



BRIEFING PAPER

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Overseas voters

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Summary

British citizens living overseas are currently entitled to be registered to vote in UK Parliamentary elections for up to 15 years in the constituency they were registered in before leaving the UK. They are not entitled to vote in UK local elections or elections to the devolved assemblies.

Until 2015 the number of overseas voters registered to vote had never risen above 35,000. In the annual ONS electoral register figures of December 2016 this had risen to 264,000. This was largely because of an overseas voter registration campaign in the run up to the 2015 General Election and interest in the 2016 referendum on the UK's membership of the EU.

At the UK General Election of 2017 there were a record 285,000. There are no estimates of how many British nationals living abroad would be eligible to register under the current 15 year rule.

After the last general election in 2015, the Government had indicated that it would bring forward a 'votes for life bill' which would remove the 15 year rule; make it easier for overseas voters to cast their votes in time for them to be counted, and allow for the secure and accessible registration of overseas voters. The change would require primary legislation, but no legislation has yet been published.

During Business Questions on 21 July 2016, the Leader of the House, David Lidington, explained that extending the franchise was a complex matter "because we would have to not just extend the franchise but establish a new system of voter registration, which is not straightforward given that voter registers no longer exist for periods that go back earlier than 15 years. We have to find some way of allocating those individuals to constituencies and verifying a previous place of residence."¹

On 7 October 2016 the Government published a policy statement, *A democracy that works for everyone: British citizens overseas*, which set out how the 15 year rule will be removed and how all eligible British citizens who have lived in the UK will be given a lifelong right to vote in Parliamentary elections, the so called 'votes for life'.

British citizens living abroad will have to provide either a verifiable National Insurance number, or a current UK passport, or an identity attestation, in order to be registered as an overseas voter.

Overseas voters will continue to be registered at a previous address in the UK and the Electoral Registration Officer will need to be satisfied of their connection with that address. The registration will last for twelve months and will then have to be renewed.

The Government asked for feedback to the policy statement from the expatriate community and from those with technical electoral expertise. There was no draft legislation in the policy document but the Minister indicated that it was hoped the new policy would be in place before the next scheduled Parliamentary general election, at the time expected to be in May 2020.

The Government re-iterated its commitment to legislation to implement for 'votes for life' in the Conservative Party's 2017 General Election manifesto. Legislation is now expected in 2018 and the new system to be in place by the next scheduled election, now due to be May 2022.

¹ HC Deb 21 July 2016 c992

Harry Shindler, a British citizen who has lived in Italy since 1982, and Jacquelyn MacLennan, who has lived in Brussels since 1987, were not able to vote in the 2016 referendum on the UK's membership of the EU. They took a case to the High Court challenging the legality of the franchise for the referendum which excluded British citizens who have lived abroad for more than 15 years. Shindler and MacLennan claimed that the 15 year rule, as applied to eligibility to vote in the EU referendum, constituted a restriction on their rights of free movement.

The High Court's [judgment](#) on 28 April 2016 rejected the claim. Shindler and MacLennan sought leave to appeal the judgment in the Court of Appeal; this application was heard on 9 May 2016 and leave to appeal was refused by the Court in a [judgment](#) on 20 May 2016.

On 24 May 2016 the Supreme Court refused Shindler and MacLennan's application for permission to appeal the Court of Appeal's judgment which will therefore stand.²

Harry Shindler had previously taken his case to the European Court of Human Rights. In 2009 he argued that no time limit should be imposed on the right of British citizens living overseas to vote in the UK. In its judgment on 7 May 2013, the European Court ruled that there had been no violation of Article 3 of Protocol No 1 (right to free elections) of the European Convention on Human Rights and determined that the UK had legitimately confined the parliamentary franchise to those citizens who had 'a close connection to the UK and who would therefore be most directly affected by its laws.'

This Briefing Paper provides background to the provisions relating to overseas voters in the *Representation of the People Act 1985* which was subsequently amended by the *Representation of the People Act 1989* and the *Political Parties, Elections and Referendums Act 2000*. Information is also given about the procedure for registering to vote as an overseas elector and the means of voting, either by post or by proxy.

There are different arrangements for the armed forces and these are covered in [Library Standard Note SN/PC/4276](#), *Armed forces voting*.

² [Permission to appeal application refused in EU Referendum case](#), Supreme Court, 24 May 2016

1. Current registration of overseas voters

British citizens who have moved abroad can apply to be registered as an overseas voter in the last constituency in which they were entered on an electoral register.

British citizens who have lived overseas for more than 15 years are currently unable to register to become an overseas voter.

Anyone who has not previously been registered to vote anywhere in the UK is unable to apply to register as an overseas elector. This rule does not apply if you were too young to register when you left the UK. If a voter left the UK before they were 18 they can be registered at their parents' or guardians' address provided that they left the UK no more than 15 years ago.

Following the introduction of individual electoral registration (IER) in 2014, anyone newly applying to be registered under the new system has to supply personal identifiers (national insurance number and date of birth) as well as making an overseas declaration.

Registration must be renewed annually. The Electoral Registration Officer is required to keep a separate register of overseas voters for the relevant area. The Electoral Registration Officer will send the overseas voter a renewal form as a special category of elector each year until the end of the 15 year period.

Overseas voters can vote by post or proxy, or in person at their allotted polling station if they are in the UK at the time of the election.

The Electoral Commission recommends that overseas voters should consider appointing a proxy to vote on their behalf because of the short period available to be sent and return a postal vote overseas.

If the overseas voter is serving in the armed forces, or is a Crown servant, there are different provisions for registering to vote as they are not subject to the 15 year rule. Briefly, members of HM forces and their spouses can either register by means of a service declaration or can choose to be registered as an ordinary elector instead. A service declaration is valid for five years and then has to be renewed.³ Crown servants and British Council employees employed in posts outside the UK, together with their spouses, are also entitled to be registered for all elections and have to submit a Crown Servant or British Council declaration with their application to register.

The Electoral Commission's website gives further details about the registration of overseas voters and a link to the relevant registration forms.⁴

³ For further details see Library Standard Note [SN/PC/4276](#)

⁴ <http://www.aboutmyvote.co.uk/overseas-voters>

2. Votes for Life

2.1 Conservative Party 2015 and 2017 manifesto commitments

The Conservative Party's manifesto for the 2015 general election had included the following commitments about elections:

Building on our introduction of individual voter registration, we will continue to make our arrangements fair and effective by ensuring the Electoral Commission puts greater priority on tackling fraud and considers insisting on proof of ID to vote. We will complete the electoral register, by working to include more of the five million Britons who live abroad. We will introduce votes for life, scrapping the rule that bars British citizens who have lived abroad for more than 15 years from voting. We will respect the will of the British people, as expressed in the 2011 referendum, and keep First Past the Post for elections to the House of Commons. And we will introduce English votes for English laws, answering the longstanding West Lothian Question in our democracy.⁵

After the general election the commitment to bring forward a *Votes for Life Bill* was included in the Queen's Speech of 27 May 2015.

The briefing notes for the [Queen's Speech](#) described the *Votes for Life Bill* as follows:

The purpose of the Bill is to:

- Scrap the current 15 year time limit on the voting rights of British citizens living overseas for UK parliamentary and European parliamentary elections, including provisions relating to the registration of overseas electors.

The main benefits of the Bill would be to:

- End the disenfranchisement after an arbitrary 15 years of British citizens living abroad, enabling them to continue voting in UK Parliamentary and European Parliamentary elections.
- Make it easier for overseas electors to cast their votes in time to be counted.
- Encourage larger numbers of British citizens living abroad to register to vote in UK elections.

The main elements of the Bill are:

Franchise

The Bill would enable British citizens who are resident overseas to continue to vote in UK elections after 15 years since they were last resident and registered in the UK.

Electoral Registration

The Bill would provide for the secure and accessible registration of overseas electors.

Electoral Administration

The Bill would contain provisions to make it easier for overseas electors to vote in time to be counted.

⁵ [Conservative Party manifesto 2015](#), p49

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During Business questions on 21 July 2016, the then Leader of the House, David Lidington, was asked by Geoffrey Clifton-Brown about the manifesto commitment. David Lidington indicated that extending the franchise was a complex matter:

...because we would have to not just extend the franchise but establish a new system of voter registration, which is not straightforward given that voter registers no longer exist for periods that go back earlier than 15 years. We have to find some way of allocating those individuals to constituencies and verifying a previous place of residence. ⁶

2.2 Proposals

On 7 October 2016 the Government published a policy statement, *A democracy that works for everyone: British citizens overseas*, which set out how the 15 year rule would be removed and how all eligible British citizens, who have lived in the UK and who are now living overseas, will be given a lifelong right to vote in Parliamentary elections.⁷

The registration would, as now, last for twelve months and will then have to be renewed.

Which elections?

The elections that overseas voters will be eligible to vote in will be as before; they will continue to be able to vote in UK Parliamentary elections but not in local government elections, nor elections to the devolved legislatures or elections for police and crime commissioners.

Eligibility to vote in referendums will depend on the franchise chosen. Overseas voters will normally only be able to vote in referendums that use the Parliamentary franchise.

How to apply

Application will, as now, be allowed on paper forms or via the GOV.UK [online voter registration service](#) (the online service is not currently available for voters in Northern Ireland). The Government proposed that in some circumstances telephone applications would be allowed but did not go into any detail.

The application will still require an overseas elector's declaration as now. This will be incorporated into a single form with the application.

ID verification

British citizens living abroad will have to verify their identity by providing a National Insurance number. If they cannot provide a National Insurance number, or cannot be verified against existing government records, they will be asked to provide a copy (or the original) of their current UK passport to verify their identity.

This is an additional step not currently used in the procedure for registering overseas voters, which allows for an attestation to be made if a National Insurance number cannot be given. An attestation is a declaration from another British citizen confirming the identity of the applicant which must be in the required form.

⁶ HC Deb 21 July 2016 c992

⁷ *A democracy that works for everyone: British citizens overseas: policy statement* Cabinet Office, October 2016

Attestations will not be allowed from close relatives (spouse, civil partner, parent, grandparent, brother, sister, child or grandchild) of the applicant.

Address verification

Overseas voters will be registered at a previous address in the UK and the Electoral Registration Officer will need to be satisfied of their connection with that address.

This connection can be one of previous registration or residence. The Cabinet Office expects for most people this will still be the last address in the UK at which they were registered. This can be verified by the local Electoral Registration Officer.

If a person was not previously registered they will now be able to provide evidence that they were previously resident at an address. This can be either documentary evidence or an attestation.

The Cabinet Office [policy document](#) provides the list of suitable documentation in Annex B

Attestations will not be allowed from close relatives (spouse, civil partner, parent, grandparent, brother, sister, child or grandchild) of the applicant.

Costs

Most of the costs of the new policy will be incurred by the local authorities in the first instance but the level of costs will depend on the number of newly eligible electors who decide to register which cannot be predicted in advance.

The Government stated in the policy document that it intends to provide funding for Electoral Registration Officers' additional costs and that further details of this will be announced in due course.⁸

The Government asked for feedback to the policy statement from the expatriate community and from those with technical electoral expertise. There was no draft legislation in the policy document but in a written statement the Minister, Chris Skidmore, indicated that it was hoped the new policy would be in place before the next scheduled Parliamentary general election, at the time due in May 2020.⁹

The Conservative Party manifesto for the snap general election of June 2017 reiterated the Party's commitment to end the 15 year rule and legislate for 'votes for life', although no mention of overseas voters was made in the Queen's Speech that followed the election.

In December 2017, the Cabinet Office published the Government's five year Democratic Engagement Plan, *Every Voice Matters: Building a Democracy That Works For Everyone*.

The document again included the commitment to introduce 'votes for life' in time for the next scheduled UK Parliamentary general election. This is now scheduled to be May 2022, following the snap election held in June 2017. Legislation is currently expected in 2018.

⁸ [ibid](#)

⁹ [HCWS 166 10 October 2016](#)

3. Background

Before 1985 British citizens resident outside the United Kingdom were unable to register to vote in UK Parliamentary elections. 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 constituency for which they were last registered.

This was initially for a period of 5 years, but was later extended to 20 years by the *Representation of the People Act 1989*, and then reduced to 15 years by the *Political Parties, Elections and Referendums Act 2000*.

3.1 The *Representation of the People Act 1985*

During the 1970s there was pressure to extend the franchise to British citizens living and working abroad. Representations were made to the Speaker's Conference on Electoral Law in 1973-4, but the Conference did not make any specific recommendations.

The Home Affairs Select Committee subsequently recommended in 1983 that all UK citizens resident in the then European Economic Community (EEC) countries should have the right to vote in British Parliamentary elections.¹⁰ The Government response to the Committee's report recommended a seven year limit, noting that "in the Government's view a person's links with the United Kingdom are likely to have weakened significantly if he has lived outside it for as long as ten years".¹¹

The Government also recommended that the right be extended to British citizens living in non EEC countries, saying that it would find it hard to defend provisions giving British citizens the right to vote in Paris, but not in New York.

There was a period of consultation before legislative proposals were brought forward; the *Representation of the People Act 1985* subsequently made provision for British citizens who were resident overseas to remain on the electoral register in the UK for a period of 5 years.

3.2 The *Representation of the People Act 1989*

The level of overseas registration under the 1985 Act was far lower than expected despite overseas publicity. Some of the apparent lack of enthusiasm for the new scheme was attributable to its practical complications, including the need for the elector to take all the steps to register without reminders.

The Conservative manifesto for the 1987 general election promised to extend the period of eligibility, but was not specific about a new time limit.¹²

¹⁰ HC 32 1982-3, para 27

¹¹ Cmnd 9140 January 1984

¹² *The Next Steps Forward* 1987

A period of consultation with all interested bodies followed, with a consultation paper issued in April 1988.¹³ This suggested a new time limit of between 7 and 20 years, or even an unlimited qualification.

In the Parliamentary session 1988-89, a further Bill was introduced to extend and simplify the scheme. Some of the qualifying aspects, such as requiring attestation by a consular official, were removed. The Bill, as introduced, proposed a 25 year period, but this was reduced to 20 years following amendments which were accepted by the Government. The *Representation of the People Act 1989* therefore made provision for a 20 year limit for overseas voters.

3.3 Home Affairs Select Committee report October 1998

The Home Affairs Select Committee published a report, *Electoral Law and Administration*, in October 1998. The Committee considered the provisions of the *Representation of the People Act 1985* relating to overseas voters and took the view that the twenty year period within which a British citizen living overseas could retain the right to vote was excessive.

It recommended that the earlier limit of five years should be restored. In evidence to the Committee, the Labour Party and the Liberal Democrats both argued that twenty years was perhaps too long a period but the Home Office reported that most of the correspondence it had received on the issue was not from people calling for the twenty year period to be lowered but from people resident abroad for more than twenty years arguing for it to be increased.

3.4 The *Political Parties, Elections and Referendums Act 2000*

There was initially a provision in the *Political Parties, Elections and Referendums Bill 1999-2000* to reduce the limit to 10 years. During the passage of the Bill amendments were proposed to review this new limit and in the House of Lords at committee stage, the Government suggested increasing the proposed limit from 10 years to 15 years. This meant a reduction of five years on the *status quo*.

An amendment to create a 15 year limit was subsequently passed unopposed.¹⁴ This provision, in s141 of the *Political Parties, Elections and Referendums Act 2000*, took effect from 1 April 2002 and is still in place.

The Labour Government did not indicate that it had any plans to extend the 15 year limit but there were calls to increase the registration rate amongst British citizens living abroad. The Electoral Commission launched campaigns to encourage British citizens abroad to register to vote in UK elections. In 2009 the Commission issued a [press release](#) describing its campaign before the forthcoming general election:

¹³ Dep NS 3902 see HC Deb 29 April 1988 c 285-6W

¹⁴ HL Deb 22 November 2000 c924

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There are more than 5 million British citizens living abroad, but only a few thousand of them have registered to vote in the upcoming UK general election...

British citizens living abroad can register as overseas voters if they have been registered to vote in the UK at any time within the past 15 years. Yet of the estimated 5.5 million British citizens living abroad, less than 13,000 overseas voters are currently on a UK electoral register.

Brits living overseas can vote by post or arrange for a proxy to vote for them in a UK Parliamentary election and the Commission has launched a campaign to encourage British citizens abroad to register to vote ahead of the next general election.

Jenny Watson, Chair of the Electoral Commission, said:

“British citizens living abroad come from a wide variety of backgrounds, but we know that most maintain strong links with the UK. It is easier than ever before for British citizens abroad to keep in touch with friends, family and colleagues back home and many will also want to have their say in elections.¹⁵

4. Changing the 15 year rule

There have been calls for the 15 year rule to be reconsidered. The issue was raised during the passage of the *Electoral Registration and Administration Bill 2012-13* in the House of Commons. Geoffrey Clifton-Brown (Conservative) proposed that a new clause should be added to the Bill to remove the 15 year rule. Mr Clifton-Brown explained the reasons for his amendment to the Bill:

According to the Institute for Public Policy Research, 5.6 million British citizens currently live abroad. The shocking truth is that although, as of last December, about 4.4 million of them were of voting age, only 23,388 were registered for an overseas vote, according to the Office for National Statistics' electoral statistics. Out of 4.4 million potential overseas voters, only 23,000-odd are actually registered! Half the problem is the difficulties of the registration process, which I brought before the House during the clause 1 stand part debate on 18 June, but the other half of the problem is the cut-off limit or qualifying period.¹⁶

The then Parliamentary Secretary, David Heath, replied that the Government would give the issue 'serious consideration' but that it would not rush into a decision 'not because of any wish to obstruct, but simply because the question of extending the franchise is a fundamental one, and both the Government and the House would have to feel comfortable with doing that'.¹⁷ The amendment was subsequently withdrawn.

The Bill received its second reading in the Lords on 24 July 2012 and Lord Norton of Louth raised the issue of overseas voters during the debate:

...although there are 4.4 million British citizens of voting age living abroad, only just over 23,000 are registered as overseas voters... I appreciate the reasons for not wishing to rush to judgement. There are practical issues as well as the issue of principle raised by the Minister-the two come together in terms of ensuring the integrity of the ballot. However, there is a countervailing principle in respect of the rights of those who, while they may live abroad, retain British citizenship. It will be helpful if my noble friend gives some indication of the Government's thinking in the light of the discussions in the other place.¹⁸

Lord Lexden also called for the 15 year rule to be abolished:

There are some, such as Mr Clegg, who are inclined to say that our fellow country men and women abroad should take the nationality of the country in which they reside, even though I understand that Mrs Clegg, who retains Spanish nationality, has a lifetime's right to vote in Spain's elections. There are others who say that because they pay no taxes here they should not vote here, but many do pay taxes. In any case, other countries do not admit taxation as a principle for access to their franchises. Others say that our fellow citizens abroad cannot feel a strong attachment to the United Kingdom after some years away from it. However, in the age of the internet, they can follow closely what is happening in their native land and, as online participants,

¹⁶ [HC Deb 27 June 2012 c346](#)

¹⁷ [HC Deb 27 June 2012 c353 and 354](#)

¹⁸ [HL Deb 24 July 2012 c642](#)

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contribute powerfully to developments taking place here whether they live in Perugia, Portugal or Pennsylvania.

I set out the case for change more fully in a debate initiated by the noble Lord, Lord Wills, in January and I propose to return to it in Committee. The Government have this great issue under active consideration, as the Minister confirmed in a Written Answer to me on 25 June. There could be no better time for action than in this Diamond Jubilee year. Some 5.6 million subjects of Her Majesty live abroad. Many of them today stand hopefully at the bar of British democracy. Let all those who wish to join us be allowed to enter.¹⁹

Lord Wallace of Saltaire responded for the Government and said there were no plans to extend the 15 year rule:

I had a conversation off the Floor of the House with the noble Baroness, Lady Hayter, in which we agreed that we are both being lobbied heavily by our local party organisations from Brussels and Luxembourg on this issue. The Government do not have any plans at the present moment to lengthen the period from leaving the country beyond 15 years, nor do we have any really ambitious plans to do what is done in some other countries, which is to allow voting in embassies and consulates. However, the longer electoral period will help.²⁰

The issue was raised again during consideration of the Bill at Report stage in the House of Lords when Lord Lexden moved another amendment to insert a new clause which would extend the fifteen year time period. The amendment was withdrawn after Lord Wallace responded that the Government had listened to the arguments but had decided that:

There are large questions here about what rights we might grant, for how long and for how many people we might grant them, and whether we should grant them for people who were born abroad. We might appropriately consider these questions, but, I suggest, not in the context of the Bill.²¹

Lord Wallace also suggested that an all-party inquiry into the issue might be the best way forward.

A Parliamentary Question answered in February 2013 confirmed that the Coalition Government had no immediate plans to make changes to the legislation:

Iain Stewart: To ask the Deputy Prime Minister what plans he has to review the rights of overseas electors to vote in general elections.

Miss Chloe Smith: British citizens resident overseas can register to vote in UK parliamentary and European parliamentary (but not local) elections in the UK, provided that they have been registered in the UK in the past 15 years.

The Government is considering whether the 15-year limit into voting rights for British citizens overseas remains appropriate, but has no immediate plans to alter the legislation.²²

The (then) EU Justice Commissioner, Viviane Reding, criticised the UK's policy on overseas voting in January 2014, arguing that:

¹⁹ HL Deb 24 July 2012 c659

²⁰ HL Deb 24 July 2012 c680

²¹ [HL Deb 23 January 2013 c1130](#)

²² HC Deb 12 February 2013 c693W

The right to vote is one of the fundamental political rights of citizenship. It is part of the very fabric of democracy [...] Depriving citizens of their right to vote once they move to another EU country is effectively tantamount to punishing citizens for having exercised their right to free movement. Such practices risk making them second-class citizens.²³

In September 2014, the Conservatives indicated that they would introduce a manifesto commitment to remove the cap that prevents Britons from voting in UK parliamentary elections after they have been out of the country for 15 years and allow them the vote for life.²⁴

Conservative Party Chairman, Grant Shapps, was quoted by the *Financial Times* as having said:

It's extraordinary that millions of British people have been deprived of their right to vote by bureaucratic rules and complex red tape. [...] The next Tory government will abolish unfair rules excluding millions from voting.²⁵

In October 2014, a Liberal Democrat spokesman said:

The Power to the People Policy paper from the spring conference suggests a consultation on allowing expats to be represented via overseas constituencies (as the French have) and a consultation on whether we should allow reciprocal voting arrangements with other EU countries (eg allowing British citizens resident in, for example, Austria to vote in their elections and vice versa [...])

We would not legislate on any changes to electoral arrangements between now and the next election – given the difficulty of getting any controversial legislation on voting arrangements through.²⁶

4.1 All-party working group on overseas voting

In June 2013 an all-party working group on overseas voting was launched with Lord Norton as its Chair. Various blogs for overseas voters have referred to the Group.²⁷

In March 2014, the Group published a report *entitled Enhancing engagement in the electoral process by British expatriates*. It recommended:

- A Cabinet Office Minister should be given specific responsibility for co-ordinating all Government Departments to increase radically the take-up of overseas voting.
- The Electoral Commission should devote more resources to registering citizens living abroad and be given a target of 100,000 registered voters.

²³ *Daily Telegraph*, "Britain is 'punishing' expats by denying vote, Europe says", 29 January 2014

²⁴ *Daily Telegraph*, "Tories pledge to give vote back to all expats", 1 September 2014

²⁵ *Financial Times*, "Conservative party seeks to tap elderly expat vote", 5 September 2014

²⁶ *Daily Telegraph*, "No plans to lift expat vote ban before the election", 14 October 2014

²⁷ <http://votes-for-expat-brits-blog.com/2013/06/27/send-your-evidence-to-all-party-inquiry-on-overseas-voting/> <http://www.votes-for-expat-brits.com/>

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- There should be more data sharing by public bodies to identify citizens living overseas along with dissemination of information about eligibility to vote.
- There should be a greater use of social and other media for disseminating information about eligibility and the means of voting.
- The Foreign Office as well as embassies and consulates should emphasise the civic duty of voting and ensure that expatriate voters are valued as British citizens.
- The Government should undertake a feasibility study of electronic voting, with a possible trial of such voting in areas with high levels of expatriate voters.

The report concluded, amongst other things, that:

We have argued that it is important for Government to take seriously the issue of the voting rights of UK citizens who are living abroad. The Government has placed stress on the need to encourage British citizens who are eligible to register to vote to do so and ensure as far as possible an accurate and complete electoral register. UK nationals living abroad, and who have done so for not more than 15 years, have a statutory entitlement to be on the electoral register. There is no case for treating them as second-class citizens, regarding them as people who have little interest in the UK and who have left these shores never to return. As we have argued, this is an ill-informed and lazy view and one that works against the interests of the United Kingdom. Our citizens living and working abroad are a major asset and could be even more so if HM Government makes clear that they are valued and that their engagement in the electoral process is not only a right but also something to be encouraged. The sooner steps are taken, along the lines recommended above, the better.

4.2 Ruling of the European Court of Human Rights 7 May 2013

Harry Shindler, a British citizen who has lived in Italy since 1982, has long fought for a change in the law to allow him to vote in UK Parliamentary elections. He first took his case to the European Court of Human Rights in 2009 and has argued that no time limit should be imposed on the right of British citizens living overseas to vote in the UK.²⁸

In its judgment on 7 May 2013, (*Shindler v United Kingdom* [2013] ECHR 423) the European Court of Human Rights ruled that there had been no violation of Article 3 of Protocol No 1 (right to free elections) of the *European Convention on Human Rights* and decided that the UK's electoral law "had not gone too far in restricting the right to Mr Shindler's right to free elections".²⁹

The Court also found that:

...allowing non-residents to vote for 15 years after leaving the country was not an unsubstantial period of time. Having regard to the significant burden which would be imposed if the United Kingdom were required to ascertain in every application to vote by a non-resident whether the individual had a sufficiently close

²⁸ [WWII veteran loses ruling on expats voting in UK elections](#), BBC News, 7 May 2013

²⁹ Right to vote of British national who has lived outside the UK for thirty years not violated by UK election laws, European Court of Human Rights [press release](#), 7 May 2013

connection to the country, the Court was satisfied that the general measure in this case promoted legal certainty and avoided problems of arbitrariness and inconsistency inherent in weighing interests on a case-by-case basis.

The Court concluded, having regard to the margin of appreciation available to the United Kingdom in regulating its parliamentary elections, that the restriction imposed on Mr Shindler's right to vote was proportionate to the legitimate aim pursued.³⁰

In 2016, Mr Shindler, along with Jacquelyn MacLennan, also took a case to the High Court challenging the legality of the franchise for the referendum on the UK's membership of the EU (see section 4.5 below)

4.3 The Overseas Voters (15 Year Rule) Bill 2014-15

A ten minute rule bill³¹ (the *Overseas Voters (15 Year Rule) Bill 2014-15*) was introduced on 2 December 2014 by Geoffrey Clifton-Brown.³² Mr Clifton Brown highlighted the low levels of registration and the difficulties overseas voters had experienced before the availability of online registration:

Much of the opposition to abolishing the 15-year rule is centred around the fact that relatively few of the 3.5 million citizens living overseas and currently eligible to register to vote actually do so. Only about 32,000 overseas citizens are registered, which is disappointingly few. I have been pressing the Electoral Commission for some time dramatically to step up its efforts to increase the number of eligible overseas voters, and I am pleased it has now accepted a target of 100,000 voters to be registered by May 2015—before the general election.

There are some possible reasons why overseas citizens do not register to vote. It might be that many are simply not aware of it, so we should do more, through passports, pensions and Government Departments, to make them aware of their rights. Until recently, it has been a long, drawn-out process, involving paper forms having to be sent across the world simply to register, but under changes made by this Government, I am pleased to say we have now made progress, and people living abroad can now register to vote online in just a few minutes at www.gov.uk/register-to-vote. A further deterrent was the time it took to return postal votes from around the world, but again the Government have recently introduced changes to the individual voter registration system increasing the period for returning postal votes from 17 to 25 days, which will be of considerable advantage to people living around the world.

Despite the low registration figures, however, we should not simply discount such a large number of British citizens and take away their right to vote. If that many people living in this country were disfranchised, there would be an outcry. I strongly believe that one reason registration numbers are so low is the deterrent effect of the 15-year rule. I have had people contacting me from all around the world, saying "What is the point in registering to

³⁰ *ibid*

³¹ In the House of Commons, Bills introduced under the ten-minute rule are one of the ways in which backbench MPs (private Members) can introduce legislation. However, the process is used more as a means of making a point on the need to change the law on a particular subject as there is little parliamentary time available. They mainly provide the opportunity for MPs to test Parliament's opinion on a particular subject.

³² [HC Deb 2 December 2014 c 159](#)

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vote now, when I will lose my vote after 15 years?" It is not that they do not want to vote, but that they do not want to have to register and then lose that right.

The Bill did not make any further progress.

4.4 The *Overseas Voters Bill 2015-16*

Christopher Chope MP (Conservative) originally introduced this private member's Bill just before the general election of May 2015. The Bill introduced on 6 July 2015 again made provision for requiring the Electoral Commission to register overseas voters; for removing the 15 year limit; and for allowing internet voting for overseas voters.³³ The Bill had its second reading debate on 26 February 2016 but was withdrawn at the end of the debate and will not proceed further.³⁴

Christopher Chope set out his arguments for removing the 15 year rule:

...of the 2 million who are eligible at the moment, we registered only 100,000, and many fewer than that actually voted. There is potentially a pool of a lot more who could be registered if the Bill went through and we were able to allow all British citizens living overseas to participate in our democracy.

That, of course, is what happens in a lot of other countries. Some of those countries organise—indeed, facilitate—voting by their overseas citizens at embassies, consulates and other such places.

[...]

So what would be the benefit of this? Apart from the benefit to democracy, it would assist in campaigns such as one that I very strongly support, which is the campaign for an end to the discrimination against British pensioners living overseas. It would mean that those who are campaigning to ensure that there is equal treatment between British pensioners living overseas and those living in the United Kingdom would have more clout. At the moment, there are a handful of these people in each constituency able to vote, and they cannot really make a difference in the general election, but if more of them were eligible to vote, and did vote, they would be able to lobby much more effectively and we might find that the Government were more responsive to their concerns than they seem to be at the moment.³⁵

Speaking for the Opposition, Ian Lavery said that the Labour Party was unable to support the Bill but "had no objection to reviewing the time limits on eligibility".³⁶ He added:

There is nothing sacred about the 15-year limit. It has not always been 15 years: it has been 20 years and five years in the past, but now it has settled at 15 years. As the hon. Gentleman has said, there are different rules in different countries. However, if we are to consider changing the limit, or even removing it completely, as has been argued, I do not believe that that should be done in isolation. It should happen as part of a wider review of how we can increase participation in elections in general.

The Conservative party made a manifesto commitment to abolishing the 15-year rule, and we are still waiting for the votes for life Bill to be introduced. Although we have no objection to that in principle, if we want to extend the franchise the

³³ [Overseas Voters Bill 2015-16](#)

³⁴ [HC Deb 26 February 2016 c577](#)

³⁵ [HC Deb 26 February 2016 c578](#)

³⁶ [HC Deb 26 February 2016 c582](#)

Government should look again at giving the right to vote to 16 and 17-year-olds in this country.³⁷

The Minister, John Penrose, agreed with the principle of the Bill but said that parliamentary draftsmen were currently working on the Government's own Bill.³⁸

He welcomed the Opposition's statement that it had no objection to reviewing the 15 year rule. Oliver Colvile pressed the Minister on the timetable for introducing the Bill but John Penrose indicated only that this would be "in due course". The Minister also urged Christopher Chope to withdraw his Bill "while he waits for our Bill to arrive, which I hope will not be too much longer."³⁹

The Bill was withdrawn.

4.5 Shindler and MacLennan

Harry Shindler, a British citizen who has lived in Italy since 1982, and Jacquelyn MacLennan, who has lived in Brussels since 1987, and who would not be able to vote in the EU referendum on 23 June 2016, took a case to the High Court.

They challenged the legality of the franchise for the referendum which, because it was based on the Parliamentary franchise, would exclude British citizens who have lived abroad for more than 15 years. Shindler and MacLennan claimed that the 15 year rule, as applied to eligibility to vote in the EU referendum, constituted a restriction on their rights of free movement

Harry Shindler had previously taken a case to the European Court of Human Rights in 2009 (see above 4.2). In its judgment on 7 May 2013, The European Court had ruled that the time limit on voting for overseas voters was not a violation of Article 3 of Protocol No 1 (right to free elections) of the European Convention on Human Rights.

The High Court's [judgment](#) on the EU referendum case on 28 April 2016 rejected Shindler and MacLennan's claim.

Shindler and MacLennan sought leave to appeal the judgment in the Court of Appeal; this application was heard on 9 May 2016 and leave to appeal was refused by the Court in a [judgment](#) on 20 May 2016.

On 24 May 2016 the Supreme Court refused Shindler and MacLennan's application for permission to appeal the Court of Appeal's judgment which will therefore stand. Giving the Court's decision, Lady Hale (Deputy President of the Supreme Court) said:

We should make it clear that the question is not whether this particular voting exclusion is justifiable as a proportionate means of achieving a legitimate aim.

The question is instead, firstly, whether European Union law applies at all, as only if it does so is there any possibility of attacking an Act of Parliament; and secondly, if so, whether there is any interference with the right of free movement.

Assuming for the sake of argument that European Union law does apply, we have decided that it is not arguable that there is an

³⁷ [HC Deb 26 February 2016 c582](#)

³⁸ [HC Deb 26 February 2016 c587](#)

³⁹ [HC Deb 26 February 2016 c592](#)

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interference with right of free movement, for the reasons given by the Divisional Court and the Court of Appeal.

We do have considerable sympathy for the situation in which the applicants find themselves and we understand that this is something which concerns them deeply. But we cannot discern a legal basis for challenging this statute.

Accordingly the application for permission to appeal is refused.⁴⁰

⁴⁰ [Permission to appeal decision refused in EU referendum case](#), Supreme Court 24 May 2016

5. Lengthening of the electoral timetable

There had been concern that there was insufficient time in the Parliamentary election timetable for postal ballot papers to be sent out to and be returned by overseas voters in time to be counted on polling day. The Parliamentary election timetable was lengthened to 25 days by the *Electoral Registration and Administration Act 2013* and this took effect from the general election in May 2015.⁴¹

Ballot papers cannot be printed and sent out until after the close of nominations. For the 2017 General Election this was 5pm on 11 May (if no objections to nomination papers were received). It meant that ballot papers to overseas voters in general did not start being sent out until 15-19 May 2017, with some local authorities not sending them out until the following week (source: Electoral Commission Electoral data files, June 2017 General election). Local authorities use the International Business Response Service for overseas votes (and also BFPO addresses for service voters – who are a separate class of voter). Although the extension of the election timetable has provided more time, some electoral administrators still report problems with getting overseas votes returned in time (see 5.6 below)

The Electoral Commission and the Cabinet Office continue to recommend that where possible overseas voters consider appointing a proxy voter to vote on their behalf. In its report on the 2017 General Election, the Electoral Commission note, however, that this could cause problems for some overseas voters:

Many British citizens living overseas, especially those who have been away for a considerable period of time, may not be able to identify an eligible person living in the UK who they can appoint as their proxy.⁴²

5.1 General election 2010

The Electoral Commission's [report](#) on the administration of the 2010 general election had included the following comments on the effect of the short Parliamentary timetable on overseas voting:

5.33 British citizens living overseas who had moved to another country within the last 15 years, and who had previously been registered in the UK, could register to vote in the UK general election as an 'overseas voter'. Overseas voters could choose to vote by post or appoint a proxy.

5.34 Some overseas voters who had registered for a postal vote have complained that they did not receive their postal ballot packs in time to vote in the election, or that they did not receive them at all. The election timetable meant that postal ballot packs could only be issued after 20 April 2010 at the earliest, leaving two weeks for ballot packs to be received by electors based overseas,

⁴¹ For further information about timetables, see the Library Briefing Paper, [Election timetables](#)

⁴² Electoral Commission, [The administration of the June 2017 UK general election Report on the 8 June 2017 UK Parliamentary general election](#), December 2017, page 15.

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completed and returned to Returning Officers in the UK before 10pm on 6 May.

5.35 It was clear at this election that the tight timescale for the issue and return of overseas postal votes meant that some people were not able to return their postal ballot packs in time for their votes to be counted. The UK Government must take into account these concerns as it considers rationalising the election timetable as part of its planned introduction of fixed-term elections for the UK Parliament.⁴³

5.2 House of Lords debate on 2 March 2011

A short [debate](#) in the House of Lords on voting arrangements for British citizens living overseas and members of the armed forces serving abroad was held on 2 March 2011. Viscount Astor asked whether the government would consider changing the voting arrangements that were currently in place; he suggested that it was very difficult for British citizens living abroad to register and even more difficult for them to successfully use their postal votes. Lord Astor noted that 'the only sure way for members of the armed forces to vote is by proxy' and he continued:

We seem to be the only EU country that does not encourage its citizens living abroad to play an active part in their own country. It is difficult to register and it is difficult to vote. You have to register in the constituency where you last lived in the UK, and you have to prove it, so many do not bother - it is a cumbersome procedure.⁴⁴

Lord Astor also called on the government to look again at the 15 year rule. Lord Lester of Herne Hill agreed and made the point that a number of British citizens who worked abroad in international organisations did not have the same voting rights as members of the armed forces, Crown servants and employees of the British Council who were not subject to the 15 year cut off rule.⁴⁵

Lord Lexden commented on the number of Conservative Party associations abroad and said that when these associations were asked why so few British citizens living abroad were registered to vote the response was usually that 'the process of registration is too complex and cumbersome.'⁴⁶ Baroness Gale also commented on the low registration numbers for British citizens living overseas despite campaigns by the Electoral Commission, most recently in the spring of 2010, to encourage registration.⁴⁷

The Minister, Lord McNally, acknowledged that the Government should address the issue of overseas voters; he said that of an estimated 5.5 million British citizens living abroad, only about 30,000 actually vote. The Government was looking at the length of the election timetable 'with a sense of urgency' and that although there was not a great deal of enthusiasm for it at present, there was a case for a study of electronic voting in the UK. Lord McNally said the issues raised in the debate were substantial and there should be a 'really radical look at voting for our

⁴³ *Report on the administration of the 2010 UK general election*, Electoral Commission, July 2010

⁴⁴ HL Deb 2 March 2011 c1119

⁴⁵ HL Deb 2 March 2011 c1123

⁴⁶ HL Deb 2 March 2011 c1126

⁴⁷ HL Deb 2 March 2011 c1130

overseas residents and, very importantly, for our military' early in this Parliament.⁴⁸

5.3 2011 referendum on the voting system

Overseas voters were able to vote in the referendum on the voting system on 5 May 2011 because the franchise for the referendum was the UK Parliamentary franchise and peers. The Electoral Commission issued a press release on 2 March 2011 to remind British citizens living overseas that the deadline to register to vote was 14 April 2011. The Commission instructed Counting Officers to send out ballot papers to overseas voters as soon as possible after that date but noted in its report on the referendum that it was concerned that:

...the current timetable does not allow sufficient time for overseas electors to apply for, receive and return their postal vote in time for it to be counted. There is little incentive for overseas electors to participate if they cannot be confident that their vote will arrive in time to be counted.⁴⁹

5.4 The Electoral Registration and Administration Act 2013

The Electoral Commission had long recommended that the Parliamentary election timetable should be lengthened to bring it into line with the local election timetable. The Commission's reasoning was based on the increasing practice of combining local and general elections but also on the benefits for absent voters that a longer timetable would bring. The *Electoral Registration and Administration Act 2013* made provision for the Parliamentary election timetable to be extended from 17 to 25 days. This provision was brought into force on 6 April 2014 by article 3 of the *Electoral Registration and Administration Act 2013 (Commencement No. 5 and Transitory Provisions) Order 2014*.

In response to a Parliamentary Question in July 2014 on the steps taken by the Electoral Commission to improve electoral registration, Gary Streeter MP responded:

Thanks to the introduction of individual electoral registration, overseas electors can now register online and no longer require another British passport holder to countersign the registration form. That change, supported by the Commission, should make it easier for overseas voters to register.⁵⁰

During Topical Questions in July 2014 the then Deputy Prime Minister, Nick Clegg, indicated that:

Online registration is making registering to vote quicker and more convenient than ever before. It helps those based overseas, such as military personnel. He may know that we have removed the requirement for applications from overseas voters to be attested, except where identity cannot be established against the public record. The Ministry of Defence conducts extensive information campaigns with the support of the Electoral Commission every year to encourage service personnel and their families to register

⁴⁸ HL Deb 2 March 2011 c1133

⁴⁹ [Referendum on the voting system for UK Parliamentary elections: report on the May 2011 referendum](#), Electoral Commission, October 2011, p71

⁵⁰ HC Deb 17 July 2014 c1006

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to vote. I hope that that will continue to raise the levels of registration among those personnel.⁵¹

5.5 General election 2015

In July 2015 the Electoral Commission published a [report](#) on the administration of the 2015 general election. The Commission commented that:

British citizens who live overseas are a particularly challenging audience to reach. The dispersed nature of, and lack of data on, the potential overseas electorate makes it difficult to produce reliable statistics and while there are some estimates of the total number of expatriates, there is no estimate at all for the sub-set of **eligible** electors who meet the requirement of being on a UK register within the last 15 years.⁵²

The Commission attributed the significant increase in the number of overseas voters on the register in May 2015 (as compared to December 2014) to the new online electoral registration system which made it easier for British citizens living abroad to apply to register to vote:

The number of overseas electors on the electoral register in May 2015 was 105,845. This represented a significant increase of nearly four times the number registered in December 2014.⁵³

The Commission also made the following recommendation about overseas voting:

Recommendation 5: Improving access to the voting process for overseas electors

We will work with the UK Government and Returning Officers to identify practical steps which could be taken to improve access to the voting process for overseas electors at the next scheduled poll where they are entitled to vote, including:

- Ensuring that all Returning Officers include the correct postage on postal ballot packs for overseas electors, so that they can be delivered to voters and returned as quickly as possible before polling day, including increasing the funding provided by the UK Government to Returning Officers for this purpose.
- Explaining the practical implications of different voting methods (such as postal voting or appointing a proxy) for overseas electors, particularly if they are making an application during the last month before polling day, including on the www.gov.uk/register-to-vote website.

We will work with the UK Government and Returning Officers to develop workable and effective proposals, which could be included in the proposed Votes for Life Bill if legislation is required, to make it easier for overseas electors to cast their votes in time to be counted at elections. We will also continue our work with the Electoral Advisory Board to consider how technology might be introduced into a wider range of election activity.⁵⁴

⁵¹ HC Deb, 8 July 2014 c151

⁵² [The May 2015 UK elections: report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#), Electoral Commission, July 2015, para 3.16

⁵³ *Ibid*, para 3.17

⁵⁴ [The May 2015 UK elections: report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#), Electoral Commission, July 2015

5.6 General election 2017

In their report on the 2017 General Election, the Association of Electoral Administrators (AEA) said that dealing with overseas electors provided “one of the biggest administrative challenges this year”.⁵⁵

The timing of the 2017 snap election caused some issues with overseas voter renewals for voters and administrators. An overseas voter registration is valid for 12 months. It meant that many overseas voters who had registered in order to vote in the EU referendum on 23 June 2016 were due to renew their registration in the run up to the 8 June 2017 General Election.

The deadline for overseas voters to register to be included on the register used on polling day is the same as for ordinary voters resident in the UK - midnight, 12 working days before polling day. The AEA highlights that this timescale can mean applications for overseas voters, particularly those close to the deadline, provides insufficient time for postal votes to be sent abroad and returned in time so that they can be counted.

The AEA has called for review of all election and electoral registration deadlines should be undertaken as a matter of urgency, specifically considering those that apply to the registration of electors, overseas electors and absent voting.⁵⁶

The AEA has also called for that overseas electors should be required to make suitable absent vote arrangements at the time they register to vote. The request for an absent vote is currently a separate stage to the registration and electoral administrators have reported that this has led to situations where overseas electors will have been registered but then unable to participate without returning to their polling station in the UK.

The AEA recommends that overseas electors should, as part of their original application and subsequent renewal, be required to specify suitable absent voting arrangements or confirm that they wish to vote at their allocated polling station in the UK at the time of applying.⁵⁷

Some AEA members expressed concern at the International Business Response Licence for the return envelopes for overseas postal votes and the AEA has called for an evaluation of the licence for future national polls.⁵⁸ Although some reported the system had worked well, some of the comments received by AEA members indicated that some international reply envelopes were not recognised by local postal services (some were returned with ‘not enough postage paid’ marked on them and in some places voters were required to pay postage).

Some AEA members had concerns about the speed of return by other postal services. In one area a number of envelopes that arrived too late for inclusion in the count that were date stamped two weeks before polling day.

⁵⁵ Association of Electoral Administrators, *AEA post-elections report 2017: It's time for urgent and positive Government action*, p37

⁵⁶ Ibid, p21

⁵⁷ Ibid, p49

⁵⁸ Ibid, p46

6. Number of overseas voters

While there are some estimates of the number of UK citizens living abroad, the World Bank estimated about 5.5 million in 2010, there are no estimates of how many of these would be eligible to register to vote under the current arrangements.⁵⁹ At the June 2017 General Election there were just over 285,000 registered overseas voters.

In a research survey of UK citizens living overseas, conducted by the Electoral Commission and published in September 2016, 58% of respondents believed that they were currently registered and 30% of potentially eligible overseas voters responding said that they had voted in the 2015 UK General Election.⁶⁰

These figures should be treated as indicative only as the Commission highlighted the problem with gaining a representative sample of UK citizens overseas:

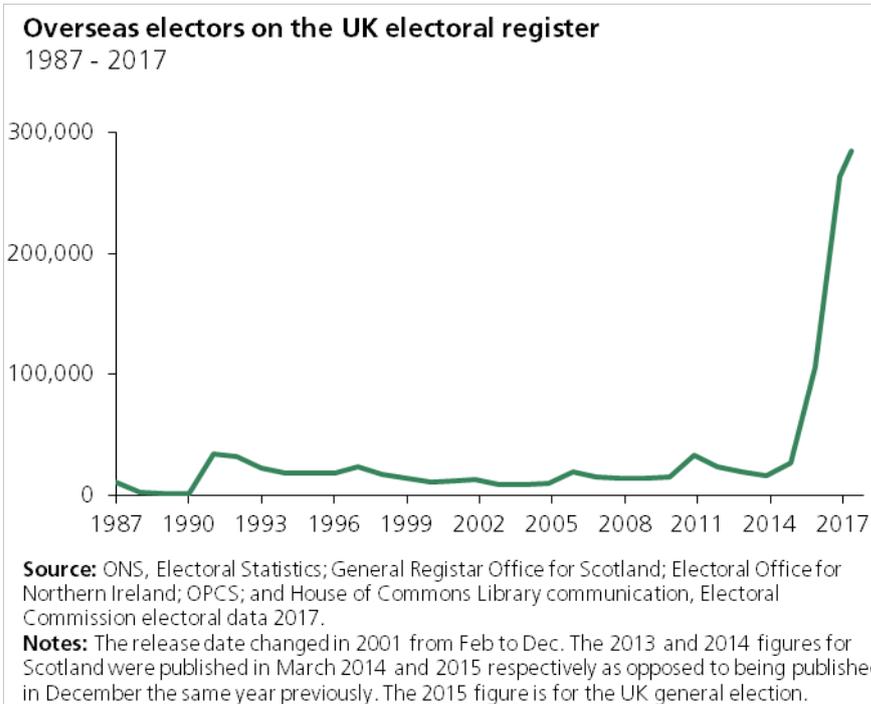
UK citizens who live overseas are a particularly challenging audience to reach. The dispersed nature of and lack of data on UK citizens living overseas mean it is extremely challenging to conduct a study that would be reliably representative of this group as a whole.

As noted above, not all UK citizens living abroad will be eligible to vote because they have either been away for more than 15 years, or they had never previously registered to vote in the UK.

The table and chart below show the number of overseas electors on the register for each year since 1987; this was the first year for which data was recorded, following the *Representation of the People Act 1985*, which first allowed British citizens resident abroad to register.

⁵⁹ Electoral Commission, *Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, July 2015, p36

⁶⁰ Electoral Commission, *Survey of UK citizens living overseas Summary of findings*, September 2016, p3



Until 2015 the number never rose above 35,000. There were small peaks in the years when there is a general election (with the exception of 1991) before falling again over the next few years.

The large increase in numbers of overseas electors in 1991 can be attributed to measures in the *Representation of the People Act 1989* which extended the period during which overseas voters could be registered to vote in UK Parliamentary elections from 5 years to 20 years.

In 2015 and 2016 the numbers of registered overseas voters increased significantly. In advance of the 2015 UK General Election the Electoral Commission ran a overseas voter registration campaign (from 2 February to 17 April 2015). A record number of overseas voters were registered for that election – almost 106,000 – three times the previous record in 1991.⁶¹

The EU referendum, in June 2016, saw that record surpassed. The referendum used the Parliamentary franchise which meant overseas voters were eligible to vote. In December 2016 there were nearly 264,000 registered overseas voters. Over 135,000 of these were registered during the Electoral Commission's public awareness campaign for overseas voters, which ran from 17 March to 9 June 2016.⁶²

The figure for the June 2017 General Election reached just over 285,000 registered overseas voters, surpassing the December 2016 record. The introduction of the ability to register to vote online in Great Britain,

⁶¹ Electoral Commission, *Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, July 2015, p36

⁶² Electoral Commission, *Analysis of the December 2016 electoral registers in the United Kingdom*, March 2017

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which includes overseas voters, is also thought to have had an impact on the number of overseas voters registering.

The table below gives the detailed figures for each year.

Table 1: Overseas electors on UK electoral register, 1987 - 2017

		Overseas electors on Register
Feb-87		11,100
Feb-88		2,092
Feb-89		1,836
Feb-90		1,237
Feb-91		34,454
Feb-92		31,942
Feb-93		22,131
Feb-94		18,552
Feb-95		17,934
Feb-96		17,886
Feb-97		23,583
Feb-98		17,315
Feb-99		13,677
Feb-00		10,669
Feb-01		11,496
Dec-01		13,009
Dec-02		9,185
Dec-03	i	8,374
Dec-04		9,672
Dec-05		18,947
Dec-06	ii	15,090
Dec-07		14,330
Dec-08		13,695
Dec-09		14,901
Dec-10		32,739
Dec-11		23,388
Dec-12		19,120
Dec-13	iii	15,849
Dec-14	iii	26,918
May-15	iv	105,845
Dec-16		263,902
Jun-17	v	285,198

Sources:

ONS, Electoral Statistics and House of Commons Library communication

General Registrar Office for Scotland, Electoral Statistics

Electoral Office for Northern Ireland, House of Commons Library communication

OPCS, Electoral Statistics

HC Deb 18 Mar 2010 c1031W, HC Deb 10 Sep 2008 c1965W, HC Deb 7 Apr 2005 c1573W, HC Deb 8 Jul 2003 c733W, HC Deb 28 Oct 1999 c962W

Electoral Commission report on the administration of the 2015 General Election

Electoral Commission analysis of Dec 2016 electoral register.

Electoral Commission Electoral Data, 2017 general election

Notes:

(i) 2003 figure includes 24 overseas electors registered in Northern Ireland at February 2004; data for Northern Ireland for December 2003 are not available

(ii) 2006 figure is approximate

(iii) The 2013 and 2014 figures for Scotland were published in March 2014 and 2015 respectively as opposed to being published in December the same year previously

(iv) The figure for the May 2015 General Election

(v) The figure for the June 2017 General Election

7. Barriers to overseas voters casting a ballot

In the 2016 survey conducted by the electoral Commission some of the barriers highlighted to casting a ballot were identified. As noted above, the results are only indicative because of the problem of obtaining a reliably representative sample.⁶³

Of the respondents, one in five (21%) had lived outside the UK for more than 15 years. This means that they are unable to register to vote at all.

The '15 year rule' was understood by a majority of respondents, with 74% knowing that having been on the UK electoral register in the past 15 years is a requirement to qualify to be on the register as an overseas voter. The '15 year rule' had lower awareness in those that had been living abroad for more than 15 years.

However, there was some confusion over eligibility requirements, with 31% believing that receiving a UK state pension and 22% believing that owning a property in the UK would make someone eligible to vote.

There was also low levels of understanding that an overseas voter registration had to be renewed annually. Just under a third (29%) believed it is true that 'UK citizens living overseas must renew their registration once every 12 months', while 38% believed this is false and 34% were unsure.

Of those who did not vote lack of awareness was a common reason. One in five (21%) say that they didn't know how to register and 21% say that they did not know how to vote.

Only 50% of respondents were aware that they can register to vote online.

Administrative problems were also a barrier to casting a vote once registered (some of these issues are examined in section 5.6 above). In the 2015 general election, 16% of respondents say that an administrative reason, including not receiving their postal vote, was the reason that they did not vote. Those claiming that they are registered but that they did not vote are more likely to cite this as a reason for not voting.

In their report on the 2017 General election, the AEA reported that there were many incidences where overseas voters mistakenly believed that they were able to vote online or have their ballot papers emailed to them.⁶⁴

⁶³ Electoral Commission, *Survey of UK citizens living overseas Summary of findings*, September 2016

⁶⁴ Association of Electoral Administrators, *AEA post-elections report 2017: It's time for urgent and positive Government action*, p51

8. Representing overseas constituents

There is no specific guidance for MPs on constituency correspondence with expatriates, nor are there any legal restrictions on how a Member of Parliament undertakes their duties.

In his evidence to the Modernisation Committee's 2007 inquiry into the role of the back bench Member, the then Clerk of the House wrote that "how backbenchers perform their role as Members of the House is largely a matter for each Member to decide".⁶⁵ The *Code of Conduct for Members of Parliament* simply states that Members have a "special duty" to their constituents.⁶⁶

The convention that Members should only handle casework on behalf of their own constituents does not go beyond that bald outline. It offers no advice to individual Members as to how they should undertake such casework, as the following extract from the Library's Briefing Paper on *Members and Constituency Etiquette*⁶⁷ demonstrates:

"The simple, general principle is that any citizen in the United Kingdom should first get in touch with his own constituency representative".⁶⁸ Edmund Marshall, formerly MP for Goole, so wrote in the fullest account, yet to appear, about the practicalities of a Member's dealings with his constituents. He continued:

There is a convention, almost universally observed on all sides of the House of Commons, that Members deal with personal inquiries only from their own constituents.⁶⁹

The corollary of this is that when a Member is contacted by someone who is not her or his own constituent, that person should be referred without delay to the constituency Member.⁷⁰

There have been suggestions that there should be a MP specifically for British citizens living overseas; similar suggestions for a MP for the armed forces serving abroad have also been made. It is doubtful whether such proposals would be supported by the present Government which has already legislated when in coalition to reduce the number of Members in the House of Commons.⁷¹

It is also sometimes difficult for MPs for British citizens living abroad to assist with problems raised by their constituents which concern the government and administration of the country in which they live and where the UK Government has no jurisdiction; having MPs for specific areas overseas would not solve this dilemma.

⁶⁵ Modernisation Committee, *Revitalising the Chamber: the role of the back bench Member*, 20 June 2007, HC 337 2006-07, Evidence from the Clerk of the House of Commons, Ev 97

⁶⁶ House of Commons, *Code of Conduct*, June 2009, HC 735 2008-09

⁶⁷ House of Commons Library Standard Note SN/PC/2028, *Members and Constituency Etiquette*, 30 January 2012

⁶⁸ Edmund Marshall, *Parliament and the Public*, 1982, p21

⁶⁹ Ibid, pp21-22

⁷⁰ The House of Commons provides a constituency locator in order to deduce in which constituency a particular address falls, <http://findyourmp.parliament.uk/>

⁷¹ *Parliamentary Voting System and Constituencies Act 2011*

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