From: FOI
To: [redacted]
Subject: FOI 173/18 - response
Date: 18 December 2018 15:49:11
Attachments: MP-Briefing Overseas-Electors-Bill_REDACTED.pdf

Dear [redacted],

Our Ref: FOI 173/18

Thank you for your email to the Electoral Commission dated **09 November 2018.**

The Commission aims to respond to requests for information promptly and regrets that we have not done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

1. **Please can you let me have details of any work that has been done by or on behalf of the Electoral Commission since the 2010 General Election to assess the administrative difficulties and associated costs of extending the right to vote to all UK citizens, regardless of how long they have lived out of the UK (ie the removal of the 15 year 'no vote' rule).**

Our response is as follows:

We hold the information you have requested.

The Commission has published its response to the UK Government's policy statement setting out how it intends to approach implementing its manifesto commitment to "enfranchise any British citizen overseas who was previously resident or registered to vote in the UK". This includes our views on the potential administrative impact. This can be found on our website: https://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/218616/A-democracy-that-works-for-everyone-British-overseas-voters-our-consultation-response.pdf

The Commission has also previously (in February 2018) provided a briefing to MPs in relation to the Overseas Voters Bill. Which is attached with this response. You will notices some parts of this document are redacted.

Use of Section 40(2).

Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requests would breach one of the data protection principles. Parts of the information contained in the requested information falls within the description of personal data as defined by section 1 of the Data Protection Act 2018 (DPA) because the information relates directly to an identifiable living individual.

I trust that this information satisfies your request. The Commission strives to be an

open, transparent authority.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/

Yours sincerely,

[redacted]
Access to Information Officer (FOI and DPA)

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Overseas Electors Bill

The Electoral Commission

This briefing has been prepared for the 2nd reading of Glyn Davies MP's Bill on overseas electors on Friday 23 February 2018.

The Bill makes provision to remove the existing **15 year time limit** on British citizens who live abroad registering as overseas electors. This would apply to any British citizen overseas who was previously resident or registered to vote in the UK. It applies only to UK Parliamentary elections and makes no other changes to electors' eligibility to vote in different types of elections, or to British citizens living in the UK.

Overseas electors

- Until 2015, the number of overseas voters registered to vote had never risen above 35,000.
- At the 2017 UK General Election there was a record of **285,000** overseas electors registered to vote.
- There are no reliable estimates of how many British nationals living abroad would be eligible to register under the current 15 year rule or if the time limit is removed in future.
- There has been a significant *increase* following overseas voter registration campaigns in the run up to 2015 and 2017 General Elections, and interest in the 2016 referendum on the UK's membership of the EU.
- The Electoral Commission's overseas voter day took place on 10 May 2016; this was supported by embassies and consulates around the world and was aimed at encouraging British citizens who were eligible to register as overseas voters so that they could vote in the EU referendum.
- The Electoral Commission ran a public awareness campaign for overseas voters from 17 March to 9 June 2016. **Over 135,000 overseas voters registered in this period.**

The Electoral Commission

If the Bill passes into law, we will provide guidance for Electoral Registration Officers, Returning Officers and campaigners to help them understand and comply with any changes to the rules for overseas voters. We also stand ready to reach an increased overseas voter audience through our public awareness campaigns which take place to drive voter registration in the lead-up to UK Parliamentary elections.

Key considerations

- **Changes to the eligibility of overseas voters will present practical difficulties for political parties and campaigners to determine the permissibility of donations, and for the Electoral Commission to take enforcement action where the rules have been breached.** To mitigate foreign influence on politics and elections, parties and campaigners are only permitted to

accept donations from British citizens overseas who are *registered* to vote. A 2010 Supreme Court judgment ruled that a donor's *eligibility* to be registered was a significant factor in deciding permissibility; we would welcome the UK Government and Parliament taking this opportunity to clarify that a person must be included in a UK electoral register at the point when a donation is made in order to be a permissible donor.

- **The UK Government should consider new approaches to improving access to the voting process for overseas electors, for example by voting at embassies and consulates, or the ability to download and print postal ballot papers.** Many overseas electors face significant practical difficulties in ensuring their votes count; some have found there is not enough time to receive, complete and return their postal vote before the close of poll, while others may not be able to appoint someone in the UK to act as their proxy.

- **Increasing the number of British citizens overseas who are eligible to be registered to vote will add strain to already stretched resources of electoral administrators, in terms of volume and complexity of registration applications, requiring verification of identities and eligibility of applicants who have not lived in the UK for some time.** Our report on the administration of the 2017 UK general election highlighted increasing challenges faced at a local level in delivering well-run elections. This places extra emphasis on the need for the voter registration processes to be enhanced further by enabling better verification of information from other government services.

About the Electoral Commission

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity:

- enabling the delivery of free and fair elections and referendums, focusing on the needs of electors and addressing the changing environment to ensure every vote remains secure and accessible
- regulating political finance – taking proactive steps to increase transparency, ensure compliance and pursue breaches
- using our expertise to make and advocate for changes to our democracy, aiming to improve fairness, transparency and efficiency

The Commission was set up in 2000 and reports to the UK and Scottish Parliaments.

To hear more or request a meeting contact [redacted] on [redacted] or at [redacted]