



Cabinet Office

A democracy that works for everyone: British citizens overseas

Response to feedback to policy proposals

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Foreword

In October 2016 the Government published the policy statement “A democracy that works for everyone: British citizens overseas”, setting out how it intended to introduce votes for life, scrapping the rule that bars British citizens who have lived abroad for more than 15 years from voting. The Government reaffirmed this commitment in its 2017 election manifesto.

The Government outlined proposed changes to the current system for registering to vote in UK Parliamentary elections from overseas, which would remove the 15-year rule and give all eligible British citizens who have lived in the UK a lifelong right to vote. I would like to thank those who responded to the statement for their insightful comments and for sharing their invaluable knowledge. It is rewarding to see the positive response to the proposed changes from a cross section of the electoral community and members of the public.

I look forward to working with the electoral community as we make these changes. The Government remains committed to introducing the necessary legislation before the next scheduled General Election in 2022. I am pleased that such legislation would increase the numbers of British citizens overseas who would be eligible to register to vote in UK parliamentary elections, further strengthening the foundations of our democracy. This change will be supported by our plans to increase the registration rates of those groups, including overseas electors, that are currently underrepresented on the electoral register.

As we approach the 90th anniversary of universal suffrage this year, it remains as important as ever that all eligible citizens are able to register to vote and exercise their democratic right no matter how far they have travelled. I am confident that the changes set out in this document will help secure this.

Chloe Smith MP
Minister for the Constitution

Introduction

1. In October 2016 the Government published a policy statement on amending the voting rights of overseas electors so that British citizens who have lived abroad for more than 15 years can vote in UK Parliamentary elections. Such a change should increase the number of people that are registered to vote. This document provides a summary of responses to that statement and sets out the Government's response.

Background

2. British citizens living outside the United Kingdom were unable to vote in any UK elections before 1985. The Representation of the People Act 1985 extended the franchise to British citizens resident overseas and enabled them to register as 'overseas voters' in the UK constituency in which they were last registered.
3. The advent of modern communications technology, together with developments such as increased affordable travel, means that it is now easier than ever to maintain strong ties to the UK from abroad. The Government believes that the current fifteen-year time limit is outdated and it is time to abolish it. The Government also intends to enfranchise any British citizen overseas who was previously resident or registered to vote in the UK. At present, only those British citizens who were registered to vote before leaving the UK may apply to become overseas electors. Combined, these changes will mean that an estimated 3 million further UK citizens overseas will be enfranchised.
4. It is estimated that there are 1.3 million British citizens living abroad that are currently eligible to register as overseas electors. The introduction of online electoral registration in 2014 has already made it much easier for overseas electors to register to vote – and they have done so in ever increasing numbers. The total number of overseas electors registered to vote at the June 2017 UK Parliamentary general election was 285,000.

Overall feedback

5. We received feedback from 264 respondents. Members of the public generally warmly welcomed the proposed changes. 16 bodies who will be responsible for delivering the policy changes provided point by point feedback and suggestions on the Government's plans.
6. The Government intends to use this feedback to make improvements to the overseas electoral registration application process by:
 - enabling applicants to register in respect of a UK address which has been demolished;
 - creating a power for the relevant Ministers to vary the frequency of renewals of overseas declarations, subject to consultation with the electoral community;
 - enabling Electoral Registration Officers to request a copy of a UK passport and other documents to verify identity where the applicant provides no National Insurance number (NINo) or it fails to match government records;
 - clarifying whether identity and address attestors must be UK residents;

- clarifying that a correspondence address provided by an applicant must be overseas;
- enabling discretionary checking against locally held data to establish a connection to a UK address; and
- changing wording on application forms to more strongly encourage provision of email addresses.

Proposed changes and feedback

Identity verification

7. The Government proposed to make it easier to verify the identity of overseas applicants. Under current arrangements an applicant who does not provide a National Insurance Number (NINo), or whose NINo fails to match against Government records, must have their identity attested by another registered overseas elector who is not a close relative. The Government proposed to also enable EROs to ask the applicant to provide a copy of their passport to prove their identity.

Feedback

8. Feedback on this proposal was generally positive, although some noted that it would be difficult for EROs to check with the relevant authorities that a passport was valid and that it might not be practicable to require an original passport, particularly close to the registration deadline ahead of an election. The Association of Electoral Administrators (AEA) and Canterbury City Council also recommended that it would be more efficient to require applicants who cannot provide a NINo to supply a copy of their passport at the point of application. The Electoral Commission (EC) recommended extending the range of permissible evidence to include other documents such as birth certificates or current photo driving licences.
9. Some concerns were raised about the difficulty checking that someone providing an attestation was a registered elector. The AEA and the Scottish Assessors Association (SAA) noted that the penalties for supplying false information in an application would be difficult to enforce for overseas applicants and attestors. Eight respondents also advised that it can be difficult for an overseas applicant to find another overseas elector that matches all criteria to be an identity attestor. The limit of two attestations per attestor was therefore questioned.

Government response

10. **The Government welcomes the recommendations for improving identity verification. We will legislate to enable overseas applicants to provide either a copy of their passport, a certified copy or the original (at the EROs discretion). We also agree that other forms of documentary evidence should be permitted. The Government will also look at prompting those who cannot supply a NINo as part of their application to immediately send copies of documents direct to the relevant ERO, to avoid time being lost.**
11. **The Government will work with the Electoral Commission and administrators to provide greater clarity around the criteria for eligibility to be an attestor.**

Address verification

12. Under the Government's proposals overseas electors should apply to register at the last UK address at which they were registered to vote or were resident before leaving the UK. Their connection to this address will need to be verified by means of a previous register check, or the provision of documentary evidence, or an attestation from a UK-based registered elector.

Feedback

13. Feedback on these proposals was detailed and varied. Respondents noted that, in cases where applicants are able to provide evidence of both previous registration and residency, there may be a risk of applying to register at an address where applicants believe their vote may be more influential to the election result. The AEA and the EC advised the Government to clarify that an overseas elector is able to register in only one constituency.
14. EROs noted that applicants struggle to accurately remember their previous addresses and that it is not uncommon for electoral administrators to have to look up several addresses against electoral registers for each applicant. The AEA advised that the ability of electoral administrators to effectively match records would also be affected by local government reorganisation, polling district reviews, and the demolition or redevelopment of properties.
15. Some respondents agreed that the proposals for documentary evidence to support applications to register in respect of a UK address were "reasonable" and "workable", but others expressed concerns that proposed documentary evidence is unlikely to be easily available for potential electors who have been overseas for more than 15 years. EROs may also struggle to validate the evidence provided due to lack of (access to) data against which to check documents.
16. Eastbourne Borough Council, the EC and the SAA were concerned that attestation might become the only remaining route to register for many applicants that left the UK more than 15 years ago and noted the risks of fraud and additional resource burdens this may pose for EROs.

Government response

- 17. The Government must look to strike the right balance between providing a system which is accessible to overseas electors, workable for electoral administrators and protects the security and integrity of electoral registration.**
- 18. In response to feedback the Government will provide for applicants to register in respect of a UK address which no longer exists.**
- 19. The Government will also give EROs a discretionary power to establish a connection to an address by checking other data that may be held locally, such as council tax records.**

20. The Government acknowledges a potential risk of overseas electors trying to register at more than one address and accepts that there are operational difficulties in preventing such behaviour. One suggestion put forward was to create overseas constituencies and a national register of overseas electors. The Government rejects this idea as being too fundamental a departure from the existing arrangements and structures. Legislation currently prevents a person having two declarations of the same date with different addresses and brings to an end a current declaration if the same person seeks another declaration in a different constituency. This position will not change under the new proposals. It will remain a criminal offence to knowingly vote twice in the same election.

21. The Government will work with the electoral community in developing the detailed secondary legislation in this area and will provide comprehensive guidance.

Renewal of registration

22. The Government proposed to simplify the process for renewing registration declarations by allowing EROs to send renewal reminders electronically and overseas electors to renew online. Renewal requirements will also be simplified by requiring less information than currently and allowing EROs to pre-populate renewal forms with the relevant details and the GOV.UK site allowing electors to confirm that the information pre-populated in the reminder sent to them remains true.

Feedback

23. Six respondents provided feedback on these proposals in the policy statement. The EC called for renewal reminders and returns to be sent electronically and noted that electronic communications should become the default for overseas electors.

24. Respondents emphasised the importance of providing clear messaging to overseas electors at the time their renewal is due and in any subsequent reminders to raise awareness of the process.

25. Eastbourne and Runnymede Borough Councils and the Electoral Commission suggested that an overseas declaration should not be renewed annually, as is currently required. Eastbourne and the EC suggested extending the current 12 months that a declaration remains valid to 5 years. Runnymede suggested an extension to 10 years or even for a lifetime. However, the SAA, the AEA and the Society of Local Authority Chief Executives (SOLACE) opposed the idea, arguing that while a longer duration might be more administratively convenient, there is a risk that the integrity of the register would be jeopardised. It would also create inconsistency in approaches with other 'special category' electors.

26. All respondents welcomed the proposal to enable the renewal of declarations online.

Government response

27. The Government will make explicit that all communications with overseas electors can be by email and will provide for overseas electors to renew their declarations online.

28. In light of the current lack of consensus within the electoral community about whether extending the renewal frequency is desirable, the Government does not propose to make this change. To allow the Government to act more swiftly in the future, should opinion coalesce, we will seek a power to enable the renewal frequency to be changed, up to a maximum of five years, by secondary legislation. The Government would consult with the electoral community before making any such change.

Other feedback

29. Respondents proposed that the application form for overseas electors should also include an absent vote application to ensure an applicant arranges a postal or proxy vote at the time of registration. Runnymede Borough Council, Wiltshire Council and Eastbourne Borough Council suggested that this must be an integral and compulsory part of the registration process. This is because many overseas electors currently fail to make timely absent vote arrangements.

30. Some respondents suggested that provision of an email and telephone number should be made mandatory.

31. Wiltshire Council suggested that overseas electors should be required to provide their overseas address. This would ease communication and provide additional assurance that the applicant is indeed overseas.

32. Some respondents called for the Government to bring forward the registration deadline for overseas electors. Applications from overseas electors are more complex to process and are likely to be more so for those who have been overseas for more than 15 years. This would reduce pressures in the immediate run up to the election and potentially provide more time for postal ballots to be sent and received in time to be counted. Hertsmere Borough Council suggested closing candidate nominations earlier to enable earlier printing and postage of ballot papers.

Government response

33. The Government will look to further improve the messaging on GOV.UK to more clearly highlight the need to make an absent vote application.

34. The Government will further encourage applicants to provide an email address, but will not make this a legal requirement as not all applicants will have one.

35. The Government agrees that overseas applicants should be required to provide their overseas address and will clarify the overseas electors application forms to that effect.

36. The Government recognises the time constraints when dealing with last minute applications to register to vote, particularly from overseas electors. It also notes the difficulties with postal voting from overseas. The Government has already amended the timetable for parliamentary elections to maximise the time available for postal vote packs to be printed, posted and returned. The Government agrees that overseas electors should be encouraged to register as early as possible ahead of the registration deadline. But, we do not believe that it would be appropriate to set different deadlines for different groups of electors.

ANNEX - List of respondents

Association of Electoral Administrators (AEA)

Babergh and Mid Suffolk District Councils

Canterbury City Council

Eastbourne Borough Council

Gravesham Borough Council

Hertsmere Borough Council

London Borough of Hounslow

London Borough of Wandsworth

Runnymede Borough Council

Scottish Assessors Association (SAA)

Selby District Council

Sheffield City Council

Society of Local Authority Chief Executives (SOLACE)

The Electoral Commission (EC)

Watford Borough Council

Wiltshire Council

248 responses from the general public, mostly from British citizens overseas