

Lowering the Voting Age

it's all about competency

Abstract

This article explores the recent high-profile debate around the current voting age of 18 in New Zealand. It examines the Supreme Court case brought by the 'Make it 16' campaign and then seeks to uncover the normative arguments for setting a minimum voting age. While the most common arguments for lowering the voting age have rhetorical force, they do not demonstrate why the voting age should be 16 rather than 18. The public debate does not address the key question: when do young people become competent so that they can responsibly and reasonably exercise the right to vote? This article concludes that a voting age of 18 is a better proxy for competency than 16 and that the voting age should not be lowered.

Keywords voting rights, Bill of Rights Act 1990, Human Rights Act 1993, Independent Electoral Review

There are very few parts of New Zealand's legislation which are 'entrenched' and thus unable to be amended or repealed by Parliament by a bare majority (Joseph, 2007, p.561). One of these rare parts is made up of a trio of provisions in the Electoral Act 1993 (sections 74, 3(1) and 60(f)), which

together provide that only those aged 18 years and older can vote in New Zealand general elections. According to section 268 of the same Act, these three sections can only be amended or repealed by a 75% majority of Parliament or by a majority of voters in a referendum. Parliament entrenched these provisions to make

it clear that any alteration to them is a major constitutional change and should only occur with broad support across the political community. As it stands, opinion polls suggest that there is currently very little public support for lowering the voting age. In 2020 two surveys found that 70% and 88% of those surveyed were in favour of keeping the voting age at 18 (Hehir, 2020; Watters, 2021).

Despite the procedural difficulty involved in changing the voting age, and the lack of public support for such a change, the last few years have seen an increase in public interest and debate around whether 18 is the appropriate age to grant voting rights. Alongside various op-ed pieces discussing the question (Howell, 2018; Dao-McLay, 2020; Fallon, 2022), there has been a sustained campaign by the advocacy group Make it 16 for a lowering of the voting age to 16. This group brought legal proceedings against the government, arguing that the minimum voting age of 18 was an unjustifiable limit on the right to freedom from age discrimination contained within the New Zealand Bill of Rights Act 1990. After a partial success in the Court of Appeal, the group's arguments were accepted in full by

a majority of the Supreme Court. The court declared that the minimum voting age of 18 was inconsistent with the Bill of Rights Act and that that inconsistency had not been justified by the attorney-general (*Make it 16 v Attorney-General* [2022], [71]–[72]).

At around the same time that the Supreme Court was hearing arguments about the voting age, the government initiated a broader review of New Zealand's electoral system. In May 2022, the justice minister announced the composition of an independent electoral review panel, which was empowered to investigate and recommend changes on most aspects of the way we vote. This power specifically included the question of whether the minimum voting age should remain at 18 (Faafoi, 2022). The panel finished receiving submissions in November, and its first draft of recommendations is scheduled to be released for feedback in April 2023 (Independent Electoral Review, 2022).

This article will begin by examining the legal arguments raised in the court proceedings concerning the right to vote at 18 and will show that the fundamental question is whether the current minimum voting age is justifiable as reasonable in a free and democratic society. It will then seek to answer that question by considering the most common arguments for lowering the voting age to 16: that 16- and 17-year-olds are affected by the political decisions made today; that lowering the voting age will result in a better functioning democracy by increasing turnout and political engagement; and that lowering the voting age is justified by other areas of the law in which 16 is considered the age of adulthood. Looking at these three issues will show that none of them justifies a lowered voting age. Instead, then, the only question that should be asked is whether 18 or 16 is a better dividing line for competent voters. This article analyses this question and argues that the voting age as it currently stands is a better proxy for competency and, therefore, should not be lowered.

Make it 16 in the courts

Last November, the Supreme Court decided the *Make it 16* litigation in favour of those seeking to lower the minimum voting age to 16. This case was one of the key strands of

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the *Make it 16* advocacy group's campaign to lower the voting age to 16, along with launching a public petition, making a documentary, talking to schools, writing media releases and making submissions to Parliament (*Make it 16*, 2019b). The case centred on an inconsistency within the New Zealand Bill of Rights Act 1990. This Act recognises a right to vote for all New Zealand citizens 'over the age of 18 years' (s12). However, it also recognises (s19) that everyone has the right to freedom from discrimination on the basis of the various grounds set out in the Human Rights Act 1993. These grounds include age discrimination, defined as 'any age commencing with the age of 16' (s21(1)(i)).

The majority of the Supreme Court agreed with the Court of Appeal's decision that this inconsistency in the Bill of Rights Act was more apparent than real (*Make it 16 v Attorney-General* [2022], [35]–[39]). While section 12 recognises a right to those aged over 18, it would not be inconsistent with this section to grant the right to vote to those aged 16 and 17. It would only be inconsistent with this section if the voting age were to be raised higher than 18 (*Make it 16 v Attorney-General* [2021], [28]–[32]).

Furthermore, preventing 16- and 17-year-olds from voting was an apparent breach of their right to freedom from discrimination based upon their age under section 19.

The next question, therefore, was whether this breach was nevertheless justifiable as reasonable in a 'free and democratic society' under section 5 of the Bill of Rights Act (*Make it 16 v Attorney-General* [2022], [41]). The attorney-general chose not to try and justify the current voting age as against one set at 16, instead arguing that 'the 18 year minimum voting age is within a range of reasonable alternatives' (ibid., [44]–[45]). This meant that the only evidence before the court on the policy rationales for a minimum voting age of 16 or 18 was that provided by *Make it 16*. This evidence focused on whether 16-year-olds have the requisite maturity of thought to 'make rational and informed decisions about who should represent them in government' (ibid., [47]). It consisted of a 2019 study provided by the children's commissioner to the High Court, as well as expert evidence from a senior lecturer in social policy at the University of Edinburgh, both of which supported 16 years as being a better proxy for competency to vote than 18 (Icenogle et al., 2019; *Make it 16 v Attorney-General* [2022], [52]–[53]). It is not surprising, then, that the Supreme Court held that the breach of the right to be free from discrimination on the basis of age had not been justified. As the court noted, the 'evidence that might have rebutted the alternative view was not before the Court', but that evidence may well exist (ibid., [57]).

The Supreme Court's decision has not settled the debate over the minimum voting age in New Zealand. Although a declaration of inconsistency with the Bill of Rights Act puts added pressure on Parliament to change the inconsistent law, there is no legal requirement for Parliament to do so. Parliament is the supreme law-making body in the land, and the Bill of Rights Act is not superior law. However, what the court has done is helpfully focus the debate on the key question: which age is the better proxy for maturity and competency to vote? An answer to this question will be given later in this article, but first we will assess the other commonly made arguments for why the voting age should be lowered to 16.

The common arguments for lowering it to 16 *Affected interests*

One of the most common arguments for lowering the voting age is that those aged 16 and 17 are affected by the decisions made in today's Parliament but are unable to have a political say by voting for those who makes these decisions. In the words of the Make it 16 campaign: 'Decisions that affect us, issues that determine the course of our life, are not being decided by us. As voices of the future, we deserve to have our say' (Make it 16, 2019c). The argument was succinctly summarised by the Court of Appeal when it said that keeping the voting age at 18 'denies [16- and 17-year-olds] any say in decision making which will directly impact them in the future' (*Make it 16 v Attorney-General* [2021], [11]).

This argument is based upon the 'affected interests' principle, the notion that those whose interests are affected by an exercise of political power should have a say in how that power is used and who is able to wield it (Koenig-Archibugi, 2022, p.406; Song, 2012, p.40; Waldron, 1996, p.2205). This is one of the most powerful arguments for why a group of people should be granted the right to vote. The affected interests principle guarantees that there is a symmetry between the 'decision-makers' and the 'decision-takers' (Held, 1995, p.ix). It ensures that democracy aligns with the principle of self-rule: everyone who is affected by the rule-makers should have a say in their governance. This 'follows from the root democratic idea that the people appropriately rule over themselves' (Shapiro, 1999, p.37).

While the affected interest argument justifies granting 16- and 17-year-olds the right to vote, it proves too much. It gives no justification for lowering the voting age to 16 but no further. A 15-year-old is affected by Parliament's current decisions as much as a 16-year-old. If we think of the long-term consequences of our current political decisions (such as on housing and climate change), then there is a strong argument that the youngest alive today have a greater claim to the right to vote than 16- and 17-year-olds: a newborn will experience the consequences of today's decisions for longer than a teenager. Taken to its logical conclusion, the affected

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interest argument justifies granting the vote to all those alive today and does not provide a reason for granting the right to vote to 16-year-olds but to no one younger. If we wish to justify a minimum voting age of 16, we must look elsewhere for a normative reason than simply because 16- and 17-year-olds are affected by today's political decisions.

Consequential benefits

The second line of argument used to justify lowering the voting age is that it will result in beneficial consequences for New Zealand: 'extending the voting age to 16 will make our democracy better' (Dao-McLay, 2020). More specifically, it is claimed that a lowered voting age would engage New Zealand's younger citizens so that they turn out to vote in greater numbers, which will then inculcate the habit of voting in them and lift our overall electoral turnout (*Guardian*, 2017; Milne, 2022).

There is some evidence to support these contentions from jurisdictions which have lowered their voting age. In Scotland (which lowered the minimum voting age to 16 for the 2014 independence referendum), a

recent qualitative survey of young voters found that the newly enfranchised had gained a sense of confidence in their voice, their age cohort, and in their 'power to affect politics' (Huebner, 2021, p.576). Turning to the claims of increased turnout, Austria provides some limited evidence on this point. Austria has progressively lowered the voting age to 16 across elections at different levels (local, regional and national) since 2005. In five elections, it was found that 16–18-year-olds were more likely to vote than those aged 18–20, and the youngest cohort's turnout was similar to the average turnout rate (Aichholzer and Kritzing, 2020, p.83). The apparent reason for this result is living arrangements: 16- and 17-year-olds are more likely to be living at home and be taken to vote by their parents. By contrast, 18-year-olds are more likely to have left home and will have less support encouraging them to the polls (Huebner, 2021, p.565).

As with all consequentialist arguments, these arguments for lowering the voting age are open to two major objections: there is no guarantee that the claimed beneficial consequences will actually eventuate, and there is no reason to prefer this particular method of achieving these ends.

First, the evidence from overseas to support the argument that lowering the voting age in New Zealand will increase the overall electorate turnout is limited at best. In Scotland, 16- and 17-year-olds turned out in lower numbers than the average turnout across the nation (75% vs 85%) despite the importance of their first vote, the independence referendum (Huebner, 2021, p.567). As the political scientist Sir John Curtice summarised: 'Those who look to the enfranchisement of 16- and 17-year-olds in all elections as a way of boosting turnout should ... not set their expectations too high' (Curtice, 2014). Since the referendum, the interest of younger voters in Scotland has tended to wane as subsequent elections have had less chance of offering immediate and 'far-reaching political and social change' (Huebner, 2021, p.567).

Evidence from Austria suggests that what gains there are in turnout rate tend to fade. In the five Austrian elections studied by Aichholzer and Kritzing since 2005, the voting turnout of 16- and 17-year-olds has been consistently higher

than for those voters aged 18–21 (Aichholzer and Kritzinger, 2020, p.88). The limited evidence of the five elections studied suggests that 16- and 17-year-olds are not carrying those voting habits on as they age into their early 20s and leave home. For example, the 16-year-olds voted in the 2010 Viennese regional election at a rate of around 65%, but five years later the 21-year-olds in the 2015 regional election were voting at around 60%, a lower rate than the younger voting ages and well below the official turnout of 75% (Aichholzer and Kritzinger, 2020, p.88). However, as this is a small sample size, we need to wait for more real-world experience of the effects of lowering the voting age over several decades to substantiate whether lowered voting age will result in inculcated voting habits (Aichholzer and Kritzinger, 2020, p.97).

However, even if lowering the voting age were to increase voter turnout and engagement, it is not evident why this particular means of reaching increased turnout and buy-in – lowering the voting age – should be used instead of other means. For example, youth engagement in the democratic process could be increased through political education in school, encouraging engagement in particular issues, making submissions to parliamentary select committees and reviving youth wings in parliamentary parties (Aichholzer and Kritzinger, 2020, p.84; Barrett, 2011, p.16).

When it comes to increasing voter turnout, a far more effective means of doing so would be to follow Australia's example and make voting compulsory. When Australia did so in 1924, voter turnout in the federal elections jumped from under 60% to over 90%. Since then, each Australian federal election has seen turnout of over 90% (with one exception in 2022, when the number of people who voted for the House of Representatives was 89.82%) (Australian Electoral Commission, 2022). In contrast, the last three decades have seen the New Zealand voting turnout consistently below 90%, and reach as low as 74% in 2011. If we wish to increase the electoral turnout in New Zealand's general elections, then making voting compulsory seems to have a much better claim to be able to reach that goal.

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Legal consistency

The third argument often used to justify lowering the voting age is that 16-year-olds are granted legal rights and responsibilities already, and it is inconsistent to deny them the right to vote. If 16-year-olds can legally make important and life-altering decisions (such as consenting to medical procedures, leaving home, leaving school, working full-time, etc.), then why are they not deemed mature enough to vote for a government representative? (Make it 16, 2019a; Fallon, 2022). Lowering the voting age would thus introduce greater consistency into the New Zealand legislative landscape.

This argument draws a conclusion from the age of majority in other parts of the law that simply does not exist. Although there are many things that one is legally entitled to do at the age of 16, there are also many other areas in which the age of maturity is assumed to be 18. For example, the courts will oversee most contracts that those under the age of 18 enter into to ensure that they are fair and reasonable under the Contract and Commercial Law Act 2017 (ss85–101). Those aged under 18 are only able to make wills if they are married or about to get married (Wills Act 2007, ss10–11) and are only able to get married if the Family Court agrees to the marriage and believes that it is in the best interests of those

involved (Marriage Act 1955, s18). Further afield, the United Nations Convention on the Rights of the Child treats 16- and 17-year-olds as minors deserving its protection: it extends its rights to all those under the age of 18 (article 1).

Nor can it be said that the law is generally moving towards a lowering of the age of legal responsibility and maturity. There are a number of recent examples where the law has raised the age of maturity to protect those under the age of 18. In 2011 the law governing driving licences was changed so that most drivers are now eligible for their full licence at 18 rather than 17 (Radio New Zealand, 2011). Only a few years ago 17-year-olds were included in the youth justice system in order to 'help these young people grow into responsible adults' (Tolley, 2016). This means that the criminal law treats those under 18 very differently from those deemed emotionally and psychologically adults. Most charges against those younger than 18 are dealt with by the Youth Court and not the adult criminal justice system (Oranga Tamariki Act 1989, s272). Further, those younger than 18 are unable to be sentenced to home detention or imprisonment except for the gravest offences (Sentencing Act 2002, ss15B and 18).

The point to take away from this brief and limited survey of the law of majority in New Zealand is that there is no one age at which legal rights and responsibility descend upon teenagers. The Court of Appeal was correct to say that the 'age of responsibility varies greatly under New Zealand law' and that the law was a "hotchpotch" of inconsistency' (*Make it 16 v Attorney-General* [2021], [55]). It is not an argument to lower the voting age to point to some other areas of law in which 16 is the age of responsibility simply because there are other areas in which 18 is the age of legal adulthood. Keeping the voting age at 18 is no more inconsistent than lowering to 16 would be. Legal conceptions and definitions of the age of majority do not give guidance by providing a measure of maturity and competency for the purpose of determining the voting age. Instead, we need to turn to some other argument to justify a voting age of 16 (or 18).

The real argument is competency

The trouble with all three of these arguments is that they do not provide a justification for placing the minimum voting age at 16. The affected interests argument can be used to critique a voting age of 16 just as easily as it can to critique one of 18. The claimed benefits that will accrue to society and our democracy once we lower the voting age can be questioned as unprovable, and the consequentialist argument as a whole is vulnerable to a claim that these benefits could be obtained through some other means. Finally, other measures of legal adulthood are no help in providing a consistent definition of the age of maturity in New Zealand.

Why, then, is it the norm around the world to have a minimum voting age? Why did John Stuart Mill think it self-evident that attainment of 'full-age' was necessary before one could vote (Barrett, 2011, p.3)? Why did Professor Robert Dahl question whether anyone could seriously contend that children should not be excluded from the voting public (Dahl, 1989, p.123)? The answer is that children and young people are excluded from the right to vote because they are assumed to be 'unable to understand properly their own interests or to evaluate rationally the relevant issues' (Geddis, 2013, p.65). We assume, in comparison, that all adults are able to make the best decision based upon their own interests unless there is some form of formal medical finding, specific to the individual, to the contrary (such as exists in section 80(1)(c) of the Electoral Act 1993). However, we cannot make the same assumption of competency for children (Dahl, 2015, p.75). We set a minimum voting age to ensure that only those who are competent to vote do so. This threshold will be arbitrary insofar as there will be exceptions above and below the threshold: precocious teenagers as well as disengaged adults. However, a blanket threshold is necessary unless we are to have an invasive, politically fraught and immensely contestable voter aptitude test for every voter (Barrett, 2011, pp.24–5).

The question then becomes, at what age does a blanket threshold best serve the goal of sorting the competent voters from the incompetent? When has the adolescent brain developed and grown enough so that

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it can be said to make decisions comparable to adults? One answer which was influential upon the Supreme Court's decision was that advanced by the children's commissioner which is to distinguish between 'cold' and 'hot' cognition (*Make it 16 v Attorney-General* [2022], [52]; Icenogle et al., 2019, p.71). In the former state, mental processes occur without high levels of emotion, while in the latter, processes occur in 'affectively charged situations where deliberation is unlikely or difficult' (ibid.). Teenagers tend to perform comparably to adults in 'cold cognition' states, but more poorly under 'hot cognition' conditions. Therefore, definitions of legal adulthood should take into account the circumstances under which teenagers are making these decisions and should be adjusted accordingly. There should be no one consistent age of majority: it all depends on the circumstances. Voting is a 'cold cognition' activity, without emotional intensity, one which 'lends itself to deliberation', and therefore at 16, teenagers might be capable of voting in a similar manner as adults (ibid., p.82).

However, other studies suggest that one cannot so neatly divide adolescent decision

making in this way. Our brains develop unevenly: our 'socioemotional system' ('rapid, automatic processing') matures around the age of puberty, but our 'cognitive-control system' (deliberative, controlled and reflective) does not mature until our mid-20s (Diekema, 2020, p.21). Thus, although teenagers have the capacity to make rational and intelligent decisions, 'it is unwise to conclude that they always make decisions using the same cognitive processes that adults do' (ibid., p.22). This imbalanced developing brain leads adolescents to focus more on immediate benefits than the future cost of actions. They are far more vulnerable to peer pressure, even without direct coercion. They also tend to underestimate long-term consequences and tend to overlook alternatives. By way of contrast, adults are more able to resist social and emotional influences and to make better decisions when the stakes are high (Dawkins and Cornwell, 2003; Diekema, 2020, pp.21–2; Steinberg and Scott, 2003, p.1012). In short, 'the ability to think about the future, plan ahead, and anticipate future consequences increases gradually throughout adolescence but does not peak until well into the 20s' (Diekema, 2020, p.22).

While voting may be less emotionally charged than the commission of a crime, the developing adolescent brain is still labouring under disadvantages in the voting booth that its adult counterpart does not have. The evidence suggests that our decision-making abilities continue to develop into our mid-20s. For this reason, it may be logical to conclude that we should raise the voting age to, say, 25 years. That way, we can be confident that the age threshold aligns with physiological development and fully rational decision making. At the very least, we can conclude that the age should not be lowered. Does the ongoing physiological brain development in teenagers make it more difficult for 16-year-olds than 18-year-olds to decide who should represent them in government? At 18, the brain has not finished developing, but it is more developed than at 16, as is our decision-making capability. Thus, one can say that, generally, 18-year-olds are more competent than 16- or 17-year-olds and that the voting age of 18 is more justifiable than 16.

Conclusion

Due to the attorney-general failing to advance evidence to the contrary, the Supreme Court was explicitly contingent in its conclusion that a minimum voting age of 18 could not be justified. It left open 'the possibility that the limit could later be held to be justified' (*Make it 16 v Attorney-General* [2022], [57]). This article has sought to provide some evidence to justify the current age limit. It has shown that the common arguments advanced for lowering the voting age from 18 to 16 do not provide

a justification for lowering the voting age to 16. Focusing on these arguments obscures the real question: whether 16- and 17-year-olds are competent to make rational and informed decisions in the voting booth. Due to the continued maturation of the brain until the mid-20s, 16-year-olds are generally less competent to vote than 18-year-olds. Therefore, the current age of 18 is more justifiable as a proxy for competency than 16.

As was mentioned above, recent opinion polling shows that there is strong

public opposition to any lowering of the voting age. While public opinion should not be taken as determinative of this issue, it shows that there is not broad support for such a major constitutional change. In the face of such clear public opposition, and the fact that the current voting age is an entrenched provision, the case for lowering the voting age to 16 should be demonstrably strong. Such a case does not exist. Instead, the current voting age is more justifiable and the minimum voting age should therefore remain at 18.

References

- Aichholzer, J. and S. Kritzing (2020) 'Voting at 16 in practice: a review of the Austrian case', in J.J. Eichhorn and B. Johannes (eds), *Lowering the Voting Age to 16: learning from real experiences worldwide*, Basingstoke: Palgrave Macmillan
- Australian Electoral Commission (2022) 'Voter turnout – previous events', 20 July, https://www.aec.gov.au/elections/federal_elections/voter-turnout.htm
- Barrett, J. (2011) 'The young, the senile and the franchise', *New Zealand Law Review*, 1
- Curtice, J. (2014) 'So how many 16 and 17 year olds voted?', *What Scotland Thinks*, 16 December
- Dahl, R. (1989) *Democracy and its Critics*, New Haven: Yale University Press
- Dahl, R. (2015) *On Democracy*, 2nd edn, New Haven: Yale University Press
- Dao-McLay, G. (2020) 'I'm 17 and I'm ready to vote: here's why I should count in this year's election', *Spinoff*, 18 July
- Dawkins, R. and R. Cornwell (2003) 'Dodgy frontal lobes, y'dig? The brain just isn't ready to vote at 16', *Guardian*, 13 December
- Diekema, D. (2020) 'Adolescent brain development and medical decision-making', *Paediatrics*, 146 (1), pp.19–24
- Faafoi, K. (2022) 'Independent panel appointed to review electoral law', media release, 24 May, <https://www.beehive.govt.nz/release/independent-panel-appointed-review-electoral-law>
- Fallon, V. (2022) 'Tote a gun? Yes. Tick a box? No. NZ teenagers are being ripped off', *Stuff*, 11 August
- Geddis, A. (2013) *Electoral Law in New Zealand: practice and policy*, 2nd edn, Wellington: LexisNexis
- Guardian* (2017) 'The Guardian view on the voting age: time to lower it to 16', 8 June
- Hehir, L. (2020) 'What the voting age debate tells us about our disconnected political media', *Scoop*, 15 September
- Held, D. (1995) *Democracy and the Global Order: from the modern state to cosmopolitan governance*, Cambridge: Polity Press
- Howell, A. (2018) 'Make it 16: a teenager on why we should lower the voting age', *Spinoff*, 29 November
- Huebner, C. (2021) 'How young people in Scotland experience the right to vote at 16: evidence on "Votes-at-16" in Scotland from qualitative work with young people', *Parliamentary Affairs*, 74 (3), pp.563–80
- Icenogle, G. et al. (2019) 'Adolescents' cognitive capacity reaches adult levels prior to their psychosocial maturity: evidence for a "maturity gap" in a multinational, cross-sectional sample', *Law and Human Behaviour*, 43, pp.69–85
- Independent Electoral Review (2022) *Consultation Document*, <https://electoralreview.govt.nz/assets/pdf/independent-electoral-review-consultation-document.pdf>
- Joseph, P. (2007) *Constitutional and Administrative Law in New Zealand*, 3rd edn, Wellington: Brookers
- Koenig-Archibugi, M. (2022) 'Who are the people? Defining the demos in the measurement of democracy', *Political Studies*, 70 (2), pp.402–24
- Make it 16 (2019a) 'Five reasons to make it 16', www.makeit16.org.nz
- Make it 16 (2019b) 'Our campaign', <https://www.makeit16.org.nz/our-story>
- Make it 16 (2019c) 'Why make it 16?', www.makeit16.org.nz
- Make it 16 Incorporated v Attorney-General* [2021] NZCA 681, <https://forms.justice.govt.nz/search/Documents/pdf/jdo/86/alfresco/service/api/node/content/workspace/SpacesStore/06fdd8db-baec-4163-a548-8014db3c4407/06fdd8db-baec-4163-a548-8014db3c4407.pdf>
- Make it 16 Incorporated v Attorney-General* [2022] NZSC 134, 2022, <https://www.courtsofnz.govt.nz/assets/cases/2022/2022-NZSC-134.pdf>
- Milne, J. (2022) 'Lower voting age and longer terms for councils – Govt review', *Newsroom*, 1 September
- Radio New Zealand (2011) 'Legal driving age raised to 16', 1 August
- Shapiro, I. (1999) *Democratic Justice*, New Haven: Yale University Press
- Song, S. (2012) 'The boundary problem in democratic theory: why the demos should be bounded by the state', *International Theory*, 4 (1), pp.39–68
- Steinberg, L. and E. Scott (2003) 'Less guilty by reason of adolescence: developmental immaturity, diminished responsibility, and the juvenile death penalty', *American Psychologist*, 58 (12), pp.1009–18
- Tolley, A. (2016) 'Children, Young persons, and Their Families (Oranga Tamariki) Legislation Bill – first reading', *New Zealand Parliamentary Debates*, 13 December, v.71, p.4177
- Waldron, J. (1996) 'Legislation, authority, and voting', *Georgetown Law Journal*, 84, pp.2185–214
- Watters, S. (2021) 'Should the voting age be lowered to 16?', *NZ History*, <https://www.nzhistory.govt.nz/te-akomanga/contexts-activities/should-voting-age-be-lowered-to-16>