



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT

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LIBERAL DEMOCRATS SUBMISSION TO INQUIRY INTO THE 2016 ACT ELECTION AND THE ELECTORAL ACT

The ACT branch of the Liberal Democrats considers that this inquiry provides an opportunity to restore trust in Canberra politics and governance by increasing the political freedoms and choice of the ACT electorate.

Many of the proposals canvassed in the inquiry report would only serve to further erode confidence of voters in the ACT's electoral system and governance. They would also disadvantage minor party voters at a time when increasing numbers of voters are turning to alternatives to the major parties.

In particular, proposals to reduce the ability of minor party voters to put their message across will chill free speech. The proposal to reduce the voting age to 16 runs the risk of criminalising minors, flies in the face of public opinion, and is out of step with research indicating that the average 16 and 17-year-old does not possess the interest in or knowledge of politics to fully participate in the electoral system.

The inquiry should grasp the chance to ensure that the ACT has an electoral system fit for the 21st century by trusting adults to make decisions about their future based on the values of voluntary and flexible participation.

SUMMARY

In summary, the ACT Liberal Democrats makes the following recommendations in relation to this inquiry:

1. The voting age for ACT elections remains at 18 years of age.
2. If either the ACT Legislative Assembly or ACT Government proceeds with introducing legislation to lower the voting age to 16, it should only be on the basis of:
 - a. voting by 16 and 17 year-olds is not compulsory
 - b. first seeking the views of the ACT electorate through a binding referendum
 - c. that the referendum also seeks the electorate's approval for the scheme of public funding and whether voting for ACT elections should be compulsory.
3. The penalty for failing to vote in ACT elections should not be increased – it should be eliminated.
4. The people of the ACT should be able to vote voluntarily.
5. Automatic enrolment should not be introduced as it would undermine privacy.
6. Public funding should be abolished. In the absence of its elimination:
 - a. the \$8 per vote of public funding for first preference votes should be reduced, any funding should be benchmarked against the level of funding in comparable administrations elsewhere in Australia; and

- b. the first preference vote threshold of four per cent should be eliminated and public funding should be available to all candidates per first preference vote.
7. Eliminate expenditure caps as they curtail freedom of political speech. If retained, they should be restored to the previous \$60,000 per candidate or third party campaign level.
8. So-called 'truth in advertising' laws should not be introduced.
9. The 100 metre ban on canvassing should be abolished and replaced with the same rules that apply for Federal elections.
10. Freedom of political speech is vital to the interests of all Canberrans - the ACT Electoral Commission's Recommendation 5 to limit the display of electoral signage should be overwhelmingly rejected.
11. The provision that requires electoral signs to be removed within 48 hours after the close of polling places should be extended to one week.
12. That a "none of the above" option be included on ACT Legislative Assembly ballot papers and electronic voting.
13. That electronic voting be brought into the 21st century by being made more intuitive and more widely available. Restrictions on pre-poll voting should be lifted – the ACT Electoral Commission's Recommendation 2 should be accepted, as this would promote freedom of choice and reduce disrespect for unnecessary laws.

VOTING AGE

The ACT Liberal Democrats do not support lowering the voting age to 16.

Nothing substantial has changed since the ACT Government rejected the 2007 proposal to lower the voting age to 16. There is no strong evidence that reducing the voting age would improve the political maturity of 16-17 year olds. Under our system of compulsory voting, it criminalises minors that do not comply.

The onus should be on the proponents of lowering the voting age to 16 to provide convincing evidence that minors are capable of exercising the franchise. The state of the evidence on political maturity is at best mixed but overall it does not provide a sound case for lowering the voting age (**Appendix A** refers). Given the state of the evidence (together with compulsory voting, penalties for not voting) there is no evidence-based case for lowering the voting age to 16.

Criminalising minors

Criminalising 16 and 17 year olds for failing to vote in circumstances where they have less interest in, and weaker knowledge of, politics, is inconsistent with community standards. This problem was recognised in the ACT Electoral Commission's submission to the Standing Committee on Education, Training and Young People Inquiry into Voting Age Eligibility.¹ The Commission noted that the Self-Government Act would require the ACT Legislative Assembly to maintain compulsory enrolment for all eligible voters, including 16 and 17 year olds unless the Commonwealth parliament amended the Self-Government Act. In the absence of such an amendment, enforcing compulsory enrolment of 16 and 17 year olds would have the effect of imposing a criminal penalty on minors, which could be seen as unacceptable.

¹ ACT Electoral Commission (2006) "Submission to the Standing Committee on Education, Training and Young People Inquiry into Voting Age Eligibility", http://www.elections.act.gov.au/data/assets/pdf_file/0010/831592/SubmissionVotingAgeEligibility.pdf, page 2.

Support for changes

There is a lack of support for lowering the voting age from the Australian public. Polling for Essential Report indicates that:

- 78 per cent of survey respondents opposed lowering the voting age from 18 to 16 (2013²)
- 77 per cent of survey respondents favoured keeping the voting age at 18 (2015³).

There is evidence that reducing the voting age is influenced by political motives rather than concern for the political rights of the young. Research undertaken in Denmark⁴ suggests that Left-leaning citizens are substantially more likely to support lowering the voting age. Polling by Essential Report indicates that Greens voters are most likely to support giving 16-17 year olds the vote⁵. The Essential Report opinion polls in 2013 and 2015 noted:

- support for lowering the voting age from 18 to 16 was highest among Greens voters (24 per cent) and respondents aged 25-34 (25 per cent)
- (either voluntary or compulsory) were Greens voters (38 per cent) and those aged 18-24 (33 per cent).

International experience

International experience suggests that turnout of 16 and 17 year old voters is substantially lower than for older voters. The ACT Liberal Democrats also note that the jurisdictions that have both compulsory voting systems and voting age from 16 years of age do not impose compulsory obligations on 16 and 17 year olds (**Table 1** refers).

Table 1 Voting at 16 and compulsory voting

Country / Region	Legal voting age (national elections only)	Is voting compulsory?		Date of extending voting to 16 or 17 year olds
		generally	for 16 and 17 year olds	
Argentina	16	Yes ^a	No	2012
Austria	16	No	No	2007
Brazil	16	Yes ^a	No	1988
Cuba	16	No	No	-
Ecuador	16	Yes ^b	No	2009
Guernsey	16	No	No	2007
Isle of Man	16	No	No	2006
Jersey	16	No	No	2007
Nicaragua	16	No	No	-
Scotland	16	No	No	2015

² Essential Report (2013) <http://www.essentialvision.com.au/voting-age>. The report noted that only 13% of respondents supported lowering the voting age from 18 years to 16 years and 78% opposed.

³ Essential Report (2015) <http://www.essentialvision.com.au/voting-age-2>. The report noted that 77% of respondents favoured keeping the compulsory voting age at 18.

⁴ Larsen, EK, Levinsen, K and Kjaer, U (2016) Democracy for the youth? The impact of mock elections on voting age attitudes, *Journal of Elections, Public Opinion and Parties*, 26:4, 435-451, DOI: 10.1080/17457289.2016.1186031

⁵ Essential Report (2015) <http://www.essentialvision.com.au/voting-age-2>

Notes: **a** exemptions apply for citizens aged 16-18 and older than 70; **b** exemptions apply for citizens aged 16-18, illiterates, and older than 65.

Sources: ACE Electoral Knowledge Network; Guernsey Election 2016; As it happened, BBC News, 27 Apr 2016; BBC News Scotland Election 2016; Echeverria, G (2015) Access to Electoral Rights: Ecuador; EUDO Citizenship Observatory; Austrian Embassy, Canberra.

Lowering the voting age is far ahead of public opinion. In countries where the voting age has been lowered to 16 it has usually been without direct reference to the views of the people. The ACT Liberal Democrats are not aware of any jurisdiction that has lowered the voting age to 16 has done so after conducting a referendum. Where referenda have been held, the proposal has been defeated. Moreover, it appears that more electors would prefer giving voting rights to non-citizen adults than extending them to 16 and 17 year olds.

- Voters In San Francisco's recent elections (November 2017) voted to allow non-citizen residents the right to vote for members of the city's Board of Education (54 per cent Yes) but voted against allowing 16 year old citizens the right to vote in local elections (52 per cent No)⁶.
- The case of Luxembourg is salutary – in 2015 voters overwhelmingly voted against lowering the voting age from 18 to 16 (81 per cent). This No vote was even larger than the vote taken at the same time to let foreigners register to vote if they had lived in the Grand Duchy for at least 10 years (78 per cent No vote)⁷.

Referendum

There is a requirement for the Commonwealth to amend the *Australian Capital Territory (Self-Government) Act 1988*⁸ to allow the Legislative Assembly to enact any proposed change to voting age. Before any action, the question of whether to lower the voting age to 16 should be put by referendum to the ACT electorate.

FUNDING AND DONATION RULES

Public funding

The ACT Liberal Democrats oppose government funding of things that private individuals or organisations are willing to pay for voluntarily.

At \$8 per first preference vote, public funding of political parties and non-party candidates for ACT Assembly elections is as unjustified as it is outrageous. It is the highest in Australia and overwhelmingly supports the major parties.

The funding is not meeting its intended purpose of reducing the risk of donors buying favourable policies. The underlying problem is that governments intrude into our lives too much. There would be less need to lobby a government that did less. As it stands, business success can often depend on

⁶ San Francisco Department of Elections, November 8 2016 General Election results, <http://www.sfelections.org/results/20161108/>

⁷ Euroobserver, 8 Jun 2015 "Luxembourg referendum rejects foreigner voting rights", <https://euobserver.com/beyond-brussels/129004>

⁸ See chapter 5 of ACT Standing Committee on Education, Training and Young People (2007), *Inquiry into the Eligible Voting Age*.

http://www.parliament.act.gov.au/__data/assets/pdf_file/0005/380039/05educVotingAge.pdf

favourable ministerial decisions and there is no shortage of people keen to enlist the government's support to impose their views on the rest of us.

Public funding forces taxpayers to contribute to parties they would never support voluntarily. It is ludicrous that their money pays for virtually every political poster, leaflet and television advertisement. The amount of public funding rose by 319 per cent in the 2016 Legislative Assembly election compared to the preceding election. The three major parties disproportionately received 97 per cent of the public funding despite achieving only 86 per cent of the first preference vote (see Table 2).

The ACT Liberal Democrats consider that this public funding should be abolished. However, if public funding is retained, it should be made equivalent to the amount equivalent to the smallest level of funding elsewhere in Australia and the 4 per cent vote threshold should be eliminated as this discriminates against minor party voters and independents.

Table 2: Public funding at the 2012 and 2016 elections

Political party/candidate	2012 election		2016 election			
	amount	share of funding	amount	share of funding	change on 2012	share of first preference vote
Australian Labor Party (ACT Branch)	\$171,982	42.0%	\$750,488	43.7%	336%	38.4%
Liberal Party of Australia (A.C.T. Division)	\$172,064	42.0%	\$717,056	41.8%	317%	36.7%
The ACT Greens	\$47,546	11.6%	\$200,768	11.7%	322%	10.8%
Australian Sex Party ACT			\$29,552	1.7%		3.1%
Kim Huynh			\$18,920	1.1%		1.0% ^a
Australian Motorist Party	\$9,588	2.3%				
Bullet Train for Canberra	\$8,222	2.0%				
TOTAL	\$409,402	100.0%	\$1,716,784	100.0%	319%	

Sources: ACT Electoral Commission (2017) *Report on the ACT Legislative Assembly Election 2016*, Tables 5 and 30; ACT Electoral Commission (2017) *Election statistics 2016*

^a Kim Huynh received 5% of the first preference vote in Gininderra

Expenditure cap

The ACT Liberal Democrats consider that expenditure cap rules unduly favour incumbents and unreasonably limit political communication by third parties. The caps should be removed.

Reducing the electoral expenditure cap to \$40,000 from \$60,000 per candidate and third party campaigner was an unnecessary fettering of free political speech. There is no sound evidence that funding caps meet their intended purpose of addressing undue influence on political campaigns⁹.

It is not clear that there is a nexus between expenditure and voting outcomes. In context, Canberra Community Voters electoral expenditure was \$191,652 (7.2% of total expenditure and the fourth highest of any party). It achieved less than one per cent of the primary vote.

Penalties and enforcement

The penalties (equal to twice the amount by which the expenditure exceeds the expenditure cap)¹⁰ are onerous, arbitrary, pernicious and unnecessary.

⁹ Refer to Standing Committee on Justice and Community Safety (2011) *A Review of Campaign Financing Laws In the ACT*

http://www.parliament.act.gov.au/data/assets/pdf_file/0003/373431/Campaign_Financing_Report_2011.pdf

¹⁰ ACT Electoral Commission (2017) "Report on the ACT Legislative Assembly Election 2016", p 64.

We note that during the election reporting period the Commission exercised discretion with respect to enforcement of minor, technical or trivial breaches of the Act. The ACT Liberal Democrats consider that the Commissioner discharged discretion appropriately.

PARTICIPATION

Compulsory voting

The Liberal Democrats consider that enrolment and voting should be voluntary.

Australians ‘have the right to remain silent, but a government violates your rights if it forces you to be silent by putting gaffer tape over your mouth. You have a right to privacy, but a government violates your rights if it forces you to be private by locking you in a padded cell. And you have a right to vote, but a government violates your rights if it forces you to vote by making non-enrolment and non-voting an offence. ‘

‘... Forcing people to vote when they are dissatisfied with the options available is a practice straight out of the authoritarian handbook. ‘¹¹

The Liberal Democrats would make voting a right rather than an obligation. This gives residents back their voting freedom. The right to do something implies that you have a choice not to do that thing. It would be absurd to say that Australians have the “right” to pay tax. Paying tax is a legal obligation, not a right. Under current laws, voting is also a legal obligation rather than a right.

The right to vote is a civil freedom, like free speech or freedom of association. Free speech does not imply a requirement to speak and freedom of association does not imply a requirement to join clubs or movements. Likewise, the freedom to vote should not imply a requirement to vote.

Compulsion is not required to have good representation. The average turnout at the latest election for 170 countries with voluntary voting is 66 per cent – not substantially lower than the average turnout of 72 per cent for the 26 countries with compulsory voting (see **Table 3**). The difference between average turnout in countries with and without compulsory voting is not statistically significant at a standard 95 per cent confidence level.

Table 3 Voter turnout ^a

	number	average turnout (%) ^b	Highest turnout (%)	Lowest turnout (%)
Countries with compulsory voting	26	72.1	96.9 ^c	28.3 ^e
Countries with voluntary voting	170	66.2	99.7 ^d	17.8 ^f
All countries	196	66.9	99.7 ^d	17.8 ^f

Source: Solijonov, A (2016) Voter Turnout Trends around the World, International Institute for Democracy and Electoral Assistance, Annex 1

<http://www.idea.int/publications/catalogue/voter-turnout-trends-around-world?lang=en>;

Notes:

¹¹ Senator David Leyonhjelm, SENATE HANSARD Thursday, 17 March 2016 pp 2652
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber/hansards/1ea904ea-ae93-4f0c-bb20-3d8c33e83f81/0000%22>

a Solijonov's report relates to turnout at latest election to 2015, covering 196 countries. Most recent election year ranges from the year 2009 to 2015 for countries with compulsory voting (mode 2013); and from year 2001 to 2015 for countries with voluntary voting (mode 2015).

b averages are simple average of country turnout rates for each category of country

c Nauru - 2013 (96.9 per cent)

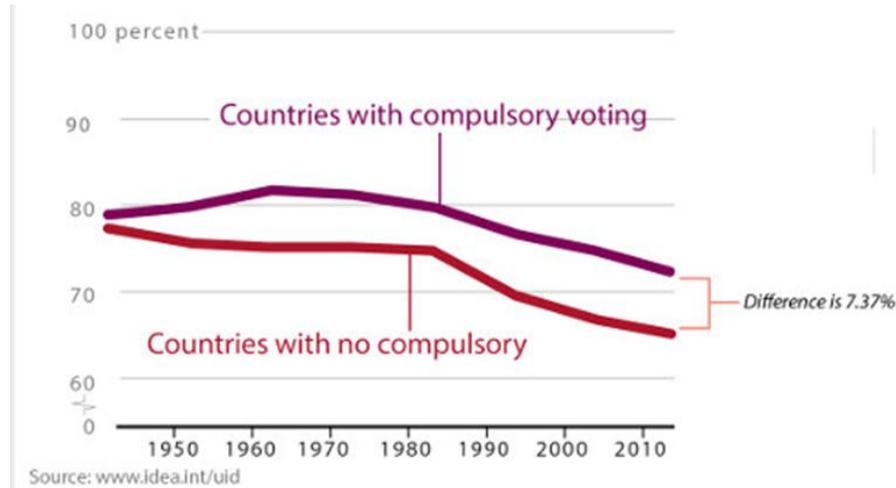
d Lao People's Dem. Republic - 2011 (99.7 per cent)

e Egypt - 2015 (28.3 per cent)

f Haiti - 2015 (17.8 per cent)

Compulsion is not a means of promoting greater interest in politics and trust in government. Turnout has also been declining irrespective of whether countries have compulsory or voluntary voting (see Figure 1).

Figure 1: Voter turn-out trends



Source: IDEA http://www.oldsite.idea.int/vt/compulsory_voting.cfm

If a referendum on voting age was to occur, then the electorate's preference for voluntary voting should be included.

Fairness and equity for smaller parties

The discussion paper sought views how fairness and equity for smaller parties may be achieved in the electoral process. The current system is unfair and inequitable to smaller parties. There is growing support for parties other than the majors across Australia (see **Figures 2 and 3**).

Figure 2: Declining support for major parties

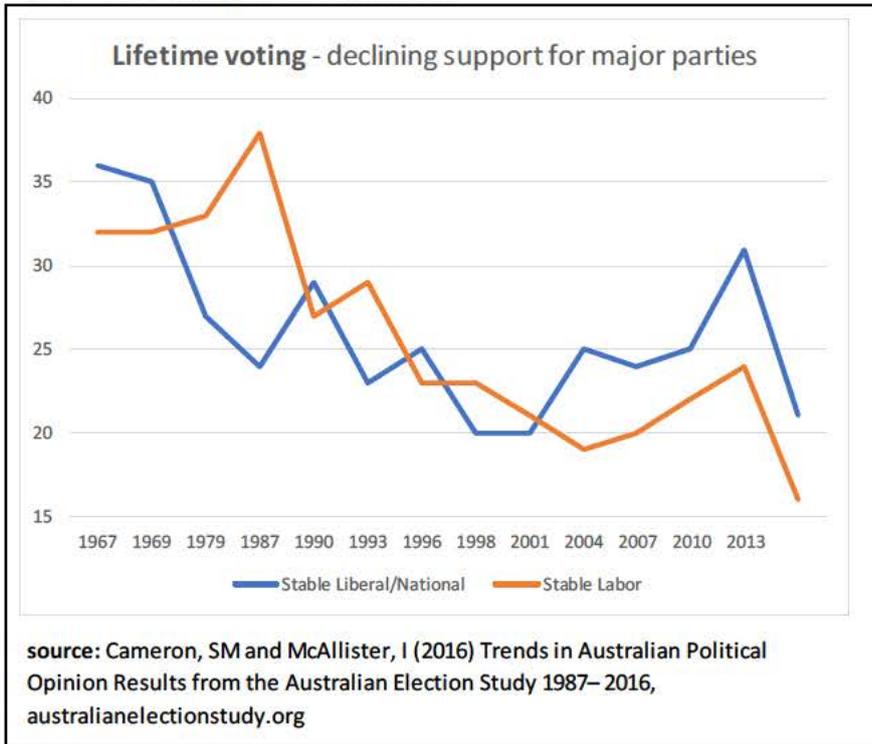
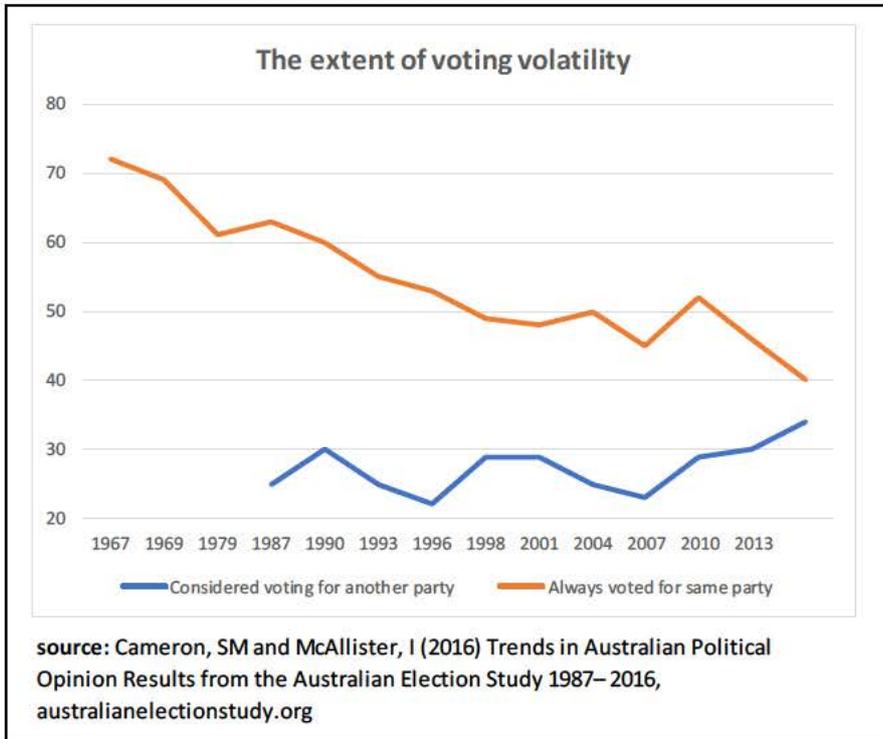


Figure 3: Declining interest in voting for the same party



The 100 metre rule

The effective ban on how-to-vote cards (the 100 metre rule) should be abolished. This impinges freedom of political communication to effectively participate in democracy. This rule adversely affects the ability of minor party voters and independents to put forward their candidate details, voter preferences and campaign platforms.

The ACT Electoral Commission's report on the 2016 election notes that 11 per cent of surveyed voters "found it a problem that how-to-vote cards were not available, mostly because they either disagreed with the ban or did not know who to vote for"¹². The fact that one in ten voters are expressing that the lack of how to vote cards is a problem demonstrates there is a deficiency in the system. In addition, the survey methodology did not extract whether or not the remaining 9 in 10 survey respondents would have found cards useful.

Rules on the distribution of political material at polling places should not be more restrictive or onerous than the rules that apply at Federal elections.

None of the above option

The ACT Liberal Democrats also consider that a "**none of the above**" option should be included on ACT Legislative Assembly ballot papers. This choice is available in several jurisdictions. Nevada has had a "None of These Candidates" choice since 1976.¹³ This proposal has also been put to the ACT Legislative Assembly by Dr Graeme Orr¹⁴, Professor, Law, University of Queensland. In his submission to the 2007 ACT Legislative Assembly Committee on Education, Training and Young People Inquiry on Lowering Voting Age to 16, Orr suggested that 16 and 17 year olds could be issued with a distinct ballot paper which made it clear that if they genuinely had no choice, they could write 'none of the above' on the ballot. Orr has argued for this option should be available to everybody in a compulsory voting democracy, to register the real level of discontent. The Liberal Democrats consider that such an option should be available to all voters irrespective of whether voting is mandatory.

Use of electronic voting at polling stations

The ACT Liberal Democrats consider that there should be wider use of electronic voting – and that the ACT system should be brought into the 21st century.

The current clumsy screens should be replaced by more intuitive and easier to use touch screens or the equivalent of digital paper. Such screens should also allow voters the option of intentionally spoiling the electronic ballot by making an expressive informal vote.

Technical support instructions to voters using electronic voting should not prevent or dissuade voters from consciously casting invalid votes.

Automatic enrolments

The ACT Liberal Democrats does not support automatic enrolment. People should be free to appear on the electoral roll only if they voluntarily choose to do so.

While we recognise that automatic enrolment would bring some efficiency for maintenance of the electoral roll and could provide some convenience to voters, these benefits are far outweighed by adverse impacts on privacy and on disadvantaged Australians.

¹² ACT Electoral Commission (2017) "Report on the ACT Legislative Assembly Election 2016", p 29.

¹³ Benkof, D (2016) 2016 Proves "None Of The Above" Belongs On The Ballot, The Daily Caller, 19 October 2016, <http://dailycaller.com/2016/10/19/2016-proves-none-of-the-above-belongs-on-the-ballot/>

¹⁴ Orr, G (2006) Submission to ACT Legislative Assembly Committee on Education, Training and Young People Inquiry on Lowering Voting Age to 16
http://www.parliament.act.gov.au/__data/assets/pdf_file/0018/380025/Voting_08_-_Orr.pdf

Overseas voting by ACT voters – access to online or email voting

The ACT Liberal Democrats support this, provided privacy is maintained.

ANY OTHER MATTERS

‘Truth in advertising’

The ACT Liberal Democrats consider that the answer to bad speech does not lie in the imposition of arbitrary rules but in the promotion of more speech.

The discussion paper seeks views on truth in advertising in electoral advertising. The ACT Liberal Democrats consider that any such rules should not be made more burdensome. Politics is an area of life that can entail a high degree of passion and persuasion. It could be costly, time-consuming and procedurally burdensome to litigate 'truth in advertising' claims during a campaign.

The burden could fall disproportionately on smaller parties and independents who do not have the deep pockets to fight off capricious claims. We note that the Electoral Commission's report into the ACT election (p 50) indicated that over half of the 33 allegations of breaches of the 100-metre ban were largely due to "the efforts of one political party that systematically toured polling places on polling day and reported 19 apparent breaches", the majority of which were trivial. The ACT Liberal Democrats consider that this reported incident is but a taste of the fruitless squabbling that is likely to emerge from 'truth in advertising' rules.

Recommendations of the ACT Electoral Commission’s “Report on the ACT Legislative Assembly Election 2016”

The ACT Electoral Commission (The Commission) makes a number of recommendations to the Inquiry¹⁵. While the ACT Liberal Democrats support some of these recommendations, the party has significant concerns about recommendations 4, 5, 7, 8 and 10 and significant reservations about recommendation 1.

The ACT Liberal Democrats support recommendation 2 which would remove restrictions on pre-poll voting.

Recommendation 5

This recommendation – to restrict the locations where moveable signs such as corflutes can be displayed - would reduce freedom of political speech and tip the scales further against smaller parties and independent candidates.

This recommendation would also add uncertainty and significant administrative costs associated with determining and monitoring the designated areas where corflutes can be displayed. Its effectiveness in reducing signage would also be undermined by increased placement of signs in private property and novel ways of circumventing the new restriction. This would waste more resources and, where private property was close to polling places and result in more vexatious disputes.

Moreover, this recommendation is aimed at addressing a symptom of the ACT’s electoral laws rather than addressing the cause – those laws themselves. In particular, the proliferation of corflutes is the

¹⁵ Select Committee on 2016 Act Election and Electoral Act (2017) “Discussion Paper”, Appendix A; and ACT Electoral Commission (2017) “Report on the ACT Legislative Assembly Election 2016” http://www.elections.act.gov.au/_data/assets/pdf_file/0016/1044016/Report-on-the-ACT-Legislative-Assembly-Election-2016.pdf

outcome of a raft of regulations and laws such as the 100 metre ban on canvassing at polling places, excessive public funding of candidates, and Robson rotation of candidate names on ballot papers.

The Commission's report 2016 ACT election¹⁶ notes that formal complaints related to placement of signs decreased from 28 in 2012 to 13 in 2016. The Commission's comments appear to place greater reliance on chatter on social media and the statements of the ACT Chief Minister¹⁷. This focus is misplaced and ignores the public benefit arising from free political communication and the need for smaller parties and independent candidates to be able to promote their message.

In particular, the ban on canvassing within 100-metre of polling places reduces freedom of political speech that disproportionately adversely impacts on smaller parties and independent candidates. The ban should be amended to bring it into line with the current Commonwealth rules. The unfair system of providing public funding – at \$8 per first preference vote above 4 per cent of the vote – already disadvantages minor party voters – the scales should not be further tilted away from alternatives to the major parties.

In addition, the existing provision that electoral signs must be removed within 48 hours after the close of polls places a disproportionate burden on small parties and independent candidates and should be extended to **one week**.

The current arrangements mean that volunteers have extremely limited time – effectively one non-working day – to remove signage often in hazardous conditions of low light and inclement weather. An extension to one week would include part of the following weekend, allowing volunteers sufficient time to remove such material in safety.

Recommendation 10

This recommendation would increase the penalty notice fine for failing to vote at ACT Legislative Assembly elections by 75 per cent (from \$20 to \$35). The ACT Liberal Democrats consider that such penalties disproportionately penalise groups such as the disadvantaged, students, workers with uncertain working hours (including nurses and emergency workers). These penalties should be eliminated. In any case, as it currently stands, this recommendation would result in the penalty for not voting being out of line with the current Commonwealth penalty (\$20).

Recommendation 4

The ACT Liberal Democrats opposes the Commission's recommendation that the Electoral Act be amended to require the **name of an entity** to be shown in an authorisation statement, where electoral matter is published on behalf of an entity.

This recommendation would be unenforceable. It would not provide greater clarity and transparency to voters. The Liberal Democrats are concerned that the proposed entity name rule could serve to chill free political speech by raising administrative burdens, adding to uncertainty and arbitrariness, and casting too wide a net over third parties.

¹⁶ ACT Electoral Commission (2017) "Report on the ACT Legislative Assembly Election 2016", p 51.

¹⁷ ACT Electoral Commission (2017) "Report on the ACT Legislative Assembly Election 2016", p 51

Recommendation 1

Support, on the proviso that this does not extend or impose penalties to ACT voters overseas who do not vote. Moreover, the Liberal Democrats considers that electronic voting be brought into the 21st century by being made more intuitive, more widely available at more polling places.

Recommendations 7 and 8

These recommendations relate to expenditure caps and the ACT Liberal Democrats' view are covered above.

Recommendation 2

The ACT Liberal Democrats **strongly support** the Commission's recommendation that electors can vote at a pre-poll voting centre, without the need to declare that they are unable to attend a polling place on polling day. The current legislation is easily bypassed by electors able to falsely state reasons as to why they cannot vote on elections day. The ACT Liberal Democrats consider that unnecessary and avoidable legislation is arbitrary, confusing and unfair and that such legislation should be repealed.

APPENDIX A

SUMMARY OF EVIDENCE ON POLITICAL MATURITY AND TURN-OUT OF YOUNGER VOTERS

The onus should be on the proponents of lowering the voting age to 16 to provide convincing evidence that minors are capable of exercising the franchise. The state of the evidence on political maturity is at best mixed but overall does not provide a sound case for lowering the voting age

- McAllister (2014)¹⁸, using evidence from Australia, found no evidence that lowering the voting age would increase political participation or that young people are more politically mature today than they were in the past.
- Chan and Clayton (2006)¹⁹ found that 16- and 17-year olds in the UK have lower interest and engagement in politics, political knowledge, and consistency and stability in political attitudes than do older voters and concluded that voting age should not be lowered to sixteen.
- After Austria reduced its voting age to 16 in 2007 some studies (e.g. Zeglovits and Aichholzer, 2014²⁰) concluded that there is a strong “first-time voting boost” among the youngest voters as turnout was (a) higher compared to 18- to 20-year-old first-time voters and (b) not substantially lower than the average turnout rate.
- Analysis presented in Appendix B of voting the Isle of Man indicates that a boost from first - time voting by 16-17 year olds appears to dissipate. In the Isle of Man election in 2016 overall turnout was 53 per cent but turnout of 16-17 year olds was 46 per cent.
- Wagner et al (2012)²¹, using data from Austria found that while the turnout levels of young people under 18 are relatively low, their failure to vote wasn’t explained by a lower ability or motivation to participate. They also concluded that the quality of their choices is similar to that of older voters.
- A study in Norway (Bergh, 2013)²² found that 18-year-olds are more interested in politics than younger high school students, and also have greater sense of political efficacy than 16- and 17-year-olds. Bergh found no evidence that a lowering of the voting age affects the political maturity of 16- and 17-year-olds.
- Developmental psychology considers adolescence to be a developmental period characterized by suboptimal decisions and actions that are associated with an increased incidence of

¹⁸ McAllister, I. 2014. “The Politics of Lowering the Voting Age in Australia: Evaluating the Evidence.” *Australian Journal of Political Science* 49 (1):68–83. <http://dx.doi.org/10.1080/10361146.2013.868402>

¹⁹ Chan, TW and Clayton, M (2006) Should the Voting Age be Lowered to Sixteen? Normative and Empirical Considerations *Political Studies*: 2006 VOL 54, 533–558

²⁰ Zeglovits, E and Julian Aichholzer, J (2014) Are People More Inclined to Vote at 16 than at 18? Evidence for the First-Time Voting Boost Among 16- to 25-Year-Olds in Austria, *Journal of Elections, Public Opinion and Parties*, Vol. 24, No. 3, 351–361, <http://dx.doi.org/10.1080/17457289.2013.872652>

²¹ Wagner, M, Johann, D and Kritzinger, S (2012) Voting at 16: Turnout and the quality of vote choice , *Electoral Studies* 31 (2012) 372–383, doi:10.1016/j.electstud.2012.01.007

²² Bergh, J (2013) Does voting rights affect the political maturity of 16-and 17-year-olds? Findings from the 2011 Norwegian voting-age trial, *Electoral Studies* 32 (2013) 90–100. <http://dx.doi.org/10.1016/j.electstud.2012.11.001>

unintentional injuries, violence, substance abuse, unintended pregnancy, and sexually transmitted diseases²³.

Given the state of the evidence and, with compulsory voting, penalties for not voting, there is no evidence-based case for lowering the voting age to 16.

²³ Casey, BJ, Jones, RM and Todd A. Hare, TA (2008) The Adolescent Brain *Ann N Y Acad Sci.* 2008 March; 1124: 111–126 doi: 10.1196/annals.1440.010; Leshem, R (2016) Brain Development, Impulsivity, Risky Decision Making, and Cognitive Control: Integrating Cognitive and Socioemotional Processes During Adolescence—An Introduction to the Special Issue, *Developmental Neuropsychology*, 41:1-2, 1-5, DOI: 10.1080/87565641.2016.1187033 <http://dx.doi.org/10.1080/87565641.2016.1187033>

APPENDIX B

TURNOUT OF 16 AND SEVENTEEN YEAR OLDS AT ISLE OF MAN ELECTIONS

The Isle of Man lowered the voting age to 16 in time for the 2006 general election for the House of Keys. At all three House of Keys elections since 2006, the turnout for 16 and 17 year olds was 3 to 7 percentage points lower than the turnout for all voters – with the gap widening in the 2016 election. The number of 16 and 17 year olds voting in 2016 fell by 20 per cent on 2011, compared to an 8 per cent decline for all voters (Table B1 and Figure B1 refer).

Table B1: Isle of Man, voter registration and turnout by age at House of Keys elections

	all voters			16-17 year olds ^d			16-17 year olds, share of registered voters	
	registered	voted	turnout (%)	registered	voted	turnout (%)	registered	voters
2006	49,855 ^a	30,502 ^a	61.2%	718	397	55.3%	1.4%	1.3%
2011	60,382 ^b	34,369 ^b	56.9%	1,234	668	54.1%	2.0%	1.9%
2016	59,963 ^c	31,757 ^c	53.0%	1,158	535	46.2%	1.9%	1.7%

a source: Isle of Man House of Keys 2006 General Election Results, excludes Ayre (where the candidate was unopposed), <https://www.gov.im/media/622793/electionresults2006v11.pdf>

b source: House of Keys 2011 General Election Results <https://www.gov.im/media/626429/2011electionresults.pdf>

c source: 2016 General Election - Turnout Figures, <https://www.gov.im/media/1353348/2016-general-election-turn-out-figures.pdf>

d source: Isle of Man, Breakdown of 16 and 17 year Old Voters at 2016 General Election, <https://www.gov.im/media/1354314/16-17-year-olds-election-turnout-2016.pdf>

