

Cities and Local Government Devolution Bill 2015

Lords' Consideration of Commons' Amendments

12 January 2016

Introduction

This briefing sets out the Electoral Commission's views ahead of House of Lords' consideration of, and motions relating to, House of Commons' amendments to the Cities and Local Government Devolution Bill, scheduled to take place on 12 January.

We have not commented on all amendments, and the absence of comment does not imply that we support them.

Motion to disagree with Commons Amendment 52

Clause 20 was added to the Bill during its consideration by the House of Lords, to amend the local government franchise for England and Wales so that the voting age would be changed from 18 to 16. The change would have effect for all elections in England and Wales which currently use the local government franchise: local government elections in England and Wales, including elections for the Mayor of London and the Greater London Assembly; Police and Crime Commissioner elections; National Assembly for Wales elections; and European Parliament elections. The change would come into effect two months after Royal Assent to the Bill.

Decisions on the franchise for elections are important issues for Parliament to decide on, although the Commission will comment on the practical implications and workability of any amendments to the Bill in these areas where needed. In particular, the Commission's view is that any changes to the franchise for any future elections should be clear in sufficient time to enable all those who are eligible to be able to register and participate in the elections.

We are concerned that there is likely to be very little time to ensure that all 15- to 17-year-olds who may be newly eligible to vote are able to register successfully before the significant elections which will take place in May 2016, including: National Assembly for Wales elections; Police and Crime

Commissioner elections; and local government elections in England, including elections for the Mayor of London and the Greater London Assembly.

Newly eligible electors will need to know what action they have to take before the deadline for applications to register to vote on 18 April 2016, including applying individually by providing their National Insurance number or an alternative proof of their identity. The annual canvass of households took place throughout the autumn of 2015 in England and Wales, and most of the revised registers were published on 1 December, which means that Electoral Registration Officers (EROs) have missed an important opportunity to communicate messages to young people and their families about any change to the franchise.

We are particularly concerned that, with now less than four months until the deadline for registering to vote at the May 2016 elections, there is currently no clarity or certainty about the legislative framework for delivering such a significant change to the franchise. Following Royal Assent to the Bill in the coming months, there will also need to be substantial changes to secondary legislation in order to implement a change to the voting age, which will need to be scrutinised and approved by Parliament before they come into effect.

It is likely that a separate registration initiative, led by EROs and supported by the Electoral Commission, would also be required in the short period of time before the May 2016 elections to inform and encourage eligible 15 to 17 year-olds to register to vote. This would need to be reinforced by significant public awareness activity, including political literacy initiatives, at both the national and local level. Additional funding would be needed to make sure that these activities could be delivered alongside the plans that will already be in place ahead of the April 2016 registration deadline.

The experience of lowering the voting age for some polls in Scotland has demonstrated the benefits of early certainty about changes to legislation. Legislation to lower the voting age to 16 for the September 2014 Scottish Independence Referendum was clear more than a year before the referendum. Legislation to lower the voting age for Scottish Parliament and local government elections in Scotland was clear ahead of the 2015 annual canvass of households, almost a year before the May 2016 Scottish Parliament elections. This means that EROs in Scotland have been able to target 15 to 17 year olds as part of their scheduled annual household canvass activities during this summer and autumn.

We also note that the St. David's Day Agreement in February 2015 highlighted the consensus in place among all parties that the administration and conduct of local government elections, and elections to the National Assembly for Wales, including the franchise

for these elections, should be a matter for the National Assembly for Wales - and this has been taken forward in the draft Wales Bill.

We therefore recommend that, if Parliament amends the voting age for the local government franchise for England and Wales as part of this Bill, any change should not now be commenced until after the May 2016 elections and should take into account the position in Wales.

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