

# Developments in Contemporary Japanese Electoral Law

## Lowering the Voting Age from 20 to 18 Years Old

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### I. INTRODUCTION: SPECULATION SURROUNDING THE JAPANESE GOVERNMENT'S MOTIVES FOR LOWERING THE VOTING AGE

This article examines an important recent development in contemporary electoral law reform in Japan: the lowering of the referendum and election voting age in Japan from 20 to 18 years old. The reforms created 2.4 million new voters and were not of themselves controversial issues in the end despite a decade of debate. The relevant legislation was designed to increase voter participation, address unbalanced voting demographics in light of the aging population, and bring Japan's voting age within global norms.<sup>1</sup> The realpolitik origins and context of the reform, however, gave rise to suggestions that lowering the voting age was a cynical ploy by the Government headed by Prime Minister Shinzō Abe from the Liberal Democratic Party (LDP). The LDP and its coalition partner *Kōmeitō* obtained a two third-majority in July 2016 as a result of the first election to be held after the reforms, and the win possibly paves the way for a referendum on con-

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1 On these reasons, see HAJIME FUNADA MP (LDP), *Dai 189 kai kokkai, seiji rinri no kakuritsu oyobi kōshoku senkyo-hō kaisei ni kansuru tokubetsu i'in kai dai 5 gō* [189th National Diet, 5th Meeting of Special Committee in relation to the Public Officers Election Law and the Establishment of Political Ethics], 2 June 2016, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/007118920150602005.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/007118920150602005.htm).

stitutional amendment.<sup>2</sup> A leading Japanese daily newspaper, the *Asahi Newspaper*, argued that, “some experts speculate that a deeper motive [for the reforms] is to bring in a younger generation who may be more open to constitutional change compared with senior citizens.”<sup>3</sup> Other LDP initiatives gave credence to arguments that the lowering of the voting age is part of the Abe Government’s agenda. A *manga* (comic) was published in April 2015, for example, by the Liberal Democratic Party’s Headquarters for the Promotion of Constitutional Amendment (*Jiyū Minshutō Kenpō Kaisei Suishin Honbu*) (“LDP Headquarters for Constitutional Amendment”).<sup>4</sup> Whilst *manga* are popular amongst all Japanese age groups and are often used to promote law reforms, the *manga*’s purpose clearly includes educating young people about the LDP’s Proposal.<sup>5</sup> The *manga* was severely criticized for promoting contested perspectives amongst youth.<sup>6</sup> Moreover, the reform proposals originally gained momentum during Prime Minister Abe’s first term (September 2006 to September 2007) and discussions about clarifying a referendum process to facilitate the LDP’s proposals to amend the *Nihon koku kenpō* (Constitution of Japan, 1946) (“the Constitution”).<sup>7</sup> The LDP’s reform proposals include amending almost every aspect of the Constitution including the article to amend the Constitution itself and Japan’s so-called peace pledge stipulated in Article 9 (“LDP Proposal”).<sup>8</sup>

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- 2 Kōmeitō may not support the Abe Government’s proposed constitutional amendments.
  - 3 “5 Things to Know about Japan’s Upper House Election”, *The Asahi Shimbun*, 9 July 2016, <http://www.asahi.com/ajw/articles/AJ201607090036.html>.
  - 4 JIYŪ MINSHUTŌ KENPŌ KAISEI SUISHIN HONBU [The Liberal Democratic Party’s Headquarters for the Promotion of Constitutional Amendment], *Honobono ikka no kenpō kaisei tte naani?* [The Honobono (Mellow) Family’s “What’s the Meaning of Amending the Constitution?”] (2015) [http://jimin.ncss.nifty.com/pdf/pamphlet/kenoukaisei\\_manga\\_pamphlet.pdf](http://jimin.ncss.nifty.com/pdf/pamphlet/kenoukaisei_manga_pamphlet.pdf).
  - 5 C.f., Hajime Funada MP, Chief of the LDP Headquarters for Amendment, who said the aim of the *manga* was to encourage all people, not just young people, to understand the importance of constitutional reform: Quoted in “Constitution Manga ‘Honobono ikka no kenpō kaisei tte naani?’ Production Presentation Press Conference,” Liberal Democratic Party of Japan, 28 April 2015, <https://www.jimin.jp/news/activities/127630.html>.
  - 6 See e.g., “Moto jieikan mo kigu suru ‘Jimintō kaiken manga’ no kiken shiin 5” [5 dangerous scenes of ‘LDP’s Constitution Revision manga’ that is concerning even for an ex-official of Japanese Self-Defense Force], *Rakuten News*, 15 June 2015, [https://news.infoseek.co.jp/article/joseijishin\\_d12354/](https://news.infoseek.co.jp/article/joseijishin_d12354/).
  - 7 On the move towards reform, see H. YAMAMOTO, Interpretation of the Pacifist Article of the Constitution by the Bureau of Cabinet Legislation: A New Source of Constitutional Law? (Paper, University of New South Wales, Australia, 12 August 2016).
  - 8 JIYŪ MINSHUTŌ KENPŌ KAISEI SUISHIN HONBU [The Liberal Democratic Party’s Headquarters for the Promotion of Constitutional Amendment], *Nihon koku kenpō*

After this introduction, this article begins by setting out a history of age-based voting eligibility in Japan. Our analysis shows that electoral law reform in Japan has followed a linear path often playing catch up with global social norms. Next, the article analyses the processes of contemporary law reform which culminated in a lowering of the voting age. This analysis demonstrates that the reforms were not simply a product of the LDP's Proposal, although the reforms must be read in the context of the Abe Government's push to amend the Constitution. The processes and debates are evidenced in the minutes of various ad hoc and standing legislative and party committees established to discuss reforms to the constitutional referendum process, the age of majority under the Civil Code, and the voting age under the election laws. The reduction of the voting age also triggered discussion of other aged-based legislative thresholds, including the age at which a person may enter into a binding contract (currently 20),<sup>9</sup> will be treated as a juvenile for the purposes of criminal justice (currently typically 19),<sup>10</sup> or legally allowed to drink or smoke (currently 20).<sup>11</sup> A detailed review of these ongoing debates is outside the scope of this article, but these potential reforms will have far-reaching and unpredictable effects on current Japanese legal practices and social policies, and will eventually

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*kaisei sōan (zenbun)* [Bill to Amend the Constitution of Japan (full text)], April 2012, [https://jimin.ncss.nifty.com/pdf/news/policy/130250\\_1.pdf](https://jimin.ncss.nifty.com/pdf/news/policy/130250_1.pdf). The initial proposal was released on 28 April 2012, and the initial Q&A was released in October 2012. On the proposals, see L. REPETA/C. P. A. JONES, State Power versus Individual Freedom: Japan's Constitutional Past, Present, and Possible Futures, in: Baldwin/Allison (eds.), *Japan: The Precarious Future*, (New York: NYU Press, 2015), 304. For a translation of key provisions from the LDP Proposal by a group of young lawyers, see "Kaiken sōan o eiyaku shimashita," [We've Translated the Constitution Amendment Proposal into English] *Asu no jiyū o mamoru wakate bengoshi no kai* [The Young Lawyers' Association for the Future of Freedom] (blog), 1 November 2013, <http://www.asuno-jiyuu.com/2013/11/blog-post.html>.

9 *Minpō* [Civil Code], Law No. 89, Art. 4 (1896).

10 Special rules will apply for 18 and 19 year olds who are accused of electoral crimes. If there are special circumstances they may still be treated as juveniles, otherwise they will be dealt with as adults by prosecutors: *Kōshoku senkyō-hō no ichibu o kaisei suru hōritsu* [Law Amending Parts of the Public Officers Election Law], Law No. 43, Art. 5 (2015).

11 *Miseinen-sha inshu kinshi-hō* [Law to prohibit drinking of alcohol by minors], Law No. 20, Art. 1 (1922). For the discussion of the age of majority under *Minpō*, see the discussion of the MINPŌ SEINEN NENREI BUKAI [Subcommittee for the Age of Majority under the Civil Code], HŌSEI SHINGIKAI (Legislative Council), Ministry of Justice, *Minpō seinen nenrei bukai* [Minutes of the Subcommittee for the Age of Majority under the Civil Code], 11 March 2008 to 29 July 2009, [http://www.moj.go.jp/shingi1/shingi\\_seinen\\_index.html](http://www.moj.go.jp/shingi1/shingi_seinen_index.html).

redefine the legal point at which Japanese juveniles come of age.<sup>12</sup> Lastly, the article briefly assesses the reforms against the key stated drivers in light of the results from the 10 July 2016 Upper House Election.

## II. HISTORICAL OVERVIEW: LEGISLATING TO REDUCE THE VOTING AGE IN MODERN JAPAN

Japan's modern period is typically traced to the restoration of the Meiji Emperor in 1868. The Meiji Constitution provided for the establishment of a Lower House to consist of members elected by public vote in accordance with the election law.<sup>13</sup> During the Meiji Period (1868–1912), the voting age was 25 years and above. Separate criteria based on gender and income also affected eligibility.<sup>14</sup> Japan's current Constitution, adopted during the Allied Occupation (1945–1952), stipulates that voting rights are guaranteed for people who have attained the age of majority (Article 15(3)). The Constitution does not, however, stipulate the age of majority. After the end of the Second World War, the voting age was reduced to 20 years and voting rights were given to women in accordance with an amendment to the *Shūgi'in gi'in senkyo-hō* (Law in relation to Election of Members of the Lower House, Law No. 42, 1945). The *Shūgi'in gi'in senkyo-hō* was replaced in 1950 by the *Kōshoku senkyo-hō* (Public Officers Election Law, Law No. 100, 1950 – “Public Officers Election Law”). The lowering of the voting age in 1945 does not appear to have been particularly controversial, although extending the vote to women caused debate.<sup>15</sup>

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12 On Japanese youth, see T. TOIVONEN/Y. IMOTO, Making Sense of Youth Problems, in: Goodman/Imoto/Toivonen (eds.), *A Sociology of Japanese Youth: From Returnees to NEETs* (London 2012) 15, 17.

13 *Dai Nippon Teikoku Kenpō* [Constitution of the Empire of Japan (‘Meiji Constitution’)], Art. 35 (1889).

14 The *Shūgi'in gi'in senkyo-hō* [The House of Representatives Election Law], Law No. 37 (1889) provided that men who paid at least 15 yen as direct national tax were eligible to vote. The amount of national direct tax was reduced to 10 yen in 1900 in accordance with the *Kaisei shūgi'in gi'in senkyo-hō* [Revised House of Representatives Election Law], Law No. 73 (1900), and to 3 yen in 1919. This criteria was finally abolished in 1925 by the *Kaisei shūgi'in gi'in senkyo-hō* [Revised House of Representatives Election Law], Law No. 47 (1925). During this period, voting rights were limited to men. For a history of voting rights in Japan, see *Senkyo-ken no rekishi* [History of voting rights], <http://senkyo18.jp/study/history.html>; *Minshu seiji to senkyo – Wagakuni no senkyoken no kakudai* [Democractic politics and election – Extension of the voting rights in our country], [http://gakusyu.shizuoka-c.ed.jp/shakai/seiji/02\\_2\\_senkyo\\_kakudai2.htm](http://gakusyu.shizuoka-c.ed.jp/shakai/seiji/02_2_senkyo_kakudai2.htm).

15 For a history of voting rights for women, see GENDER EQUALITY BUREAU CABINET OFFICE, *Danjo kyōdō sankaku shakai kihon-hō seitei ni itaru danjo kyōdō sankaku*

During the late 1960s, Japanese student protests and youth movements did not demand a further lowering of the voting age, despite this demand being a focus of student movements in other countries at the time.<sup>16</sup> Protestors in the 1960s and 1970s in other countries, such as the United States of America, for example, called for lowering of the voting age particularly in light of the disparity between the voting age and the age at which a young person could be conscripted; which was 18 years old. Japanese youth did not face the prospect of conscription and their protests were initially concerned about inequities in university administration and policies, as well as Japan's nascent post-war security policy.<sup>17</sup> As a result of the unrest, the Ministry of Education (*Monbu-shō*), as it was then known, issued a notice to restrict political activities by high school students in 1969 ("69 Notice").<sup>18</sup> Participation of youth in politics has been discouraged, if not unlawful, in Japan since then. Moreover, the Japanese education system is criticized for failing to politically socialize students in a way that allows them to develop "political citizenship", as discussed further below.<sup>19</sup>

Serious contemporary debates about reducing the voting age emerged in the 2000s coinciding with Prime Minister Abe's first term. The debates dealt with two separate, yet related processes for youth voting: legislation to reduce the voting age for a constitutional referendum from 20 years to 18 years, and legislation to similarly reduce the age for national and local elections. The lowering of the referendum voting age was debated first in time, as part of the Abe Government's push for constitutional reform. There has never been a referendum to amend the Japanese Constitution. A key first obstacle to amendment was the lack of a detailed process for holding a

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*seisaku no keii* [History of Gender Equality Policy Leading to the Enactment of the Basic Law for a Gender-Equal Society], [http://www.gender.go.jp/about\\_danjo/law/kihon/situmu1-1.html#id2](http://www.gender.go.jp/about_danjo/law/kihon/situmu1-1.html#id2).

- 16 On the student protests, see e.g., T. FUSE, Student Radicalism in Japan: A 'Cultural Revolution'?, *Comparative Education Review* 13, no. 3 (1969): 325–342; S. KOTANI, Why are Japanese Youth Today so Passive?, in: Mathews/White (eds.), *Japan's Changing Generations: Are Young People Creating a New Society* (London 2004) 31, 36, 37.
- 17 FUSE, *supra* note 16.
- 18 MINISTRY OF EDUCATION, CULTURE, SPORTS, SCIENCE AND TECHNOLOGY, *Kōtō gak-kō ni okeru seiji-teki kyōyō to seiji-teki katsudō tō ni tsuite* [Notice regarding the Education of Politics and the Political Activities at High Schools], 31 October 1969, [http://www.mext.go.jp/b\\_menu/shingi/chousa/shotou/118/shiryo/attach/1363604.htm](http://www.mext.go.jp/b_menu/shingi/chousa/shotou/118/shiryo/attach/1363604.htm).
- 19 J. TSUKADA, Examining Japanese Youth's Perception of Political Citizenship: What is my Normative Role in Democracy, *Electronic Journal of Contemporary Japanese Studies (EJCS)* 15, no. 3 (2015) 1–17, <http://www.japanesestudies.org.uk/ejcs/vol15/iss3/tsukada.html>.

referendum, including the age at which a person could vote. Article 96 of the Constitution currently provides that amendments

shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

Accordingly, before a referendum may be held, two thirds of a joint sitting of both houses of Parliament must vote in favor of holding the referendum.

The combination of the majority required under Article 96, and Japan's staggered elections with proportional voting, make amendment to the Constitution difficult to achieve. Japan uses both first-past-the-post voting in constituency seats and national proportional representation. The Lower House (*Shūgi'in*) has 475 members who are each elected for a four-year term. Of those members, 295 members are elected in single-seat constituencies, and 180 members are selected by proportional representation in 11 block districts. The Upper House (*Sangi'in*) has 242 members who are each elected for a six-year term. Half of the Upper House comes up for election every three years in regular/ordinary elections (*sangi'in gi'in tsūjō senkyō*). Out of 242 members, 146 are elected by members in 47 single- and multi-seat constituencies (generally sectioned by prefectures) by single vote, and 96 are elected by proportional representation at the national level.<sup>20</sup> On Election Day, each voter votes twice: one vote for a candidate in the local constituency, and another vote for a party from the list of candidates for the relevant district. The local constituencies are decided by the highest votes, and the block seats are decided proportionally based on each party's share of the votes. Each voter must attend a polling booth, and write in the name of a preferred candidate (in a constituency vote) or party (in a proportional representation vote).<sup>21</sup> Postal votes are only available for people who are unable to attend a voting booth due to a physical disability.<sup>22</sup> Other people who are unable to attend on the voting day may vote between the date of the announcement of the election date and the day before the election date.<sup>23</sup>

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20 See MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Senkyō no shurui* [Types of Elections], [http://www.soumu.go.jp/senkyo/senkyo\\_s/naruhodo/naruhodo03.html](http://www.soumu.go.jp/senkyo/senkyo_s/naruhodo/naruhodo03.html).

21 For the method of voting, see MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Tōhyō* [On the Method of Voting], [http://www.soumu.go.jp/senkyo/senkyo\\_s/naruhodo/naruhodo04.html#chapter4](http://www.soumu.go.jp/senkyo/senkyo_s/naruhodo/naruhodo04.html#chapter4).

22 See MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Yūbin tō ni yoru fuzaisha tōhyō ga dekimasu* [You can vote by absentee voting including via postal voting], [http://www.soumu.go.jp/senkyo/senkyo\\_s/news/touhyou/yuubin/yuubin01.html](http://www.soumu.go.jp/senkyo/senkyo_s/news/touhyou/yuubin/yuubin01.html).

Despite this detailed process for ordinary elections, the process to hold a referendum was unclear until the passing of the *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu* on 18 May 2007, which became effective in 2010 (Law in relation to a Procedure for Amending the Japanese Constitution, Law No. 51, 2007). This article refers to the 2007 legislation as the “Constitution Amendment Procedure Law.”<sup>24</sup> The Constitution Amendment Procedure Law did not finalize voting age eligibility in relation to a referendum, however, for the reasons highlighted in the article below.<sup>25</sup> This part of the referendum process was concluded when the Constitution Amendment Procedure Law was amended by the *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu no ichibu o kaisei suru hōritsu* (Law to Amend Part of the Law in relation to a Procedure for Amending the Japanese Constitution, Law No. 75, 2014) (“2014 Amendment”). According to the 2014 Amendment, the referendum voting age will become 18 years in 2018. Subsequently, the election voting age was lowered to 18 years old in 2015 by the *Kōshoku senkyo-hō no ichibu o kaisei suru hōritsu* (Law to Amend a Part of the Public Officers Election Law, Law No. 43, 2015). Japanese citizens living overseas who will be 18 years of age on the expected election date are allowed to register on the list of overseas resident voters (*zaigai senkyo'nin meibō*), and are entitled to vote accordingly.<sup>26</sup>

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- 23 See MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Kijitsu mae tōhyō seido no gaiyō* [Outline of the pre-voting-date voting system], [http://www.soumu.go.jp/senkyo/senkyo\\_s/news/touhyou/kijitsumae/kijitsumae01.html](http://www.soumu.go.jp/senkyo/senkyo_s/news/touhyou/kijitsumae/kijitsumae01.html).
- 24 *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu* [Law in relation to a Procedure for Amending the Japanese Constitution], Law No. 51 (2007); see also *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu sekō kisoku* [Rules in relation to a Procedure for Amending the Japanese Constitution], Ordinance of Minister of Justice, No. 61 (2010).
- 25 See MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu (gaiyō)* [Law in relation to a Procedure for Amending the Japanese Constitution (Outline)], [http://www.soumu.go.jp/senkyo/kokumin\\_touhyou/common/pdf/kokuhyo\\_gaiyo.pdf](http://www.soumu.go.jp/senkyo/kokumin_touhyou/common/pdf/kokuhyo_gaiyo.pdf); and PUBLIC RELATIONS OFFICE, GOVERNMENT OF JAPAN, ‘Kokumin tōhyō’ tte nandarō? [What is ‘referendum?’], <http://www.gov-online.go.jp/useful/article/200802/3.html>. The legislation also provided that Japanese citizens living outside Japan are entitled to vote in a referendum as long as they are registered on the list of overseas voters (*zaigai senkyo'nin meibō*) (Article 62). Political campaigns or activities which involve opinions related to the issue that is the subject of a referendum are restricted for some people including voting administrators, counting administrators, members and employees of the Election Administration Committee, public servants, and teachers (Articles 101, 102, 103). Further, no television or radio campaigns are allowed for 14 days before the referendum voting day (Article 105).
- 26 *Kōshoku senkyo-hō no ichibu o kaisei suru hōritsu* [Law Amending Parts of the Public Officers Election Law], Law No. 43, Art. 30-5 (2015).

### III. PROCESSES AND DEBATES LEADING TO CONTEMPORARY VOTING AGE REFORM

The convoluted processes and debates about electoral reform to lower the voting age in Japan hinged on the LDP's constitutional reform agenda and may be divided into two periods reflecting the LDP's electoral circumstances. First, the period from 2005 to 2010 saw serious debates of constitutional reform which required the establishment of a process for conducting a referendum. This first period overlapped with Prime Minister Abe's first 12-month term from September 2006 to 2007 and culminated in the passing of the Constitution Amendment Procedure Law in 2007. The second period of momentum was focused around debates and committees when Prime Minister Abe was re-elected at the 2014 national election after having won a landslide victory in 2012. During each period, the reforms were discussed at ad hoc and standing parliamentary committees, as well as ad hoc groups established to create consensus and consider detailed proposals as summarized in Table 1, and discussed further below. The standing parliamentary committee dedicated to electoral reform, known as the Election Law Committee (*Seiji Rinri No Kakuritsu Oyobi Kōshoku Senkyo-hō Kaisei Ni Kansuru Tokubetsu I'inkai*), was also involved in developing the reforms to reduce the electoral voting age.

Despite the chronological linkage to the Abe administrations, the analysis in this section of public records, including the minutes of the various committees, shows that the reforms were the result of more than the LDP's desire to establish a detailed process for amending the Constitution. The LDP's agenda provided an opportunity for opposition parties to implement long-standing reform proposals to lower the voting age. Moreover, a lack of consensus over lowering the age of maturity for various other legal purposes delayed the reforms. Ultimately, reducing the voting age in referendums and elections had bipartisan political support, and the 2015 legislation to lower the election voting age in particular was passed very quickly and unanimously after a decade of debate.<sup>27</sup>

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27 To view the Diet session where the legislation was discussed, see “‘18 sai senkyo ken' kōshoku senkyo-hō kaisei an no kaketsu 6/4 shūgi'in hon-kaigi” [‘Voting rights for 18-year-old’, passing the bill amending the Public Officers Election Law, 4/6 Plenary Meeting of the Lower House], YouTube, <https://www.youtube.com/watch?v=RKHPvh1CtIQ>; and *Dai 189 kai kokkai, Honkaigi dai 31gō* [189th National Diet, Lower House, 31st Plenary Meeting], 4 June 2015, <http://kokkai.ndl.go.jp/SENTAKU/syugin/189/0001/18906040001031.pdf>.

Table 1: Committees and project groups established to consider reforms

Title of group (English)	Title of group (Japanese)	Type of group	Members	In operation	Reporting to
Groups designated to discuss constitutional reform (including voting age for referendum)					
Research Commission on the Constitution	<i>Kenpō Chōsa-kai</i>	Committee within each House formed at meeting of Diet	50 MPs for Lower House, 45 MPs for Upper House	20/1/2000 to 7/8/2007 (both Houses)	Respective House
Special Committee to investigate the Japanese Constitution (“Constitution Committee”)	<i>Nihon Koku Kenpō Ni Kansuru Chōsa Tokubetsu I inkai</i>	Committee within each House formed at meeting of Diet	50 MPs for Lower House, 35 MPs for Upper House	22/9/2005 to 15/4/2007 (Lower House), 26/1/2007 to 6/8/2007 (Upper House)	Respective House
Commission on the Constitution	<i>Kenpō Shinsa-kai</i>	Committee within each House formed at meeting of Diet	50 MPs for Lower House, 45 MPs for Upper House	Successor of <i>Kenpō Chōsa-kai</i> (2000–2007). Established on 7/8/2007, first meeting on 20/10/2011 (both Houses). Ongoing.	Respective House
Groups designated to discuss the voting age for the election of public officers					
Special committee in relation to the establishment of political ethics and the revision of the public officers election law (“Election Law Committee”)	<i>Seiji Rinri No Kataritsū Oyobi Kōshoku Senkyō-tō Kaisai Ni Kansuru Tokubetsu I inkai</i>	Committee within each House formed at meeting of Diet	40 MPs for Lower House, 35 MPs for Upper House	19/1/1999 (Lower House) 31/1/2001 (Upper House) Both ongoing.	Respective House
Project team in relation to the voting age (“Project Team”)	<i>Senkyōken Nenrei Ni Kansuru Purojekuto Chitimu</i>	Informal association of MPs with the same interest	MPs (8 parties for initial Project team, 9 parties for second Project Team)	Initial team was formed on 19/6/2014 and submitted a bill to the Lower House on 19/11/2014. The Lower House was dissolved on 21/11/2014. After the general election on 14/12/2014, the sec-	Election Law Committee

### 1. Phase One: 2005 to 2010

On 22 September 2005, the *Nihon Koku Kenpō Ni Kansuru Chōsa Tokubetsu I'inkai* (Special Committee to investigate the Japanese Constitution) (“Constitution Committee”) was established at the 163th National Diet Lower House meeting.<sup>28</sup> The purpose of the Constitution Committee was to examine a bill establishing a referendum system to amend the Constitution and comprehensively deliberate amendments to the Constitution itself. The bill later became the Constitution Amendment Procedure Law of 2007. The Constitution Committee was made up of 50 members of Parliament and chaired by Mr Tarō Nakayama, a parliamentary member of the LDP.<sup>29</sup> From 7 to 19 November 2005, and from 16 to 29 July 2006, the Constitution Committee researched the voting age in other countries and found that the majority of countries set the voting age at 18 years old.<sup>30</sup> It also considered the effect that reducing the voting age may have in the context of Japan’s aging population and the importance of youth having a say in politics.<sup>31</sup>

On 9 March 2006, the issue of the voting age for a referendum was discussed by the Constitution Committee.<sup>32</sup> Some members of the LDP thought that the voting age for the referendum should be lowered to 18.<sup>33</sup>

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28 Membership was dynamic. For an initial member list (Japanese), see, *Dai 163 kai Kokkai – Shūgi'in – Nihon koku kenpō ni kansuru chōsa tokubetsu i'inkai Dai 1gō* [163th National Diet – Lower House – 1st Meeting of Special Committee to Investigate the Constitution], House of Representatives, 22 September 2005, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116320050922001.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116320050922001.htm).

29 Tarō Nakayama, a member of the Lower House, was also a chairperson at the *Kenpō Chōsa-kai* (Research Commission on the Constitution), the predecessor of the Commission on the Constitution.

30 Reports from research trips are available from the website of the *Research Commission on the Constitution of the House of Representatives*: [http://www.shugiin.go.jp/internet/itdb\\_kenpou.nsf/html/kenpou/toku/kaigai.htm](http://www.shugiin.go.jp/internet/itdb_kenpou.nsf/html/kenpou/toku/kaigai.htm).

31 *Dai 164 kai Kokkai – Shūgi'in – Nihon koku kenpō ni kansuru chōsa tokubetsu i'inkai Dai 7gō* [164th National Diet – Lower House – 7th Meeting of Special Committee to Investigate the Constitution], 6 April 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116420060406007.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116420060406007.htm) (Keiichi Ishii MP from Kōmeito).

32 *Dai 164 kai Kokkai – Shūgi'in – Nihon koku kenpō ni kansuru chōsa tokubetsu i'inkai Dai 3gō* [164th National Diet – Lower House – 3rd Meeting of Special Committee to Investigate the Constitution], 9 March 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116420060309003.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116420060309003.htm).

33 See comments by Yasuhiro Hanashi MP of the LDP in the minutes of *Dai 166 kai Kokkai – Sangi'in – Nihon koku kenpō ni kansuru chōsa tokubetsu i'inkai Dai 3gō* [166th National Diet – Upper House – 3rd Meeting of Special Committee to Investigate the Constitution], 18 April 2007, <http://kokkai.ndl.go.jp/SENTAKU/sangiin/166/0095/16604180095003.pdf>, at 34. Hiromichi Watanabe (LDP) and Katsunobu

The initial proposal by the Government, consisting of a coalition of the LDP and *Kōmeitō*, suggested, however, that the minimum age for voting in the referendum should be in line with the then current voting age for the election of public officers, which was set at 20 years old under the Public Officers Election Law.<sup>34</sup> Opposition groups, such as the *Minshutō Mushozoku Kurabu*, on the other hand, called for the voting age for referendums to be lowered to 18 years old immediately.<sup>35</sup> The *Minshutō Mushozoku Kurabu* or “Democratic Party and Club of Independents” (“Minshutō Club”) is a group of *Minshutō* members working with independents on issues reflecting common ground. Since the 1970s, *Minshutō*’s party manifesto has included a call for the lowering of the voting age for the election of public officers to 18 years old.<sup>36</sup> Petitions calling for the election voting age to be lowered to 18 years old have also been submitted to the Parliament by various Parties from time to time.<sup>37</sup> In the 2006 debates, *Minshutō* even suggested lowering the voting age to 16 years old where the Diet agreed that the subject matter of a referendum was a topic appropriate for that age group to be voting on.<sup>38</sup>

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Katō (LDP) stated that the voting age for referendums should be 18 years old at the Constitution Committee meeting held on 6 October 2005: *Dai 163 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 2gō* [163rd National Diet – Lower House – 2nd Meeting of Special Committee to Investigate the Constitution], House of Representatives, 6 October 2005, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116320051006002.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116320051006002.htm).

34 163rd National Diet – Lower House, 6 October 2005, n. 33 (Statement by LDP member, Mr Okiharu Yasuoka).

35 164th National Diet – Lower House, 9 March 2006, n. 32 (Yukio Edano MP, *Minshutō Mushozoku Kurabu*).

36 *Ibid.* Yosuke Takagi MP (*Kōmeitō*) stated that *Kōmeitō*’s manifesto also called for lowering the voting age to 18 years old: *Dai 164 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 2gō* [164th National Diet – Lower House – 2nd Meeting of Special Committee to Investigate the Constitution], 23 February 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116420060223002.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116420060223002.htm).

37 E.g., Mutsumi Sasaki MP and Kazuo Shii MP from the Japanese Communist Party filed petitions in 1999. See the minutes of meeting of *Dai 145 kai kokkai Seiji rinri no kakuritsu oyobi kōshoku senkyo-hō kaisei ni kansuru tokubetsu i’in kai Dai 2gō* [145th National Diet, 2nd Meeting of Special Committee in relation to the Public Officers Election Law and the Establishment of Political Ethics], 11 May 1999, <http://kokkai.ndl.go.jp/SENTAKU/syugiin/145/0071/14505110071002.pdf>.

38 *Dai 164 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 12gō* [164th National Diet – Lower House – 12th Meeting of Special Committee to Investigate the Constitution], 1 June 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116420060601012.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116420060601012.htm) (Katsumasa Suzuki MP, *Minshutō Mushozoku Kurabu*).

Some members of the Constitution Committee raised concerns about lowering the voting age to 18, because they were worried about the complex implications that the reform posed for other aged-based legislation, including *Keihō* (Criminal Code),<sup>39</sup> *Shōnen-hō* (Juvenile Act),<sup>40</sup> and the Civil Code.<sup>41</sup> Any lowering of the age in these contexts would be controversial, however, and threatened to delay the creation of a detailed referendum process – and ultimately the LDP’s constitutional reform agenda. Accordingly, the Government argued that lowering the voting age for both referendums and elections should be considered along with other age-based thresholds, but it did not want to hold up the enactment of the Constitution Amendment Procedure Law.

In the end, the Government accepted a proposal from the Club to include a clause in the Constitution Amendment Procedure Law which set the voting age for referendums at 18 years old (Article 3), but with a supplementary provision. The Supplementary Provision Item 3 provided that the referendum voting age would be 20 years old until the voting age for the election of public officers was lowered to 18.<sup>42</sup> The supplementary provision also required further consideration of changing the voting age for elections, and the age of majority under other legislation, and provided a three-year timeframe following the enactment of the Constitution Amendment Procedure Law in 2007 for this process. The Government also stated its intent to address the requirements in Supplementary Provision Item 3 within that period.<sup>43</sup>

The lowering of the age of majority under the Civil Code was subsequently considered by a special legislative advisory council (*shingi-kai*) sub-committee known as the *Minpō Seinen Nenrei Bukai* (Sub-committee to consider the age of majority under the Civil Code) established on

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39 *Keihō* [Criminal Code], Law No. 45 (1907).

40 *Shōnen-hō* [Juvenile Act], Law No. 168 (1948).

41 See e.g., 164th National Diet, 9 March 2006, n. 32, comment by Hajime Funada MP (LDP); and the comment Chūkō Hayakawa MP (LDP), *Dai 164 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 6gō* [164th National Diet – Lower House – 6th Meeting of Special Committee to Investigate the Constitution], 30 March 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116420060330006.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116420060330006.htm).

42 *Dai 165 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 9gō* [165th National Diet – Lower House – 9th Meeting of Special Committee to Investigate the Constitution], 14 December 2006, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116520061214009.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116520061214009.htm) (Hajime Funada MP, LDP).

43 *Dai 166 kai Kokkai – Shūgi’in – Nihon koku kenpō ni kansuru chōsa tokubetsu i’inkai Dai 5gō* [166th National Diet – Lower House – 5th Meeting of Special Committee to Investigate the Constitution], 12 April 2007, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/015116620070412005.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/015116620070412005.htm).

13 February 2008 under the auspices of the Ministry of Justice's powerful standing law reform advisory body, the *Hōsei Shingi-kai* (Legislative Advisory Council).<sup>44</sup> The initial Sub-committee meeting was held on 11 March 2008. Unlike the parliamentary committees highlighted above, the Sub-committee was made up of approximately 30 academics, lawyers, family court judges, representatives from media, and consultants and staff from the Ministry of Justice.<sup>45</sup> In its final report dated 29 July 2009, the Sub-committee concluded that the voting age for referendums and elections should be consistent, as should, ideally, the age of majority.<sup>46</sup> The report was much more cautious about lowering the age of majority, and accordingly the age for voting, than the Constitution Committee, however. It recommended that the age of majority should only be lowered to 18 years old when the effects of its recommended measures to support young people became evident in the citizen's consciousness (*kokumin no ishiki toshite arawareta dankai*).<sup>47</sup> The report, however, also deferred any decision as to when to lower the age of majority to the Diet because the Diet represents the citizens of Japan.<sup>48</sup> The report was adopted at the 160th *Hōsei Shingi-kai* meeting held on 28 October 2009.<sup>49</sup>

Despite the report fulfilling the legislative requirement to further consider the age of majority, the three-year period provided for under the Constitution Amendment Procedure Law expired on 18 May 2010, without further reforms.<sup>50</sup> Accordingly, the voting age for a referendum remained at 20 years when the Constitution Amendment Procedure Law came into effect in 2010. A key reason for the lapse of the transition period was a change of government: the LDP lost control of Japan for only the second time after the Second World War and Mr Yukio Hatoyama became Prime Minister with the election of *Minshutō* in September 2009. Despite *Minshutō*'s support for lowering the

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44 The Sub-committee held 15 meetings between 11 March 2008 and 29 July 2009. See, Minutes of the Subcommittee for the Age of Majority under the Civil Code, 11 March 2008 to 29 July 2009, n. 11.

45 Membership changed slightly during the Sub-committee's operation. For members who attended each meeting, see Minutes of the Subcommittee for the Age of Majority under the Civil Code, 11 March 2008 to 29 July 2009, n. 11.

46 MINISTRY OF JUSTICE, *Minpō no seinen nenrei no hikisage ni tsuite no saishū hōkoku-sho* [The Final Report in regards to Lowering the Age of Majority under the Civil Code], 29 July 2009, <http://www.moj.go.jp/content/000012523.pdf>. On the consistency of age thresholds, see 4 and 5.

47 *Ibid.*, 25.

48 *Ibid.*

49 *Hōsei Shingikai Dai 160kai kaigi gijiroku* [Minutes of 160th Legislative Council Meeting], 28 October 2009, <http://www.moj.go.jp/content/000005081.pdf>.

50 See *Minpō* [Civil Code], Law No. 89, Art. 4 (1896).

voting age, constitutional amendments were not a legislative priority of the new Hatoyama Government.<sup>51</sup> Moreover, the Government had other issues to deal with, including economic recovery from the Lehman Shock in 2008, and the Great East Japan Earthquake which occurred in March 2011.

## 2. *Phase Two: 2014 to 2015*

The issue of reducing the voting age was raised again only after the LDP regained power and political momentum shifted away from dealing with the consequences of the Great East Japan Earthquake. A draft bill to amend part of the law in relation to a procedure for amending the Japanese Constitution, which included the replacement of the Supplementary Provision Item 3 of the Constitution Amendment Procedure Law, was submitted to the Lower House on 8 April 2014, by a group of eight parties (“the Petitioning Parties”).<sup>52</sup> The bill was referred to the Commission on the Constitution led by Kōsuke Hori, then Chief Director of the LDP Headquarters for Constitutional Amendment.<sup>53</sup> The bill suggested amending the Supplementary Provision Item 3 to lower the voting age for a referendum to 18 years, four years from the bill’s enactment regardless of any changes to the election voting age or the age of majority under the Civil Code. The group argued that the issue of the voting age for a referendum required clarification, because the three-year transitional period under Supplementary Provision Item 3 had expired on 18 May 2010, without further amendments.<sup>54</sup> The bill

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51 Prime Minister Hatoyama noted that, “the Prime Minister is under a heavy duty to respect and protect the Constitution. I should not express my opinion right now, and it [Constitutional reform] is not something that I should aim to achieve while I am in office”: *Dai 174 kai kokkai, sangi'in kaigiroku dai 2gō* [Minutes of Meeting of the 174th National Diet, Upper House Plenary Meeting], 20 January 2010, 4, <http://kokkai.ndl.go.jp/SENTAKU/sangiin/174/0001/17401200001002.pdf>.

52 *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu no ichibu o kaisei suru hōritsu-an* [Bill Amending Parts of the Law in relation to a Procedure for Amending the Japanese Constitution], Lower House Bill No. 14 of 186<sup>th</sup> National Diet Meeting, 2014. See *Dai 186 kai Kokkai gaikan* [Outline of 186<sup>th</sup> National Diet], [http://www.sangiin.go.jp/japanese/gianjoho/old\\_gaiyo/186/1861100.pdf](http://www.sangiin.go.jp/japanese/gianjoho/old_gaiyo/186/1861100.pdf). The parties were the LDP, *Kōmeitō*, *Minshutō Mushozoku Kurabu*, *Nippon Ishin No Kai*, *Minna No Tō* (Your Party), *Yui No Tō* (Unity Party), *Seikatsu No Tō* (People’s Life Party), and *Shintō Kaikaku* (New Renaissance Party).

53 Minutes of meeting: *Dai 186 kai kokkai Kenpō shinsa-kai Igō* [186<sup>th</sup> National Diet, Lower House, 1st Commission on the Constitution Meeting], 10 April 2014, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/025018620140410001.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/025018620140410001.htm).

54 Minutes of meeting: *Dai 186 kai kokkai Kenpō shinsa-kai 2gō* [186<sup>th</sup> National Diet, Lower House, 2nd Commission on the Constitution Meeting], 17 April 2014,

was approved by the Lower House's Commission on the Constitution on 8 May 2014,<sup>55</sup> at the plenary session of the Lower House on 9 May 2014,<sup>56</sup> and at the plenary session of the Upper House on 13 June 2014.<sup>57</sup> The 2014 Amendment became effective on 20 June 2014<sup>58</sup>, and 18 and 19 year olds will be eligible to vote in a referendum from 21 June 2018. The amendments made it clear that the referendum age would be lowered regardless of whether a lower election voting age was adopted.

Once again, the LDP's desire to finalize the referendum process won out over other concerns. In the meantime, however, the Petitioning Parties agreed to continue to work towards lowering the electoral voting age as a compromise. At a meeting of the Lower House's Commission on the Constitution held on 17 April 2014, Katsumasa Suzuki MP from *Minshutō* explained that they would work towards lowering the election voting age within two years.<sup>59</sup> The parties formed a project team on 19 June 2014, to consider the election voting age.<sup>60</sup> The project team worked quickly and submitted a draft bill, *Kōshoku senkyo-hō no ichibu o kaisei suru hōritsuan* (Draft bill to amend a part of the public officers election law), to the Lower House at the 187th Diet meeting on 19 November 2014.<sup>61</sup> However, the Lower House was dissolved on 21 November 2014, when Prime Minister Abe called an election and the bill was left unaddressed.

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[http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/025018620140417002.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/025018620140417002.htm).

- 55 Minutes of meeting: *Dai 186 kai kokkai Kenpō shinsa-kai 5gō* [186th National Diet, Lower House, 5th Commission on the Constitution Meeting], 8 May 2014, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/025018620140508005.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/025018620140508005.htm).
- 56 Minutes of meeting: *Dai 186 kai kokkai hon-kaigi 22gō* [186th National Diet, Lower House, 22nd Plenary Meeting of Lower House], 9 May 2014, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/000118620140509022.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/000118620140509022.htm).
- 57 For the Upper House Report from the 186th meeting, see Outline of 186th National Diet, n. 52; and the report on the movement at the Upper House Commission on the Constitution, see *3 Kenpō shinsa-kai* [3 Commission on Constitution], [http://www.sangiin.go.jp/japanese/gianjoho/old\\_gaiyo/186/1864128.pdf](http://www.sangiin.go.jp/japanese/gianjoho/old_gaiyo/186/1864128.pdf).
- 58 *Nihon koku kenpō no kaisei tetsuzuki ni kansuru hōritsu no ichibu wo kaisei suru hōritsu* [Law Amending Parts of the Law in relation to a Procedure for Amending the Japanese Constitution], Law No. 75, 2014.
- 59 186th National Diet, Lower House, 2nd Commission on the Constitution Meeting, 17 April 2014, n. 57 (Katsumasa Suzuki MP, *Minshutō*).
- 60 *Senkyo-ken Nenrei Ni Kansuru Purojekuto Chiimu* (Project Team in relation to the Voting Age). For information on the activities of the Project Team, see the annual report on the activities of the Lower House: *Heisei 27 nen Shūgi'in no ugoki, dai 23 gō, dai 189 kai kokkai (jōkai)* [2015 Movement in the Lower House, 23rd issue, 189th National Diet (Ordinary meeting)] (2015), 29, [\\$File/h27ugoki.pdf](http://www.shugiin.go.jp/internet/itdb_annai.nsf/html/statics/ugoki/h27ugoki.pdf).
- 61 *Ibid.*

After the election of the Lower House held on 14 December 2014, which was won by the LDP, the Project Team was re-formed and submitted the same draft bill to the Diet on 5 March 2015.<sup>62</sup> The revision of the election voting age was finally referred to the Election Law Committee, a standing parliamentary committee for electoral law reform and ethics, on 26 May 2015.<sup>63</sup> At the time, the Election Law Committee was chaired by Naokazu Takemoto, a member of the LDP.<sup>64</sup> All members of the Election Law Committee, including those from opposition parties, supported lowering the election voting age to 18 years old. Accordingly, debate focused on immediate issues that required attention before the bill became law.

The main concern was the perceived conflict between the “freedom of assembly and association as well as speech, press and all other forms of expression” provided under Article 21 of the Constitution, and the restriction of that freedom imposed by the “69 Notice” which prohibited high school students from engaging in political activities. Schools were also prohibited from educating students to support or oppose certain political parties, or to engage in political activities under Article 14 of the *Kyōiku kihon-hō* (Basic Act on Education, Law No. 120, 2006 – “Basic Act on Education”). At the Election Law Committee meeting on 2 June 2015, *Minshutō* member, Nobuyuki Fukushima MP, suggested that students must be given opportunities to freely discuss politics and form their own opinions. He argued that the 69 Notice should be revised or abolished, and that this issue should not be left with the Ministry of Education, Culture, Sports,

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62 Essentially, the same parties participated in the new Project Team as those which participated previously, with some changes reflecting the creation and dissolution of parties, and changes in party names and members. For the process of the submission of the bill, see *Gian jōhō* [Bill Information], *House of Councillors, The National Diet of Japan*, 22 June 2015, <http://www.sangiin.go.jp/japanese/joho1/kousei/gian/189/meisai/m18905189005.htm>.

63 *Seiji Rinri No Kakuritsu Oyobi Kōshoku Senkyo-Hō Kaisei Ni Kansuru Tokubetsu I'inkai* (Special Committee in relation to the Establishment of Political Ethics and the Revision of the Public Officers Election Law). The Committee held meetings between 27 May 2015 and 2 June 2015. See Minutes of meetings: *Seiji rinri no kakuritsu oyobi kōshoku senkyo-hō kaisei ni kansuru tokubetsu i'inkai no kaigiroku gijijō-hō ichiran* [A List of Minutes of Meeting of the Special Committee in relation to the Establishment of Political Ethics and the Revision of the Public Officers Election Law], 2017, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/0071\\_1.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/0071_1.htm).

64 For a list of members, see “*Seiji rinri no kakuritsu oyobi kōshoku senkyo-hō kaisei ni kansuru tokubetsu i'inkai i'in meibo*” [Members list for the Special Committee in relation to the Establishment of Political Ethics and the Revision of the Public Officers Election Law], *House of Representatives*, 13 March 2017, [http://www.shugiin.go.jp/internet/itdb\\_iinkai.nsf/html/iinkai/iin\\_t5020.htm](http://www.shugiin.go.jp/internet/itdb_iinkai.nsf/html/iinkai/iin_t5020.htm).

Science and Technology (MEXT). His view was that MEXT traditionally objected to political activities by students, and it was unlikely that any amendments that the MEXT would propose would drastically change the content of freedom of political activities for students.<sup>65</sup>

A participant advisor from MEXT was present at the Election Law Committee meeting and responded to Fukushima MP by noting that MEXT was already considering revising the 69 Notice to allow for political education to encourage students to participate in politics. The advisor noted, however, that it would also be necessary to maintain political neutrality in education at schools in accordance with Article 14(2) of the Basic Act on Education.<sup>66</sup> Koichi Takemasa MP from *Minshutō* noted that this issue was discussed at the Project Team's own meetings, and while some members supported the freedom of political activities of high school students with restrictions to ensure that teachers do not use their position to compel students to support a certain political party or politician, others supported the status quo which required maintenance of political neutrality on school grounds.<sup>67</sup>

Fukushima MP also suggested that the content of political education in Japan needs reviewing.<sup>68</sup> It was acknowledged by Tomohiko Kinoshita MP from the *Ishin No Tō* that the lowering of the voting age itself would not be sufficient to increase the already very low voting rate of younger voters.<sup>69</sup> In response to these concerns, Hiroshi Inayama from the Ministry of Internal Affairs and Communications (*Sōmu-shō*) (MIAC) explained that MEXT and MIAC were preparing supplementary teaching materials for high school students to teach the method and importance of voting. Other issues raised during the meeting of the Election Law Committee included the lowering of the age of eligibility for running for office,<sup>70</sup> registration under the electoral roll which requires three months' residence in the electoral area to be eligible to vote, and making it easier to vote before Election Day.<sup>71</sup> The members of

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65 *Dai 189 kai kokkai, Seiji rinri no kakuritsu oyobi kōshoku senkyo-hō kaisei ni kansuru tokubetsu i'in-kai dai 5gō* [189<sup>th</sup> National Diet, 5th Meeting of Special Committee in relation to the Public Officers Election Law and the Establishment of Political Ethics], 2 June 2015, [http://www.shugiin.go.jp/internet/itdb\\_kaigiroku.nsf/html/kaigiroku/007118920150602005.htm](http://www.shugiin.go.jp/internet/itdb_kaigiroku.nsf/html/kaigiroku/007118920150602005.htm) (Nobuyuki Fukushima MP, Minshutō).

66 *Ibid.*, Yoshinori Haku (MEXT).

67 *Ibid.*: The members supporting the freedom of political activities included Koichi Takemasa MP (Minshutō), Hidetaka Inoue MP (Ishin No Kai), Denny Tamaki MP (Jiyūtō). The members supporting the political neutrality on school grounds include Hajime Funada MP (LDP).

68 *Ibid.*, Nobuyuki Fukushima MP (Minshutō).

69 *Ibid.*, Tomohiko Kinoshita MP (Ishin No Tō).

70 *Ibid.*, Nobuyuki Fukushima MP (Minshutō).

71 *Ibid.*, Hiromasa Nakano MP (Kōmeitō).

the Election Law Committee agreed that these issues needed to be addressed, but the bill was still approved by the Committee on 2 June 2015. The bill was passed without any questions on 4 June 2015, at the plenary session of the Lower House<sup>72</sup> and on 17 June 2015, at the plenary session of the Upper House.<sup>73</sup> Whilst not the focus of this article, the content of political education at schools is likely to arise again as MEXT and MIAC prepare and revise materials, and teachers attempt to balance Ministerial, Government, and Opposition expectations, as well as their own ethical commitments. The new education programs also arguably had implications for the outcome of the July 2016 election, as discussed below.

#### IV. KEY DRIVERS FOR LOWERING THE VOTING AGE: RESULTS FROM JULY 2016

The electoral voting age reforms became effective on 19 June 2016, and meant that voters at the Upper House Election on 10 July 2016 would include 18 and 19 year olds for the first time in an election. The official legislative purpose of the 2015 reforms was to bring the voting for elections into line with the new voting eligibility for referendums.<sup>74</sup> The other three key stated drivers for the reforms remained important, however.

##### *1. Global Norms and Addressing Voting Demographics*

First, the reforms clearly achieved the goal of bringing Japan's referendum and election voting ages into line with global norms.<sup>75</sup> According to a Japanese National Diet Library survey conducted in 2014, the age for voting was 18 in over 80 percent of 198 countries and regions surveyed, including Japan's key immediate north Asian neighbors and other OECD countries.<sup>76</sup> Second, reformers also hoped that lowering the voting age would help to

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72 For minutes of meeting: 189th National Diet, 4 June 2015, n. 27.

73 For information on the voting result and the process of the bill to amend a part of public officers election law in the Upper House, see *Gian jōhō*, 22 June 2015, n. 62.

74 The *riyū* [official reason] (as noted in the legislation) for the 2014 Amendment was that “enabling people whose age is 18 and over but under 20 to participate in the election of public officers was necessary to bring those elections into line with the Law to amend part of the law in relation to a procedure for amending the Japanese Constitution.”

75 On lower voting ages in European countries and the engagement of youth, see comments by Hajime Funada MP: 189th National Diet, 2 June 2016, n. 1.

76 See “Diet Enacts Law Lowering Voting Age to 18 from 20”; *The Japan Times*, 17 June 2015, <https://web.archive.org/web/20170110190442/http://www.japantimes.co.jp/news/2015/06/17/national/politics-diplomacy/diet-enacts-law-lowering-voting-age-18-20/#.WWdcl0SGPRY>.

address the increasingly significant influence of older Japanese voters by virtue of Japan's aging population by making more young people eligible to vote.<sup>77</sup> Yoshihide Suga, in his capacity as Chief Cabinet Secretary, is quoted as hoping that the change will help the "voices of young people" to "be more reflected in politics."<sup>78</sup> The reform also reflects other movements to increase citizen participation in Japan generally, including the *saiban'in seido* (lay assessor system).<sup>79</sup> Given the overwhelming demographic numbers, however, the addition of 2.4 million voters of itself will not significantly affect the outcome of elections. Moreover, the 24th Upper House Election held on Sunday, 10 July 2016, saw the LDP returned with its coalition partner, *Kōmeitō*, based on an increased majority.<sup>80</sup> Even if all 18 and 19 year olds voted against the LDP,<sup>81</sup> the newly eligible voters are unlikely to affect the overall results of elections in Japan where over one quarter of the 126 million population is over 65 years of age. It would also be wrong to assume that Japanese youth hold unanimous views or even diverge that greatly from their elders. There is certainly no guarantee that Japanese youth will be more or less conservative than older generations.<sup>82</sup>

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77 On lowering the voting age to reflect the opinion of young people, see comments by Hajime Funada MP: 189th National Diet, 2 June 2015, n. 65.

78 "Diet Enacts Law Lowering Voting Age," n. 76.

79 18 and 19 year olds are still not eligible to be a *saiban'in* (lay assessor) or act in certain other lay roles assisting officials. See *Kōshoku senkyo-hō no ichibu o kaisei suru hōritsu* [Law Amending Parts of the Public Officers Election Law], Law No. 43 (2015), Supplemental Provisions, Arts. 7–10.

80 LDP won 56 of 121 seats contested; *Kōmeitō* (LDP's coalition partner) won 14; and *Minshutō* won 32 seats: Robin Harding, "Shinzo Abe Wins Sweeping Victory in Japan Elections," *The Financial Times*, 11 July 2016, <http://www.ft.com/cms/s/0/d7982268-4668-11e6-8d68-72e9211e86ab.html>.

81 *Asahi Shimbun* conducted an exit poll survey on the day of the 2016 Upper House Election which suggests that 50 percent of the 18 and 19 years voted for either LDP or *Kōmeitō*, which was similar to other age groups: see "18, 19 sai no hansū, hireiku de ji-kō ni tōhyō – Asahi deguchi chōsa" [Half of 18 and 19 Years Olds Voted for LDP or *Kōmeitō* – Asahi Exit Poll], *The Asahi Shimbun*, 11 July 2016, <http://www.asahi.com/articles/ASJ7652VKJ76UTFK00B.html>.

82 Wattenberg's suggests that there are clear differences between age groups in Japan, relying on a 1999–2001 World Values Study. He also argues that the LDP relies on old people for support based on data from 2003: M. P. WATTENBERG, *Does Low Youth Turnout Really Matter?*, in: id., *Is Voting for Young People?* (4th ed., New York 2015), 131, pp. 142–143, 146. Mathews and White also suggest that there are negative perceptions of the other generation as between youth and the elderly in Japan, and that the "survival" of the existing "adult social order" in Japan "depends upon young people being willing to enter and re-create the world of their elders": G. MATHEWS/B. WHITE, Introduction: *Changing Generations in Japan Today*, in: id. (eds.), *Japan's Changing Generations: Are Young People Creating a New Society*

Aging demographics could also be addressed by encouraging more young candidates. Consideration is being given to lowering the eligible age for running for public office, but currently a candidate has to be at least 25 years for the Lower House and 30 years for the Upper House. Recent elections in Hong Kong suggest that younger voters look for young candidates. Nathan Law (23), who was involved in the 2014 Occupy Central student protests, and Sixtus Leung (30) were recently elected to the Hong Kong Legislative Council.<sup>83</sup> The turnout of just below 60 percent was the highest for this type of election in Hong Kong.<sup>84</sup> Young Japanese people may also have been more interested in voting in the election if there had been more young candidates.<sup>85</sup>

## 2. *Encouraging Voter Participation*

Thirdly, whether the reforms will encourage voter participation will require more time to assess. Japan is not alone in evidencing low voter turnouts, particularly amongst young voters, but data from other jurisdictions suggests that voting earlier can induce voting habits which carry over into later life.<sup>86</sup> Voting is not compulsory in Japan and only about half of the eligible voters do vote, as evidenced by the statistics for the last decade set out in Tables 2 to 4. Between 2004 and 2014, an average of 61 percent of people voted in Japanese Lower House elections, and 56 percent in Upper House elections.<sup>87</sup> Further, voting rates amongst younger people are typically even lower than

(London 2004), 1. Conversely, Kotani argues that “the generation gap” has apparently disappeared as a result of parenting which focuses on “parent and child as friend” (*tomodachi oyako*), see KOTANI, *supra* note 16, 40. Moreover, Wattenberg’s research relies on data which pre-dates key recent events in Japan, including the Global Financial Crisis (more widely known in Japan as the Lehman Shock of 2008) and the Great East Japan Earthquake of 2011.

83 M. FORSYTHE/A. WONG, Young Radicals Win HK Seats, *Australian Financial Review*, 6 September 2016, 9.

84 K. BROWN, Hong Kong Election Shows a City Divided and Uneasy, *Asian Studies Association of Australia*, 7 September 2016, <http://asaa.asn.au/hong-kong-election-shows-a-city-divided-and-uneasy/>.

85 *Ibid.*

86 Tsukada notes that the problem of “A seemingly motivated, but politically detached, citizenry” is not unique to Japan, see TSUKADA, *supra* note 19. Wattenberg argues that low youth turnouts are a concern for democratic systems and youth participation “matters,” because otherwise policies are likely to be biased towards elderly interests: Wattenberg, “Does Low Youth Turnout Really Matter?”, n. 82. On declining participation at elections, particularly amongst youth, see also M. PRINT, *Citizenship Education and Youth Participation in Democracy*, *British Journal of Education Studies* 55, no. 3 (2007) 325–345. He finds that voter participation in Australia is declining even though voting is compulsory.

87 See discussion and tables below.

the national average for all other age groups. Reformers hope that starting to vote earlier will create civic habits that will stop the trend towards overall lower voter turnouts in future. This section briefly analyses this driver in light of the results from the Upper House election in July 2016.

*Table 2: Overall percentage of voter turnout at Lower and Upper House elections in Japan over last decade<sup>88</sup>*

	2005	2007	2009	2010	2012	2013
Upper House		58.64%		57.92%		52.61%
Lower House	67.51%		69.28%		59.32%	

*Table 3: Percentage of voter turnout at Lower House elections in Japan over last decade by age<sup>89</sup>*

Year of Lower House election	20–29	30–39	40–49	50–59	60–69	70+
2005	46.20%	59.79%	71.94%	77.86%	83.08%	69.48%
2009	49.45%	63.87%	72.63%	79.69%	84.15%	71.06%
2012	37.89%	50.10%	59.38%	68.02%	74.93%	63.30%
2014	32.58%	42.09%	49.98%	60.07%	68.28%	59.46%

*Table 4: Percentage of voter turnout at Upper House elections in Japan over last decade by age<sup>90</sup>*

Year of Upper House election	18–19	20–29	30–39	40–49	50–59	60–69	70+
2007		36.03	49.05	60.68	69.35	76.15	64.79
2010		36.17	48.49	58.80	67.81	75.93	64.17
2013		33.37	43.78	51.66	61.77	67.56	58.54
2016	45.45 <sup>91</sup>	35.60	44.24	52.64	63.25	70.07	60.98

88 For historical rates of voter turnouts, see MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Kokusei senkyo ni okeru nendai betsu tōhyōritsu ni tsuite* [Regarding the Percentages of the Voters According to Age who Exercised their Right to Vote at the National Election], [http://www.soumu.go.jp/senkyo/senkyo\\_s/news/sonota/nendaibetu/](http://www.soumu.go.jp/senkyo/senkyo_s/news/sonota/nendaibetu/).

89 *Ibid.* The decreasing voter turnout between 2009 and 2012 is dramatic and may tentatively be linked to the circumstances and consequences of the Fukushima incident in 2011.

90 *Ibid.*

91 This number was taken from “Dai 24 kai sangi’in gi’in tsūjō senkyō happyō shiryō” [24th Upper House Ordinary Election Published Materials], <http://www.soumu.go.jp/senkyo/24sansokuhou/> (under headline 7, first link). The figure was calculated by sampling 187 electoral districts, which is the calculation method adopted for the other age groups and from the past elections. The voters’ percentage for the 18 and 19

Official statistics about elections and voter turnout are collected by MIAC. Typically, the Ministry releases its results a couple of days after the election, but in this case MIAC rushed out its preliminary findings on Monday, 11 July 2016 in light of the interest in the impact of the lowering of the voting age.<sup>92</sup> It found that 54.70 percent of eligible voters voted, an increase of 2.09 percentage points when compared to the last election in 2013 (52.61 percent), but still the fourth lowest turnout in the history of Upper House elections.<sup>93</sup> The percentages based on gender were 55.13 percent for males and 54.30 percent for females.<sup>94</sup> Turnouts were the lowest ever in some prefectures (Tottori, Tokushima, and Kōchi) and the lack of interest amongst voters was particularly felt in prefectures such as Kōchi where there were no home grown candidates: voter turnout was 4.37 percentage points lower there when compared to the last election.<sup>95</sup>

According to the MIAC, 45.45 percent of 18 and 19 year olds voted.<sup>96</sup> From the perspective of the reformers' goal of increasing younger voter turnouts, the lowering of the eligible age could be said to be a success when traditional average voting rates for people in their 20s are compared with the 2016 turnout rates for 18 and 19 year olds, and in particular for 18 year olds (compare Tables 2–4 and 5). The percentage of 18 and 19 year old voters in 2016 was higher than for voters in their 20s at the last national election, when 35.3 percent of 20 to 24 year olds voted and 40.25 percent of 25 to 29 year olds voted.<sup>97</sup> Further, the 45.45 percent turnout rate achieved in 2016 also compares favorably with historical voter turnout rates for people in their 20s.<sup>98</sup> Of the 20 to 29 year old demographic, 33.37 percent voted in the Upper House Election of 2013 and 32.58 percent voted in the Lower House Election of 2014.<sup>99</sup>

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years old in the 2016 election set out in the table in “About the Percentages of the Voters Divided According to Age Who Exercised their Right to Vote at the National Election” is 46.78 percent, and this percentage is calculated by a complete count survey.

92 “Dai 24 kai sangi'in gi'in tsūjō senkyo kekka shirabe” [Investigation of the Results from the 24th Upper House Ordinary Election], [http://www.soumu.go.jp/main\\_content/000430170.pdf](http://www.soumu.go.jp/main_content/000430170.pdf). The voting rates are shown at page 13 (numbered page 11). See also “Tōhyōritsu 54.70% sengo 4 ban me no hikusa Asahi Shimibun shūkei” [Voting Rate 54.70%, 4<sup>th</sup> Lowest Rate after the War, Tally by Asahi Newspaper], The Asahi Shimibun, 11 July 2016, <http://www.asahi.com/articles/ASJ757G44J75UTFK015.html>.

93 Investigation of the Results from the 24th Upper House Ordinary Election, n. 90.

94 *Ibid.*

95 *Ibid.*

96 *Ibid.*, (under headline 7, first link).

97 AKARUI SENKYO SUISHIN KYŌKAI [Association for Promoting Fair Elections], *Shūgi'in gi'in senkyo* [Elections for members of the Lower House], [www.akaruisenkyo.or.jp/0770various/071syugi/696/](http://www.akaruisenkyo.or.jp/0770various/071syugi/696/).

98 MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *supra* note 88.

A more detailed summary of 18 and 19 year old voting rates is set out in Table 5. More young females than males voted in both age groups. Female 18 year olds voted at a rate of 53.01 percent and female 19 year olds at a rate of 42.11 percent. More male 18 year olds voted (49.43 percent) than male 19 year olds (37.31 percent).<sup>100</sup> This trend reflects historical voting patterns where the female turnout tends to be slightly higher than males for younger generations.<sup>101</sup> As Table 5 also shows, the voting rate for 18 year olds was noticeably higher than for 19 year olds at 51.17 percent and 39.66 percent respectively.<sup>102</sup> The reasons for the higher rate of voting amongst 18 year olds include that they are typically still at high school and are more likely to have heard about their right to vote, been encouraged to vote, and also attend polling booths at their schools and with their family.<sup>103</sup> Further, a number of 19 year olds did not vote because they had moved away from their family homes, for example on entering university, and had not changed their address for voting purposes.<sup>104</sup> These students were not able or willing to, including because of the time and cost involved, return to their home jurisdictions to vote. From this perspective, expanding postal voting and using online voting may also increase voting rates.<sup>105</sup>

*Table 5: 18 and 19 year old voter turnouts for the Upper House election held on 10 July 2016<sup>106</sup>*

	Male	Female	Average
18 Years Old	49.43%	53.01%	51.17%
19 Years Old	37.31%	42.11%	39.66%
Average	43.43%	47.58%	45.45%

99 *Ibid.*

100 Investigation of the Results from the 24th Upper House Ordinary Election, n. 92.

101 MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS, *Me de miru tōhyō ritsu* [Voting percentages viewed graphically], January 2017, 8–9 (numbered pages 6 and 7) [http://www.soumu.go.jp/main\\_content/000365958.pdf](http://www.soumu.go.jp/main_content/000365958.pdf).

102 *Ibid.*

103 “18 sai 51%, 19 sai wa 39% ... hikukatta tōhyōritsu” [51% for 18 years old, 39% for 19 years old ... Low Voting Rate], Yomiuri Newspaper, 11 July 2016, <http://www.yomiuri.co.jp/election/sangiin/2016/news/20160711-OYTIT50218.html>.

104 *Ibid.* Some students in Fukui reportedly did not vote because they had not changed their residency registration to Fukui. Many Japanese tertiary students move away from home to study.

105 Online platforms such as NicoNico Douga’s monthly political polls attract over 30,000 replies in just 15 minutes, see N. AIZAWA, Accommodating Japan’s Youth and Women in a Silver Democracy, East Asia Forum, 28 September 2016, <http://www.eastasiaforum.org/2016/09/28/accommodating-japans-youth-and-women-in-a-silver-democracy/>.

106 24th Upper House Ordinary Election Published Materials, n. 90 (under headline 7).

Educational programs may also help to explain the higher voter turnout amongst 18 year olds who are still at school, compared to the turnout amongst 19 year olds. The new Notice, which replaced the 69 Notice, encourages high schools to educate students on the mechanics of policy formation such as the effects that election and voting has on policies as well as the method of voting, and assist them to gain skills to think logically, and to judge fairly upon consideration of the issues from various perspectives, and to resolve issues corroboratively.<sup>107</sup> However, the Notice also notes that schools are to “refrain from political education in favour of or against any specific political party” under Article 14 (2) of the Basic Act on Education, and that the political activities of high school students should not be unlimited. The new Notice continues to restrict political activities by high school students (regardless of age) during and outside school hours on school grounds, and also restricts high school students from conducting political activities outside the school grounds if it will cause any academic or life issues for themselves or other students. As this summary of the new Notice suggests, there is likely to be ongoing debate over the content, format, and delivery of education. Research from Australia also suggests that the type and content of education is also very relevant.<sup>108</sup>

## V. CONCLUSION

As the results of the July 2016 Upper House Election suggest, lowering of the voting age of itself is unlikely to impact on the dominance of the LDP in Japanese politics. The analysis of the phases of reform in this article demonstrate that whilst the reforms were intricately linked to the LDP’s constitutional reform agenda, the lowering of the voting age itself was a long-standing goal for opposition parties and was supported by other civic and demographic drivers. Moreover, recent results suggest that Japanese voters, including 18 and 19 year olds, are still just as likely to stay at home on any election day as to vote. Overall, voter turnout is still only about 55 percent. As the turnout by 18 year old voters suggests, however, the education reforms and increased awareness which accompanied the lowering of the voting age in Japan may help to reverse the trend of low voter turnout

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107 MINISTRY OF EDUCATION, CULTURE, SPORTS, SCIENCE AND TECHNOLOGY, *Kōitō gakkō tō ni okeru seiji kyōyō no kyōiku to kōitō gakkō tō no seito ni yoru seijiteki katsudō tō ni tsuite (tsūchi)* [Notice regarding the Education of Politics at High Schools etc., and the Political Activities by the Students of High School etc.] (Notice No. 933, 2015), 29 October 2015, [http://www.mext.go.jp/b\\_menu/hakusho/nc/1363082.htm](http://www.mext.go.jp/b_menu/hakusho/nc/1363082.htm).

108 PRINT, *supra* note 86.

amongst Japanese youth in future, but it is still too early to tell. The reform may also have wider implications for controversial issues relating to the demarcation in law and society between Japanese childhood and adulthood, as evidenced by the debates about the age of majority analyzed in this article which are ongoing.

#### SUMMARY

*This article examines an important development in contemporary electoral law in Japan: the lowering of Japan's eligible referendum and election voting age from 20 to 18 years old. The lowering of the voting age is inextricably linked to the LDP's agenda of constitutional reform in Japan, but the article's detailed examination of the processes and debates which led to the voting age reforms shows that this agenda was not the sole driver; reformers were also concerned about global norms, demographic imbalances and declining voter participation and turnout rates. The first election after the reforms held in July 2016, however, further cemented the Liberal Democratic Party's dominance, despite reporting of widespread dissatisfaction with many of its policies, and possibly paves the way for controversial constitutional amendments.*

#### ZUSAMMENFASSUNG

*Der Beitrag untersucht eine wichtige Entwicklung im gegenwärtigen japanischen Wahlrecht. Es geht um die Absenkung des Wahlalters von 20 auf 18 Jahre, damit junge Menschen aktiv an allgemeinen Abstimmungen und Wahlen teilnehmen können. Die Absenkung des Wahlalters ist untrennbar mit dem Vorhaben der LDP, die japanische Verfassung zu reformieren, verbunden. In einer eingehenden Analyse des Gesetzgebungsverfahrens und der einschlägigen parlamentarischen Debatten zeigt der Beitrag jedoch, dass die angestrebte Verfassungsreform nicht der einzige Grund für die Wahlrechtsreform war. Die Reformer hatten auch internationale Standards, demographische Ungleichgewichte und sinkende Wahlbeteiligungen im Blick. Die erste allgemeine Wahl, die im Jahr 2016 nach Inkrafttreten der Reform abgehalten worden ist, hat allerdings die bestehende Vormachtstellung der LDP trotz Berichten über eine in der Bevölkerung weit verbreitete Unzufriedenheit mit vielen Aspekten ihrer Politik noch weiter verstärkt. Die Wahlrechtsreform hat möglicherweise den Weg für die umstrittene Verfassungsreform geebnet.*

*(Die Redaktion)*