Scottish Ministers to respond to any circumstances which might otherwise risk delaying the registration process to allow all 16 and 17 year olds to be able to register for and vote in the 2016 Scottish Parliament elections and future Scottish Parliament and local government elections. We therefore cannot quantify any extra costs that might arise as a result of these provisions. In the event that these powers were to be used, it is probable that provision would involve using existing staff and staff time to carry out any required activities.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

34. There are no obligations imposed on other bodies, individuals or businesses by this Bill which would result in costs being incurred.

TOTAL OF ESTIMATED COSTS

Category of costs	Estimate (£)
Designing and testing the modified Invitation to Register	75,000
Electoral management software changes	400,000 – 600,000
Public awareness	120,000
ERO administrative costs	250,000 – 300,000
Returning Officer costs	250,000
Cabinet Office costs for minor changes to Digital Service	20,000
TOTAL	1,115,000 to 1,365,000

35. The costs in the above table relate to the necessary activity to ensure that 16 and 17 year olds are able to vote in time for the Scottish Parliament elections in May 2016 and are expected to fall across the 2015/16 and 2016/17 financial years. There will be recurring costs in terms of the administration of future elections (in the categories of public awareness, ERO administrative costs and Returning Officer costs) starting with the local government election in May 2017. These costs may be lower for subsequent elections if, for example, the need for targeted public awareness material for younger voters decreases. Costs for subsequent elections will be included in the review of funding arrangements mentioned in paragraph 22 above.

These documents relate to the Scottish Elections (Reduction of Voting Age) Bill (SP Bill 66) as introduced in the Scottish Parliament on 2 April 2015

SCOTTISH GOVERNMENT STATEMENT ON LEGISLATIVE COMPETENCE

On 2 April 2015, the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney MSP) made the following statement:

“In my view, the provisions of the Scottish Elections (Reduction of Voting Age) Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

On 2 April 2015, the Presiding Officer (Rt Hon Tricia Marwick MSP) made the following statement:

“In my view, the provisions of the Scottish Elections (Reduction of Voting Age) Bill would be within the legislative competence of the Scottish Parliament.”

These documents relate to the Scottish Elections (Reduction of Voting Age) Bill (SP Bill 66) as introduced in the Scottish Parliament on 2 April 2015

SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL

EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS)

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