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La Dévolution, le référendum sur l'indépendance et le droit de vote à 16 ans : l'Écosse, un pionnier de la démocratie montrant la voie à Westminster ?

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Introduction

- 1 In the September 2014 referendum on the independence of Scotland, for the first time, 16 and 17-year-old Scottish residents were able to vote in a nationwide public poll. In a pioneering political move, the Scottish Parliament was among the very first in the world to lower the minimum voting age below 18. However, in the 2015 and 2017 general elections and the 2016 referendum on the membership of the European Union (EU), the minimum voting age remained 18 across the four nations of the United Kingdom. The youngest 16-year-olds that voted in the 2014 referendum were, therefore, unable to vote the following year in the 2015 general election or the 2016 referendum. Young people's voting rights are thus asymmetric within the UK because they are enfranchised at different ages depending on where they live and the type of vote. The Electoral Reform Society (ERS), a proponent of lowering the voting age, deems that consequently many 16 and 17-year-old citizens are being denied a voice.¹
- 2 Lowering the minimum voting age raises fundamental questions about citizenship, democracy, the status of young people in society and attitudes towards them among politicians, the mainstream media and the population more widely. Political positions

on enfranchising 16 and 17-year-olds also involve the issue of political opportunism from both proponents and opponents with vested interests.

- 3 The history of political and activist support for lowering the minimum voting age to 16 within Westminster is well documented.² Parliamentary debates started at the end of the twentieth century, when a Liberal Democrat MP proposed an amendment to the *Representation of the People Bill* 1999 and two years later the Lib Dems were the first to include lowering the voting age in a general election manifesto. The issue gained traction in the UK after the 2001 general election, when the turnout rate of 18 to 24-year-olds fell to around 40 per cent (although participation dropped among all age brackets).³ For the New Labour Government of Tony Blair, introducing votes at 16 could have been a way to engage young people in electoral politics, address the democratic deficit and avert the potential delegitimisation of elected institutions. However, in various reports published in 2003 and 2004, the Electoral Commission (the independent body that oversees elections in the UK) advised against lowering the voting age⁴ and thus the policy did not appear in a Labour Party manifesto until 2010, whereas it has never been a Conservative policy. UK-wide discussions on lowering the voting age continued and widened in the run-up to the 2016 EU membership referendum and gathered pace after the 2017 General Election associated with the “youthquake”, i.e. higher levels of political interest, engagement and activism among young people.⁵
- 4 However, less has been written about the processes involved in the emergence and gradual increase in support for enfranchising 16 and 17-year-olds in Scotland that predates parliamentary interest in Westminster. This article aims to fill some of the gaps, in order to highlight the fundamental discrepancies between Holyrood and Westminster about attitudes towards the minimum voting age and young citizens. It comes at a critical time in British politics with regard to Brexit and calls for Indyref2, as well as increasing electoral and non-electoral political participation among young people in the UK.
- 5 This article addresses how and why Holyrood lowered the minimum voting age, whereas Westminster has not (yet). It first documents the incremental processes leading to the enfranchisement of 16 and 17-year-olds in Scotland for the 2014 independence referendum. Next, the results of the referendum are studied and the outcomes in terms of the voting age in wider Scottish elections. The article then deals with the potential impact on Westminster debates on votes at 16 for the 2016 EU referendum. Last, there is a discussion on the differing stances in Holyrood and Westminster regarding young citizens and their right to vote.

Devolution: a driving force for votes at 16

- 6 Those allowed to vote in public elections and referendums reflects prevailing political and social views towards different segments of the population. In the UK, years of campaigning for equal rights brought about a shift in public and political opinion, leading to universal suffrage in 1928, when the minimum voting age for both men and women was set at 21 (see Table 1).
- 7 By the 1960s, the UK was going through tremendous social, cultural and demographic changes, as the children born during the post-Second World War “baby boom” and into the new Welfare State had become a demographic critical mass of young people who were healthier and wealthier than previous generations. These young people were also

less deferential to the Establishment⁶ and more informed about political developments around the world, which contributed to the rise of the student movement and civil rights activism in the UK and other countries at the end of the decade. The burgeoning demographic of 18, 19 and 20-year-olds were obliged to pay taxes, but were unable to vote, at a time when the official school leaving age was 15. This discrepancy between rights and responsibilities was in part resolved by the Labour Government led by Harold Wilson that lowered the minimum voting age for public elections from 21 to 18 with the *Representation of the People Act*, 1969. Apart from addressing issues of democracy, representation and rights, the Prime Minister may also have hoped his party would obtain the majority of votes from the newly enfranchised electors that he keenly tried to attract, for example, by awarding The Beatles MBEs in 1965. Significantly, by lowering the minimum voting age to 18, the UK was a pioneer and it led the way for other countries to follow suit. Later, the SNP in Scotland would lead the way in the early twenty-first century with votes at 16 for public elections and referendums, which became possible due to devolution of certain powers from Westminster.

- 8 Indeed, almost three decades after the lowering of the minimum voting age to 18 in the whole of the UK, the SNP pledged in its 1997 general election manifesto *Yes We Can Win the Best for Scotland* that: “*the franchise will be extended to include all those aged 16 and over*”.
- ⁷ The Labour Party won a landslide victory and four months after entering 10 Downing Street, Tony Blair called a referendum in Scotland on devolution of certain powers from Westminster. Almost three-quarters (74%) of those who voted were in favour of a Scottish Parliament.⁸ The subsequent *Scotland Act*, 1998 created a new Scottish Parliament Edinburgh with a Scottish Executive having primary legislative powers.⁹
- 9 The first election for the new Scottish Parliament in Edinburgh saw the Scottish Labour Party enter office in 1999 as part of a coalition Government with the Liberal Democrats. The Labour Party would remain in power with the Liberal Democrats following the 2003 election. During the election campaign, the pledge to lower the voting age featured in the SNP’s election manifesto: “*we re-affirm our long-standing commitment to reduce the voting age to sixteen. Sixteen and seventeen-year-olds are expected to take on the responsibilities of adulthood and must therefore have the right to vote*”.¹⁰
- 10 In its 2007 Scottish Parliament election manifesto, the SNP gave a new argument in support of votes at 16 that involved democracy: “*we support reducing the voting age to 16 to allow young people to exercise their democratic right*”.¹¹ Power changed hands in Scotland with the 2007 election, thus the SNP formed a minority Government with party leader Alex Salmond as First Minister. This provided Nationalists with a platform to promote a future Scotland-wide referendum on the independence of the nation from the rest of the UK and continue its support for votes at 16.
- 11 In November 2009, the White Paper *Your Scotland, Your Voice: A National Conversation* (with a foreword from Alex Salmond) evoked the possibility of lowering the voting age in Scotland.¹² The same year, the *Health Boards (Membership and Elections) (Scotland) Act*, 2009 became the very first piece of Scottish legislation to enfranchise 16 and 17-year-olds, thus enabling them to vote in the pilot Health Board elections on 10 June 2010.¹³
- 12 Next, the Scottish Government launched a national consultation on a possible independence referendum, which addressed the issue of votes at 16. The resulting document *Scotland’s Future: Draft Referendum (Scotland) Bill Consultation Paper* published in

March 2010 outlined various reasons in favour of lowering the voting age centred on democracy, participation and other legal thresholds:

The Scottish Government's view is that the voting age should be reduced to 16 for all elections. Denying 16 and 17 year-olds the vote risks them becoming disengaged from the political process at the very point society expects them to take on rights and responsibilities such as getting married or serving in the armed forces. Reducing the voting age to 16 would encourage participation by young people in Scotland's democratic processes and will give them a voice on matters that affect them.¹⁴ The consultation paper also underlined that lowering the voting age enjoyed wide support among most political parties and youth organisations.

- 13 The May 2011 Scottish Parliament election was won outright by the SNP still led by Alex Salmond who thus remained First Minister, but now at the head of the first ever majority government in Edinburgh (Camp, 2014). The prospect of an independence referendum and votes at 16 became more likely. The following year, the *Agreement between the United Kingdom Government and the Scottish Government on an Independence Referendum for Scotland* or the *Edinburgh Agreement* was signed by the Prime Minister of the UK, David Cameron (Conservative) and the Secretary of State for Scotland in the UK Government, Michael Moore (Scottish Liberal Democrats), the First Minister of Scotland, Alex Salmond (SNP), and the Deputy First Minister of Scotland Nicola Sturgeon (SNP), on 15 October 2012.¹⁵ The official agreement established that the terms of a future referendum on the independence of Scotland from the UK (to be held before the end of 2014) would be set by the Scottish Parliament. Notably, the devolved body would decide the date of the referendum, the "wording of the question", the "rules on campaign financing", other rules for the conduct of the referendum and "the franchise", i.e. who would be allowed to vote. On this particular point, the "Memorandum of Agreement" in the *Edinburgh Agreement* stated very clearly that it would be for the Scottish Executive to decide on the minimum voting age:

The Scottish Government's consultation on the referendum [...] set out a proposal for extending the franchise to allow 16 and 17-year-olds to vote in the referendum. It will be for the Scottish Government to decide whether to propose extending the franchise for this referendum and how that should be done. It will be for the Scottish Parliament to approve the referendum franchise, as it would be for any referendum on devolved matters.¹⁶

- 14 According to Edwige Camp, "Under the Edinburgh agreement, the Nationalists were allowed to lower the voting age to 16. They put forward that the future of young people was at stake. It was also mischievously said that the latter were supposedly more enthusiastic about independence".¹⁷
- 15 Next, in March 2013, it was announced that the referendum would be held 18 months later and the *Scottish Independence Referendum (Franchise) Bill, 2013* was introduced to the Scottish Parliament by Nicola Sturgeon. During parliamentary debates among Members of the Scottish Parliament (MSPs), the SNP Deputy First Minister of Scotland at the time declared her support for lowering the voting age in the referendum. She emphasised the usual themes of democracy and engagement, but she also underlined that young people would live the longest with the outcomes of the poll:

No-one has a bigger stake in the future of our country than today's young people and it is only right that they are able to have a say in the most important vote to be held in Scotland for three centuries. In next year's referendum, Scotland's 16 and 17-year-olds will be given the opportunity to shape their country's path by choosing what type of country they want Scotland to be. We want to make sure that our young people have the opportunity to engage in Scotland's democratic process.

We want to give them the right to voice their views, freely and confidently, on the matters that affect them.¹⁸

- 16 There was cross-party support among Members of the Scottish Parliament (MSPs) for lowering the voting age: the SNP, the Scottish Labour Party, the Scottish Liberal Democrats and the Scottish Green Party were all in favour. Annabel Goldie, leader from 2005 to 2011 of the Scottish Conservative Party (with only 17 out of 129 MSPs in 2013), commented abstrusely: “*the Scottish Conservatives are not hostile to debate on the different age limits for different activities but are not supportive of singling out the independence referendum for a trial extension of franchise to 16 and 17-year-olds*”.¹⁹ The Electoral Reform Society Scotland (ERS), the Scottish Trades Union Congress (STUC) and the National Union of Students (NUS) were all also in favour of votes at 16.
- 17 The *Scottish Independence Referendum (Franchise) Act, 2013* received Royal Assent on 7 August 2013. The statute reduced the voting age to 16 for the independence referendum. It provided for the collection of data on 15 to 17-year-olds whose details would not otherwise be compiled and for the information to be held in a new separate *Register of Young Voters* to be maintained by the Electoral Commission. The law also set out who would have access to the data held on these “attainers” (young people reaching the minimum voting age), in order to provide child protection, but also transparency in accordance with MSPs’ requests. A “Young Voter Registration Form” was issued to each household in Scotland, in order to collect and confirm the details of the young people in question during the annual household canvass of voters that took place from 1 October 2013 to 10 March 2014.
- 18 In this way, within two decades, devolution of power, involving the opening of the Scottish Parliament and then the election of an SNP majority government led to provisions being made to enfranchise 16 and 17-year-old Scottish residents for the first time in a Scotland-wide public vote, in the independence referendum held in September 2014. The next section documents efforts to encourage 16 and 17-year-olds to vote, their participation rate, their preference and impressions of being enfranchised for the 2014 independence referendum.

High turnout and support for independence from young voters

- 19 Mid-2014, the estimated Scottish population was 5,347,600 with 59,820 16-year-olds and 62,081 17-year-olds (121,901 16 and 17-year-olds), making up 2.27 per cent of the total population in Scotland.²⁰ Thus, lowering the voting age for the Scottish independence referendum meant that 8.2 per cent of the 1.53 million 16 and 17-year-olds in the UK were enfranchised.²¹
- 20 Young people eligible to vote for the first time in the September 2014 referendum, particularly 16 and 17-year-olds, were encouraged to go on the electoral register. Notably, a Scotland-wide national advertising campaign over mainstream and social media was aimed at 15, 16 and 17-year-olds to increase their awareness about registration. Run by the Electoral Commission, its message was clear: “*You can vote at age 16 in the Scottish Referendum but only if you have registered to vote first.*” Prior to the referendum, 109,593 16 and 17-year-olds registered to vote, amounting to around 80%

of those eligible to be on the electoral register,²² compared to 76% of 18 to 24-year-olds and almost 98% of over 65s.²³

- 21 Various actors involved in the Scottish independence referendum campaign purposely attempted to engage young people and especially school pupils. The Electoral Commission provided many free-to-download resources, including factsheets, posters and web banners. Schools, youth organisations and public bodies were encouraged to get young people interested and involved, which led to many debates and events across the nation in different settings. Young people were targeted by the Better Together campaign against independence and especially the Yes Scotland campaign in favour of independence.²⁴ Marginalised young people living in difficult and deprived conditions who were likely to be politically disengaged were a priority for the Yes campaign through door-to-door canvassing in poor neighbourhoods and areas with a high proportion of social housing.²⁵
- 22 After the longest electoral campaign in British history,²⁶ on 18 September 2014, Scottish residents aged 16 and over were asked: “Should Scotland be an independent country?” The overall turnout rate was significantly higher in the 2014 independence referendum at 84.6%, than in the 1997 devolution referendum when it was 60.4% and the 1979 devolution referendum when it was 63.7%.²⁷ It was also higher than the previous Scottish Parliament elections and UK general elections.
- 23 Participation rates in the independence referendum according to age are particularly striking (see Table 2). According to the available data, around three-quarters of 16 and 17-year-olds who had gone on the electoral register reported having voted in the referendum,²⁸ compared to 54% of 18 to 24-year-olds, 72% of 25 to 34-year-olds, and 83% of the Scottish population as a whole.²⁹ Thus, the participation rate of the 16 and 17-year-old first-time voters was notably higher than those a little older than them, but lower than the overall average of the Scottish electorate.
- 24 According to the concept of the political life cycle, electoral participation rates are usually curvilinear. The lowest turnout rates are among the very youngest (usually 18 to 24-year-olds) and very oldest members of the electorate. But in the Scottish independence referendum, 16 and 17-year-olds turned out more to vote than 18 to 24-year-olds. This difference may be partly attributable to the “novelty value” of 16 and 17-year-olds being enfranchised for the first time, the substantial publicity generated about the change in the minimum voting age and the fact they were deliberately targeted in the campaign.
- 25 Sceptics and cynics regarding the lowering of the minimum voting age and the high turnout rate of 16 and 17-year-olds posited both the debate and decision involved in a Yes/No referendum are less complex than in an election. But the discourse in the mainstream media about young people’s participation in the referendum was overwhelmingly positive, depicting them as capable of engagement and enthusiasm. The newly enfranchised 16 and 17-year-olds were mostly portrayed as being capable of intelligent and independent thinking, i.e. responsible, competent and mature citizens with agency. Academic research concurs, for example, according to Andrew Mycock, Scottish 16 and 17-year-olds “*showed themselves to be highly engaged with the campaigns, making a positive contribution to the public debate about Scotland’s constitutional future*”.³⁰
- 26 Among 16 and 17-year-olds who reported having voted in the independence referendum, three-quarters claimed they would support a measure that allowed everyone to vote from the age of 16 in the future. Moreover, 97% reported they would

vote again in future elections and referendums,³¹ suggesting that lowering the voting age would have an ongoing positive effect on electoral participation, in line with the notion that voting is habitual, i.e. the younger someone votes for the first time, the more likely he/she is to vote again and the more someone votes the more probable it is he/she will vote again.³²

- 27 Voting in the referendum was a secret ballot; it is therefore impossible to know in which box young people put their cross. According to the Scottish Referendum Study, younger voters were much more in favour of independence than older voters, with 62 per cent of 16 to 19-year-olds voting “Yes” to independence, well above the overall national average of 44.7 per cent (see Table 3). Indeed, support for independence seemed to decrease with age and support for remaining in the UK increase with age. But the age group in the Scottish population most in favour of independence were 25 to 35-year-olds.³³ They would have been between the ages of ten and 20 in 1999 and thus politically socialised at a highly political time in Scotland with all the debates surrounding devolution and the opening of the Scottish Parliament, which would have had a lasting impact on them as a generational unit.³⁴
- 28 In this way, 16 and 17-year-olds were enfranchised for the first time in the UK by the SNP majority Scottish Government in a pioneering act of democracy. In the 2014 independence referendum, the very youngest members of the Scottish electorate had a higher turnout rate than 18 to 24-year-olds. Young people voted mostly in favour of independence in line with SNP policy and they had a positive view about being enfranchised. The next section examines the impact of votes at 16 in the Scottish referendum and the outcome in terms of future polls in Scotland and the 2016 UK-wide referendum on membership of the European Union.

From the Scottish independence referendum to the EU membership referendum

- 29 Following the outcome of the September 2014 Scottish independence referendum, Alex Salmond resigned as First Minister and Nicola Sturgeon took over the role. The same year, UK Prime Minister, David Cameron, established a commission “to take forward the devolution commitments on further powers for the Scottish Parliament”.³⁵ The resulting report, the *Smith Commission Agreement* was published on 27 November 2014 and it included proposals that the Scottish Parliament be given powers to decide on the election of its members (MSPs) and on the extension of the franchise to 16 and 17-year-olds, thus allowing them to vote in the 2016 Scottish Parliament elections.
- 30 The SNP Government quickly introduced the *Scottish Elections (Reduction of Voting Age) Bill 2015*. During the debate in the Scottish Parliament (18 June 2015) on extending the right to vote to 16 and 17-year-olds in all Scotland-wide elections, John Swinney, the Deputy First Minister and SNP MSP commented: “*The level of engagement that we have had from young people is impressive.*” He went on to declare:
- They did not just register to vote in record numbers; they participated in the campaigns and were active on both sides of the debate. Some joined political parties as a consequence and have remained active in other areas. They made the case for lowering the voting age by their actions, which were louder than words, and they deserve the result that they will receive tonight when the Parliament votes to give them the vote that they demanded.³⁶

- 31 Due to cross-party support, nine months after the Scottish independence referendum, following a one-hour debate, on 18 June 2015, Members of the Scottish Parliament voted (86 votes for, 8 votes against) in favour of enfranchising 16 and 17-year-olds for all Scottish local elections and parliamentary elections, another pioneering political decision.
- 32 Certain former opponents of lowering the voting age in Scotland revised their opinion after the referendum, most notably, the Scottish Conservative Party leader since 2011, Ruth Davidson MSP.³⁷ This would put her at odds with the leader of the Conservative Party and UK Prime Minister since 2016, Theresa May who mentioned on several occasions her opposition to giving 16 and 17-year-olds the right to vote.
- 33 During the Scottish Parliament debate in Holyrood, Lewis Macdonald (Labour MSP) contended: “*we should champion the case for votes at 16 in the referendum on remaining in the European Union, and for making the franchise for that as inclusive as possible*”.³⁸ Indeed, the very same day the Scottish Parliament voted to extend the franchise to 16 and 17-year-olds for all public elections held in Scotland (18 June 2015), the UK Parliament voted down a proposed amendment to the *European Union Referendum Bill, 2015-2016* that would have given the right to vote to 16 and 17-year-olds in the upcoming 2016 UK referendum on EU membership.
- 34 Baroness Morgan of Ely, a Labour peer, had moved an amendment to the bill during its Report Stage with a view to lowering minimum the voting age for the EU referendum, in line with the Scottish independence referendum.³⁹ During parliamentary debates on the amendment, many reasons were expressed in the House of Commons and the House of Lords both in favour of and against giving the right to vote to 16 and 17-year-olds. Some of them were arguments used in previous debates on the subject. For example, it was proffered that lowering the voting age would encourage young people to get into the habit of voting, and politicians would pay more attention to issues important to young people if 16 and 17-year-olds could vote, or it would reduce the democratic deficit. Conversely, it was stated that young people aged 16 and 17 are not mature enough or are too immature to be allowed to vote. Other points raised in Parliament were more specific to the context of the upcoming 2016 referendum.
- 35 The main arguments expressed in favour of lowering the voting age specific to the EU membership referendum were: (1) There was a need for legislative consistency with the decision in Scotland to let 16 and 17-year-olds vote in the independence referendum of 2014. (2) Enfranchising 16 and 17-year-olds in the 2014 Scottish independence referendum had been a success in terms of interest and turnout. (3) 16 and 17-year-olds can take responsibility of voting seriously (as shown in Scotland) as they are sufficiently competent and mature. (4) Contemporary young people are better informed than previous cohorts of young people due to social media and the introduction of Citizenship Education onto the school curriculum and thus more able to make informed decisions. (5) As a “*once-in-a-generation decision*” (remaining in or leaving the European Union) 16 and 17-year-olds should have a say. (6) Younger people would mostly live longer with the result of the referendum than older people. (7) The logistical issues (registering thousands of 15 to 17-year-olds) could be overcome.
- 36 The main arguments expressed against were: (1) Allowing 16 and 17-year-olds to vote in the referendum would create a precedent, leading to unwelcome calls for the lowering of the voting age for parliamentary general elections through a snowball

effect. (2) It would be wrong to change the “tried and tested” general election voting age for just a single poll. (3) There would be many logistical difficulties registering potentially over a million young people in a brief period. The difficulty would be exacerbated by the fact that 16 and 17-year-olds do not necessarily have official identity papers (for example, a driving licence or a passport). (4) The financial implications of enfranchising 16 and 17-year-olds were too high. (5) The introduction of a lower voting age would delay the referendum taking place due to the logistics of an unprecedented registration of 16 and 17-year-olds. Opponents of votes at 16 in the EU referendum commented that the Electoral Commission had worries about how long it would take to register 16 and 17-year-olds.⁴⁰ (6) Vulnerable children and young people could be manipulated and exploited, especially online. (7) It would make 16-year-olds more vulnerable to sexual predators and “shrink childhood.” (8) Opponents also commented in Parliament that voting in the referendum would be too much of a responsibility for young people on such a serious subject. Indeed, it was argued that young brains do not mature until around the age of 25, and so 16-year-olds are not “ready” to vote. (9) It was predicted that only half of 16 and 17-year-olds would vote in the European Union referendum if allowed. (10) Young people would mostly vote in favour of remaining in the European Union, and thus allowing them to vote would be a form of political engineering and it would skew the result. (11) It was suggested, why not let 10-year-olds vote (the age of criminal responsibility in England), as they would be affected by result too. (12) In law, someone must legally be age 18 to watch pornography, gamble, buy cigarettes, alcohol, knives and fireworks and to do jury service. Therefore, young people should not be allowed to vote until the same age threshold.

- 37 In this way, compared to debates in Holyrood on lowering the voting age for the independence referendum, the subsequent debates in Westminster on votes at 16 for the EU referendum were different in tone and were much less consensual; they discussed young citizens in a dissimilar way and delivered a different outcome.

Discussion: The specificities of votes at 16 in Scotland

- 38 In the 2014 Scottish independence referendum, a majority of 16 and 17-year-olds appear to have voted for independence, in accordance with pre-referendum polls and surveys. This pays credence to the hypothesis that the lowering of the minimum voting age initiated by the SNP Government could have been politically motivated, i.e. enfranchising 16 and 17-year-olds would increase votes for independence. Mycock and Tonge argue that Alex Salmond’s decision to give 16 and 17-year-olds the vote would probably “*enhance the chances of victory in the referendum*” because opinion polls in Scotland showed that young people aged 18 to 34 were the most supportive of independence and thus 16 and 17-year-olds would be more likely to vote to leave the UK in line with SNP policy.⁴¹ Moreover, endorsing a policy to enfranchise 16 and 17-year-olds may also have made the SNP more popular among young people who thought they were given a voice and taken seriously. It could also be seen as if the Nationalists were nurturing a new generation of SNP and independence supporters.
- 39 The suggestion that the SNP only started to favour votes at 16 for the 2014 independence referendum out of political opportunism can be countenanced by the

fact that lowering the minimum voting age had been a Nationalist policy going back to before the September 1997 Scottish devolution referendum (see above). Subsequent manifesto pledges evoked rights, responsibilities, democracy and the youth of young people as reasons for lowering the voting age.

- 40 However, the lowering of the voting age in Scotland has not be accompanied by significant improvement of citizenship education in schools. The debate about lowering the voting age in Scotland and the UK more widely consistently involves discussions about the provision of citizenship education or political literacy within school curricula in primary and secondary schools.⁴² The Scottish Government has a “*less prescriptive approach to monitoring the implementation of educational policy*” compared to England.⁴³ The provision of citizenship education is not obligatory in Scotland and it is usually embedded across the curriculum in Scottish schools leading to criticisms that it is “*variable in its quality and quantity*”.⁴⁴ According to critics, the SNP Scottish Government has failed to provide young people with adequate citizenship education that would help inform and empower them to accompany the lowering of the voting age. This points to the SNP being primarily interested in harvesting the votes of 16 and 17-year-olds, rather than educating young Scots about citizenship and democracy in school.
- 41 Furthermore, the SNP Scottish Government has not reduced the ages young people access other citizenship rights, i.e. only the voting age has been lowered. On the contrary, certain age limits in Scotland have been raised, for example, to 18 regarding smoking, and most legislative changes in Scotland have been in an “*upwards trajectory*”.⁴⁵ This inconsistency on young people’s legal status suggests lowering the voting age for Scottish residents was said to be in part due to “*political motives*”.⁴⁶
- 42 In discussions about lowering the voting age, this crucial point about legal thresholds regarding the rights and responsibilities of young people often goes unheeded. Scotland has different legislative age thresholds to the rest of the UK on important issues that are often cited as to why the voting age should be lowered to 16. In Scotland, 16-year-olds can leave school, whereas in England after the age of 16, it is obligatory to stay in full-time education, or start an apprenticeship or traineeship, or spend 20 hours or more a week working or volunteering, while in part-time education or training.⁴⁷ In Scotland, it is legally possible to marry at sixteen without parental consent as legislated in the *Marriage (Scotland) Act, 1977*. This is contrary to the law in England and Wales, where the consent of one parent is required to marry at 16 or 17.⁴⁸ Thus, when Ruth Davidson argued, in 2015, in favour of votes at 16 on the basis of acquired rights and responsibilities, her stance was consistent with Scottish legislation, but it does not fully apply to the rest of the UK: “*We deem 16-year-olds adult enough to join the army, to have sex, get married, leave home and work full-time. The evidence of the referendum suggests that, clearly, they are old enough to vote too*”.⁴⁹ The age discrepancies on rights and responsibilities between Scotland and England is an inconvenient truth for supporters of the right to vote at 16 for UK general elections.
- 43 According to Briggs,⁵⁰ lowering the voting age to 16 for the Scottish independence referendum “*is said to have infuriated many Tory MPs in particular*” sitting in the House of Commons who mostly opposed the change. Their opposition was based on two points. First, as already mentioned, it was thought by looking at opinion polling that most first-time young voters would vote for independence. Surveys in Scotland pointed to young citizens being keener about independence than older citizens. Second, there were fears that it might set a precedent leading to the voting age being lowered for UK

general elections. This would be a disadvantage for the Conservatives because young people tend to vote more for the Labour Party,⁵¹ as was the case in the 2015 general election held just before the parliamentary vote on lowering the voting age for the EU referendum. It is striking that proponents and supporters of votes at 16 tend to be electorally popular among young voters. Indeed, “*parties supporting voting age reform appear to be most likely to benefit from such a move*”,⁵² this includes the Labour Party and the Green Party, pointing to political opportunism.

- 44 Whilst political opportunism – most young people did indeed vote for independence in accordance with opinion polls and Nationalists expectations – the SNP in its language and reasons for lowering the voting express a certain way of considering young people that inculcates them with different capitals and agency and commitment to young people.

Conclusion

- 45 In this article, it was shown that the SNP included lowering the voting age as early as its 1997 general election manifesto. Devolution of power involved the opening of the Scottish Parliament and then election of an SNP majority government in 2011. The Nationalists were thus able to set about implementing their pledge of nearly two decades for the September 2014 independence referendum. There followed intense debates in Scotland on votes at 16. Those in favour, especially the SNP, emphasised the importance of removing existing age-based discrepancies in rights and responsibilities, getting young people involved in the democratic process and giving them a voice. The voting age was lowered in the Scottish Parliament in time for the 2014 independence referendum. There was a dynamic and youth-focused referendum campaign that contributed to particularly high registration and participation rates of 16 and 17-year-olds. This illustrates that when political debate and the democratic process are inclusive of young people who are recognised as citizens, capable of mature decision-making and active citizenship most do engage in electoral politics. For detractors of lowering the voting age, there is a condescending and disingenuous reason: the increased turnout of young people was due to the “simple” single-issue nature of the referendum. The SNP enfranchised 16 and 17-year-olds arguing it was good for young people and good for democracy. But it was also good for the pro-independence movement and the SNP seemingly cultivating a new generation of supporters. Positions of votes at 16 evolved after the 2014 independence referendum and there is now cross-party support in the Scottish Parliament for 16-year-olds to vote in all Scottish public elections. The SNP went on to enfranchise 16 and 17-year-olds for all Scotland-wide elections, which was an unprecedented measure in the UK and indeed a rarity in most of the world.
- 46 Consequently, there is no longer a UK-wide official “age of majority” or rite of passage symbolised in voting/enfranchisement, all the more since Wales has also legislated to introduce votes at 16 (there is not enough space to discuss this in detail here). Rights and responsibilities are accrued incrementally and often inconsistently across the four nations. Most notably, in Scotland 16-year-olds can leave school and they can get married without parental consent. Now they can take part in all public votes in Scotland, but not the UK as a whole. Varying minimum voting ages across the UK

underlines a wider issue regarding the ambiguous and ambivalent status of young people in society and the difficulty of defining “young people”.

- 47 However, the UK Parliament voted against lowering the voting age for 2016 EU membership referendum. In Westminster, only the Conservative Party and the Democratic Unionist Party (DUP) remain officially opposed to giving 16-year-olds the right to votes.⁵³ The discrepancy in voting ages in Scotland and the UK underlines inconsistencies in how young people are considered in Holyrood and Westminster. But this difference is likely to disappear as support for votes at 16 is increasing South of the border.
- 48 Last, it has been argued that Alex Salmond brought about votes at 16 because he wanted to “*place the issue on the political agenda*” and it was “*calculated*” because it would entail Scotland having a resolutely different policy from the rest of the UK, making Scotland look like a “*modern democracy*” contrary to the “*archaic*” Westminster Parliament.⁵⁴ In this way, the new Scottish Parliament would appear more liberal and forward-thinking by setting a precedent, in other words, pioneering. Whatever the motives behind lowering the voting age in Scotland, attitudes towards young people and political participation has evolved. At a time a critical time in British politics, when young citizens are especially active in electoral and non-electoral forms of political participation, it would seem that the only thing between Westminster following the pioneering Holyrood in order to lower the minimum voting age is the Conservative Party and that with a change of government will come votes at 16 and a greater voice for young people.

Table 1: From Universal Suffrage at 21 to votes at 16

Year	Legislation	Enfranchisement	Government
1928	Representation of the People (Equal Franchise) Act	Implemented universal suffrage with equal voting rights for all men and women aged 21 and over	Conservative (Westminster)
1969	Representation of the People Act	Reduced voting age to 18 for men and women with effect from 1970	Labour (Westminster)
1983	Representation of the People Act	Unified minimum voting age at 18 for all levels of public elections in single piece of legislation	Conservative (Westminster)
1998	Government of Wales Act, Scotland Act, Northern Ireland Act	Established devolved Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly with powers to decide on voting and candidacy ages in regional elections	Labour (Westminster)
2008	Voting Age (Reduction) Bill	Unsuccessful Private Members' Bill to reduce voting age to 16 and over	Labour (Westminster)

2013	Scottish Independence Referendum (Franchise) Act	Enfranchised 16 and 17-year-olds to vote in Scottish referendum on independence	SNP (Scottish Parliament)
2015	Scottish Elections (Reduction of Voting Age) Act	Enfranchised 16 and 17-year-olds to vote in Scottish Parliamentary elections	SNP (Scottish Parliament)
2015 (17 Nov)	European Union Referendum Bill, Amendment 3	Unsuccessful House of Lords amendment to reduce voting age to 16 in UK referendum on leaving or remaining in EU	Conservative (Westminster)
2017-2019	Representation of the People (Young People's Enfranchisement and Education) Bill	Unsuccessful House of Lords amendment to reduce voting age to 16 in UK referendum on leaving or remaining in EU	Conservative (Westminster)
2017-2019	Representation of the People (Young People's Enfranchisement and Education) Bill	Unsuccessful bill to reduce the minimum voting age to 16	Conservative (Westminster)
2018	Welsh Parliament and Elections (Wales) Bill	A bill to reduce the minimum voting age to 16	Welsh Labour (Welsh Assembly)

Sources: Compiled from information available at <http://www.legislation.gov.uk> (National Archives, 2018).

Table 2: Turnout by age in Scottish independence referendum, 18 September 2014

Ages (years)	Turnout (years)
16-17	75
18-24	54
25-34	72
35-44	88
45-54	82
55-64	87
65+	96
All	83

REPORTED TURNOUT AMONG SPECIFIC GROUPS (1,852 RESPONDENTS).

Source: Adapted from Electoral Commission, *Scottish Independence Referendum. Research Post-polling Day Opinion Research Report*, Prepared by ICM Research on behalf of the Electoral Commission, November 2014, p. 11.

Table 3: Voting by age in Scottish independence referendum, 18 September 2014

Ages (years)	Yes to independence (%)	No to independence (%)
16-19	62.5	37.5
20-24	51.4	48.6
25-29	55.2	44.8
30-39	53.9	46.1
40-49	50.6	49.4
50-59	47.1	52.9
60-69	43.7	56.3
70+	34.3	65.7
All*	44.7	55.3

SURVEY OF 5,000 VOTERS SOON AFTER SCOTTISH INDEPENDENCE REFERENDUM.

Source: Adapted from Alisa Henderson and James Mitchell, *The Scottish Question, Six Months On*, Scottish Referendum Study, 27 March 2015, p. 7 and General Registrar Office for Scotland.

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ABSTRACTS

The Scottish Parliament enfranchised 16 and 17-year-olds prior to the 2014 referendum on independence of Scotland from the UK. Scotland was among the very first nations in the world to lower the minimum voting age below 18. The Scottish National Party (SNP) majority Government emphasised the importance of recognising other rights and responsibilities acquired at 16, getting young people involved in the democratic process, and giving them a voice. It also knew

that independence was popular among young people. All the main parties are now in favour of votes at 16 in the Scottish Parliament, whereas in the UK Parliament, the Conservative Party and the Democratic Unionist Party (DUP) remain officially opposed. This article addresses how and why Holyrood lowered the minimum voting age, contrary to Westminster. It first documents the processes that led to the enfranchisement of 16 and 17-year-olds in Scotland for the 2014 independence referendum. Next, the results of the referendum are studied and the outcomes in terms of the voting age in wider Scottish elections. The article then deals with the potential impact on Westminster debates on votes at 16 for the 2016 EU referendum. Last, there is a discussion on the differing stances in Holyrood and Westminster regarding young citizens and their right to vote.

Le Parlement écossais a accordé le droit de vote aux jeunes de 16 et 17 ans, en 2014, à l'occasion du référendum de 2014 sur l'indépendance de l'Écosse. Ce faisant, l'Écosse a été l'une des toutes premières nations au monde à abaisser l'âge minimum du droit de vote au-dessous de 18 ans. Le gouvernement du Parti national écossais (SNP) a souligné l'importance d'impliquer les jeunes dans le processus démocratique, ainsi que les différents droits et responsabilités acquis à 16 ans. Dans le même temps, les Nationalistes savaient que le mouvement indépendantiste était également populaire parmi les jeunes. Tous les principaux partis du Parlement écossais sont désormais favorables au droit de vote à 16 ans, alors qu'au Parlement britannique, le Parti conservateur et le Parti unioniste démocratique (DUP) sont officiellement opposés. Cet article examine pourquoi Holyrood a abaissé la majorité électorale à la différence de Westminster. Il documente d'abord le processus menant au droit de vote des jeunes de 16 et 17 ans en Écosse en vue du référendum sur l'indépendance de 2014, ainsi que les résultats et les retombées du vote. Il analyse ensuite les raisons pour lesquelles le gouvernement majoritaire du SNP a choisi d'abaisser la majorité électorale. Ensuite, l'article traite de l'impact potentiel sur les débats à Westminster. L'article se termine en expliquant pourquoi Holyrood et Westminster diffèrent dans leur évaluation des jeunes citoyens et de leur droit de vote.

INDEX

Mots-clés: majorité électorale, Écosse, référendum indépendance Écosse, vote à 16 ans, jeunes

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