

## The suffrage age - Law

The legal framework for amending the suffrage age is relatively simple. It requires a motion to be passed in Parliament and a confirmation of the motion at a referendum.

### Constitution

It is the Constitution that defines the terms of who has suffrage and who is thereby eligible for election to Parliament, regional boards, municipal boards etc. From the Constitution of 5 June 1953, it is evident that:

- 1) The suffrage age may be amended with a passing of a bill in Parliament, which is then presented at referendum.
- 2) Suffrage for Parliament gives automatic suffrage to all other public elections (regional, municipal, parochial church council and European Parliament elections) as well as referendums.
- 3) Eligibility and suffrage age go hand in hand, based on the philosophy that if you cannot choose, then you cannot be chosen (also expressed in the law for elections to Parliament).

### Changing the suffrage age

The 1953 Constitution separated the suffrage age into a suffrage law, so that a change to the suffrage age would not require a change to the Constitution. If you want to change the suffrage age, it must first be passed by Parliament and thereafter in a referendum, where it must be passed by a so-called 'negative' referendum. This is a voting procedure that provides special protection of the minorities in Parliament.

It means that the proposal is only rejected if the following two conditions are met:

- 1) A majority is against and
- 2) This majority comprises 30 pct. of the total electorate.

to be continued... 

### CONSTITUTION OF 5 JUNE 1953 ABOUT SUFFRAGE AND SUFFRAGE AGE § 29

#### § 29

Article 1. Anyone with Danish citizenship, with fixed abode in the homeland and who has reached the in article 2 applicable suffrage age has suffrage to Parliament, unless the person concerned has been declared incapable of handling their affairs. It is determined by law to what extent punishment and subsidies, which are regarded as benefits by the law, lead to loss of suffrage.

Article 2. The suffrage age is the age that has gained a majority vote in a referendum in concordance with the law of 25 March, 1953. Changes to the applicable suffrage age may take place via legislation. The Parliament's passed bill for such a law may only be ratified by the King once the rule for change of the suffrage age, in accordance with § 42, section 5, has been submitted to referendum and has subsequently not been rejected.

#### § 30

Article 1. Anyone with suffrage to Parliament is eligible for Parliament, unless the person concerned has been punished for an action that under normal circumstances makes him unworthy to be a member of Parliament.

#### § 86

The suffrage age for the municipal council and the parochial church council is the applicable age for Parliament. With regards to the Faroe Islands and Greenland, the suffrage age is determined for the municipal councils and the parochial church councils by law or according to law.

Hence the suffrage age can be lowered to 16 years, as long as 30 percent of all registered voters do not vote against in the referendum.

### Separation between the age of eligibility for election and suffrage age

According to § 30 in the Constitution, eligibility for election and suffrage are closely linked. With a reduction in the suffrage age, the age of eligibility to election automatically follows the same level. If you want to separate the age of eligibility for election from the suffrage age, i.e. if you wanted a 16 year old to have the right to vote, but not to be able to be elected for Parliament, then a change to the Constitution is required. Changes to the Constitution must first be passed by Parliament, which means a Parliamentary election must be called, and thereafter the new Parliament must pass the bill. Finally the change must pass a referendum, the obligatory Constitution referendum cf. § 88 in the Constitution.

### Differentiation of suffrage for Parliament, Municipal and Parochial Church Council elections

According to §86 of the Constitution, suffrage applies to all public elections. If you want to reduce the suffrage age to e.g. 16 at a municipal and parochial church council election but maintain an 18 year suffrage age for Parliament, then this too would require a change to the Constitution.

### Age limits for ministers

The Constitution does not specify an age limit with regards to who

can become a minister. The Constitution does not have any regulations about personal conditions for appointments to minister; hence the starting point is that a 16 year old can be appointed a minister.

### Age of majority and suffrage age

There is no legal background regarding a connection between the suffrage age and the age of majority. On the contrary, it appears that the age of majority is insignificant to the suffrage age, as Parliament could set a higher age of majority through normal legislation, than the suffrage age approved by a referendum.

### Age of majority and eligibility for assemblies elected by the people

Minors, and thereby persons lacking legal rights, can be elected for Parliament and other public assemblies. A minor can make completely legal decisions, under the same conditions as persons with age of majority. Minors can therefore enter binding agreements on behalf of municipalities, regions and Parliament, just like adults. Equally, minors are subject to the same liability for damages and criminal liability as persons that has reached age of majority; however if the person in question is not over 14 years of age, criminal liability does not apply.

## REQUIREMENTS FOR CHANGES TO THE SUFFRAGE AGE

	Homogenous suffrage age for all elections	Different suffrage age for Parliamentary and municipal elections
<b>Homogenous suffrage age and eligibility for election age</b> ( <i>reduced by the same</i> )	Referendum, where only one of two conditions needs to be fulfilled: 1) Simple majority for the bill 2) Maximum 30% of those entitled to vote, vote against.	Constitution change, with a referendum whereby 40% of those entitled to vote, vote in favour of the bill.
<b>Different suffrage age and eligibility age</b> ( <i>lowered differently</i> )	Constitution change, with a referendum whereby 40% of those entitled to vote, vote in favour of the bill.	Constitution change, with a referendum whereby 40% of those entitled to vote, vote in favour of the bill.