

CROSS-PARTY GROUP ON OVERSEAS VOTERS

REPORT

MAKING VOTES COUNT

***Enhancing engagement in the electoral
process by British expatriates***



**Geoffrey Clifton-Brown MP
Baroness Greengross
Lord Lexden
Professor Lord Norton (chair)
Professor Lord Parekh
Lord Tyler**

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1. INTRODUCTION

We are an informal cross-party group of parliamentarians formed as a result of debate in both Houses on the Electoral Registration and Administration Bill in the 2012-13 session of Parliament, during which it became apparent that there was a serious problem of non-registration by British citizens living abroad. We decided to examine ways in which UK nationals living abroad can be enabled to register and vote in UK elections more easily and in greater numbers. This report constitutes the fruits of our labours.

Our inquiry has spanned the course of the past year. We have met regularly and as part of our investigation we have taken oral evidence from the Electoral Commission; Cabinet Office ministers Chloe Smith MP and the Rt Hon. Lord Wallace of Saltaire; Christopher Chantrey OBE, a leading figure in the British community in France; and Heather Harper, Chairman of Conservatives Abroad. We have also received written submissions from a range of UK nationals living abroad. As will be clear from our report, the problems associated with registering are a matter of intense concern to many expatriates. We are grateful to all those who have given evidence. We are also grateful to Jonathan Blades, who has provided invaluable research and administrative support.

Reasons for the inquiry

The IPPR has estimated that 5.6 million British nationals are living abroad. The number registered to vote in UK parliamentary elections as of December 2011 was 23,366. It is not possible to determine how many of the 5.6 million are eligible to register in UK elections, as Electoral Registration Officers (EROs) are not required to obtain or record the data. Of the 5.6 million, the number eligible to register is reduced by those aged under 18 years of age and those who have lived abroad for 15 years or more. Some estimate that the current number eligible to register is in the region of 3 million, which, if correct, means that less than one per cent of those eligible are actually registered. This level of disenfranchisement in the United Kingdom would be deemed totally unacceptable.

There is thus a case for examining ways in which UK nationals living abroad can be encouraged to register and to exercise their right to vote. Although much concern is expressed by low registration rates in the UK and the low turnout in general elections relative to post-war decades, this concern does not appear to extend to UK nationals living abroad. They are in many respects the neglected voters or rather non-voters.

This neglect may stem from various myths that exist about British nationals living abroad. Contrary to how they are sometimes portrayed, most are not retirees who have left the UK in order to spend their retirement in sunnier climes. Most are UK nationals working abroad. Nor is it the case that those UK nationals living abroad are not able to keep up to date with what is happening in the UK. Modern technology means that a Briton working in Washington DC can keep up to date with UK news as easily as someone living in Washington, Tyne & Wear.

Nor are Britons living abroad a drain on UK resources, but rather a major resource *for* the UK. Working abroad for UK firms means that many contribute significantly to the UK economy. Indeed, the more nationals there are abroad working for UK firms, bringing money into the UK, the healthier the British economy. The benefit is political as well as economic. British nationals living abroad are a major source of soft power for the UK. In this respect, they are similar to overseas students who study in the UK and then return home, influenced by their UK education and retaining affection for their time in the UK. British citizens living abroad are effective agents in spreading British influence. Many nations recognise and treat their citizens overseas as a major asset. The United Kingdom is not among them. UK citizens living abroad constitute a notable but largely untapped resource that could be deployed far more effectively than at present to promote British interests around the globe.

Our starting point is thus that the importance of British nationals living abroad is often underestimated. The first thing to be done therefore is to establish why they are important to the United Kingdom, rather than to establish why citizens living abroad should be encouraged to register and to exercise their right to vote. We believe there are four principal reasons why there should be an active campaign to increase their participation in elections. First, given that they live abroad, they will bring a valuable international perspective to our elections, and thereby make a contribution they alone can. Second, voting will encourage them to take an active interest in British political life and strengthen their ties with the country, which can be a source of potential cultural, political and other benefits. Third, and related, their active interest will be passed on to the next generation and beyond, and help retain the latter's ties with Britain. Fourth, flowing from our recognition of their importance as a form of soft power, they can be a powerful lobby for Britain in their country of settlement, and can be helpful in shaping its policies towards us.

Each argument is important in its own right. Taken together, we believe they constitute a powerful case to encourage UK citizens living overseas to register and to vote and, as part of that, make them feel that they are as valued as any other voter. The most compelling case, though, is one of principle. British citizens who live abroad, and have done so for no more than 15 years, are entitled under UK law to vote. They should therefore be encouraged, in the same way as citizens resident in the UK, to ensure that they are registered and exercise their right to vote. High registration and turnout rates are signs of a healthy democracy. UK citizens living abroad should be seen as intrinsic to ensuring such a democracy.

In this report, we explain the current position in the UK, identify the principal obstacles to increasing registration and voting, and put forward recommendations for change. In doing so, we draw on a review of practice in other nations (Appendix 1) and a review of different methods of voting for overseas voters (Appendix 2). Our key aim is to raise awareness of the need to ensure greater engagement in the electoral process by British citizens living abroad and to encourage action to achieve this on the part of the British Government.

2. VOTING RIGHTS OF UK NATIONALS LIVING ABROAD

Citizens of the United Kingdom living abroad are able to register to vote in the UK for parliamentary and European elections as long as they have not lived outside the UK for longer than 15 years. These citizens are not eligible to vote in local elections or elections to devolved assemblies.

British citizens living outside the United Kingdom were not eligible to register to vote until enactment of the Representation of the People Act 1985. This was the first of three Acts that legislated on the issue of overseas voters. The Act provided that British citizens living outside the United Kingdom's borders could register to vote in the constituency in which they were most recently registered.

This change in the law was a response to a report from the Home Affairs Select Committee in 1982-83 which recommended "that all UK citizens resident in EEC countries should have the right to vote in British Parliamentary elections." The government took the view that as a matter of equity, the franchise should be extended to any British national living abroad, not just those in the EEC. The 1985 Act stipulated a five-year limit and permitted all British nationals who met this and other voting requirements to be able to register to vote.

The Act did not result in an expected high registration rate for British nationals living overseas, despite overseas publicity. This was attributed to certain requirements of the Act, such as the need for a UK citizen living overseas to register without any reminders and to require attestation by a consular official. Also, as in the UK, registration had to be repeated annually, but for an overseas voter who was unable to vote in local or devolved assembly elections, this meant that roughly four out of five annual registrations were unusable, except in the rare event of a parliamentary by-election.

The low take-up resulted in a review of the voting rights of overseas voters and a consultation paper was published in 1988. This was followed by a Bill that aimed to address these issues. It removed the need for overseas nationals to obtain attestation by a consular official and increased the year limit from five to 25 years. Following debate and amendments, the Representation of the People Act 1989 passed with a limit of 20 years of residence overseas.

In 1998 the issue of overseas voters returned, with the Home Affairs Select Committee publishing a report on *Electoral Law and Administration*. However, the section of the report that related to overseas voters only focused on the maximum time which a British national living abroad should be able to register to vote. The committee reported that for various reasons a cut-off point of 20 years was not suitable. It took the view that for a British citizen living abroad for 20 years, an understanding of politics would be rooted in the past and not in contemporary British politics. It also highlighted the low registration rate of British nationals living abroad and the cost of extending the franchise to 20 years. It did, however, highlight that those who were most likely to register would have a greater commitment to events in the UK and most likely intended to return. The report also noted that the

majority of letters received by the Home Office on this issue from British nationals living abroad were not calling for the 20-year rule to be reduced but extended. The report nonetheless recommended that the previous cut-off point of five years was more suitable and should be reinstated.

The Political Parties, Elections and Referendums Bill 1999-2000 included a provision to change the 20-year rule to a 10-year limit for British nationals living abroad. However, the Government introduced an amendment to provide for a 15-year limit. It was passed unopposed and is the current limit for which a British citizen can live abroad and still have the right to vote in parliamentary and European elections.

The issue once again came before parliament in the 2012-13 session, raised in the House of Commons by Geoffrey Clifton-Brown and subsequently in the House of Lords by Lord Lexden. Each pursued amendments to the Electoral Registration and Administration Bill to remove the year limit restrictions on eligibility to vote. There was a clear division over this issue with no consensus found. The amendments were withdrawn. The Political Parties, Elections and Referendums Act 2000 thus remains the principal but not the only legislation governing overseas voting.

Registration process

To register as an overseas elector, the applicant must have been previously registered to vote in the UK in the 15 years before leaving (or their parent/guardian if the applicant was too young to register when in the UK). Under the Act, any such UK citizen who takes up residence abroad is entitled to apply to the Electoral Registration Officer for the area in which he or she was most recently registered in the UK in order to be placed on the overseas electors' list. The requirement for a person to have been previously registered in the UK before they move abroad is to demonstrate that they have a genuine link/connection to a particular constituency in the UK. Registration at a previous address in the UK is a fundamental element of the entitlement to vote, as each vote must be cast in the particular constituency at which the overseas elector was previously resident.

Currently, a British citizen who is resident overseas and wishes to register as an overseas elector (to vote in UK and European parliamentary elections) must complete an application for registration and a declaration as an overseas elector. A person's initial application to register as an overseas elector must be attested (i.e. witnessed) by another British citizen living overseas who is above 18 and is not a close relative. The attestation is only required for an initial application as an overseas elector. No further attestation is required on any renewal of an application to register, even when there is a break in continuity as an overseas elector.

Attesters provides their name, address, passport number, place and date of passport issue, and signature. They certify that they are a British citizen, who is aged 18 or over, who is living overseas, who is not a close relative of the applicant and that, to the best of their knowledge, the applicant is a British citizen living overseas.

All electors, whether in the UK or overseas (with the exception of those registered as Service Voters), are required to verify their details each year to confirm where they

are resident and ensure that relevant election documents are despatched to the correct address whenever an election is held.

British citizens who have registered as overseas voters automatically receive an annual reminder from their Electoral Registration Officer to update their registration. The ERO is required by law to issue such a reminder to the overseas elector regarding the need to make a fresh declaration if they wish to remain registered as an overseas elector. In this respect their position is analogous to that of electors resident in the UK.

Once included on the overseas electors list, British citizens living overseas can vote in any General or European parliamentary (but not local) election that takes place in the UK. They can do this either by appointing a proxy to cast a vote on their behalf or by applying for a postal vote (or, if in the UK on the day of the election, in person).

Individual Electoral Registration

As part of the move to Individual Electoral Registration (IER), the Government plans to remove the requirement for a person's initial application as an overseas elector to be attested by another British citizen resident abroad. This will simplify the registration process.

After IER goes live, applicants may apply through an online form. A new single national portal will provide the means to apply to register in any local authority area in Great Britain.

Online applicants will be required to provide the same information as those applying via paper form. The online form will have field validation on entry of data, context sensitive help and will be designed using the latest understanding of best practice in interactive web design. This is to ensure that information is provided in the correct format and actively encourages use of the online channel through being easy to use and understand.

The applicant's National Insurance Number and Date of Birth will be matched against trusted data sources and the output of the check sent to the ERO's Electoral Management System.

Email addresses and telephone numbers will be captured (optionally) and emails sent where possible (in addition to any letter sent by post) to confirm receipt of application and acceptance onto the register, although unsolicited applications will always be acknowledged by posting a hard copy letter to a physical address.

There will be a requirement to provide a declaration that the information contained in the application to be true and to provide the last address at which they were registered in the UK and their current contact address overseas.

There will be exceptions processes for a special category of electors who are unable to supply the personal identifiers needed under IER, or who fail verification. If a registration officer receives an application that falls within this category, the

applicant must provide to the Registration Officer as part of their application an attestation which must –

- confirm that the applicant is the person named in the application;
- be in writing and signed by a registered elector who is a British citizen living overseas and who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- state the full name, address and occupation of the person signing the attestation; and state the date on which it is made.

As such, overseas applicants requiring the exceptions process must have their application attested by a British citizen also living overseas, without the restrictions on numbers of attestations or residence in the same local authority area that exist for attestations on domestic applications. (For some expatriates, finding a fellow citizen for this purpose may not necessarily be that simple and it is not clear why the attester must live overseas.) This arrangement makes what is currently the only way for overseas electors to register into the route for the minority who need the exceptions process. An application in pursuance of an overseas elector's declaration may not be made through the digital service.

Extension of the electoral timetable

The Government included provisions in the Electoral Registration and Administration Act 2013 to facilitate greater voter participation, making it easier for postal voters, and in particular overseas and military voters, as well as ensuring that the process underpinning elections is more robust. Section 14 extends the electoral timetable for UK parliamentary elections from 17 to 25 working days, and section 16 sets out the requirement for additional updates to the electoral register to be published in advance of an election.

As part of these planned changes, the Government intends to remove the restriction on issuing postal votes prior to the 11th working day before the poll for a number of elections, including UK parliamentary and local elections.

Taken together, the effect of these changes will be to allow electoral administrators to print and issue postal ballot papers further in advance of polling day.

The Electoral Commission

The Electoral Commission has played an active role in attempting to increase the number of registered overseas voters and raise awareness for British nationals living overseas. Since 2005 the Commission has run campaigns targeting British citizens living abroad. It has targeted UK nationals using research from their media agency and the Central Office of Information (COI) (now closed) to buy online advertising space in the top ten countries with the highest number of British expatriates. The Commission focuses its resources on running online advertising and media

campaigns to encourage British citizens living overseas to register for all elections where they are included in the franchise. It ran a campaign in the spring of 2010 prior to the UK general election and claims that it resulted in more than 40,000 overseas voter registration forms being downloaded from the Commission's website. It is presently undertaking a campaign to encourage British citizens living in EU nations to register in time for the 2014 European parliamentary elections.

The Commission works with the Foreign and Commonwealth Office to promote voter registration among British citizens abroad. In autumn 2009 and spring 2010, as part of the campaign to ensure that overseas voters were aware of the need to register to vote in advance of the general election, it delivered information leaflets and posters to embassies and high commissions in countries with high populations of British citizens. The intention is to repeat this in advance of the 2015 general election and also explore whether there is scope to develop further the support which embassies and high commissions can provide in promoting the campaign. The Commission also currently provides support to the political parties' overseas networks on an *ad hoc* basis and is giving further consideration to how it might work with them more strategically in the future.

The Electoral Commission notes that to conduct qualitative research with unregistered British citizens living overseas to establish the reasons why they are not registered to vote would be costly because of the significant logistical challenges that would be presented. For example, identifying a suitable sample of individuals to ensure the research was sufficiently robust would be difficult. It would be drawn from a group of citizens that are dispersed across the world and which would be likely to contain many people who would not be eligible to register, due to the rule that prevents British citizens from registering as overseas voters after 15 years. It would be possible to conduct fieldwork online (the cost of conducting any face to face fieldwork outside of the UK would be substantial) but this is most effective for quantitative research. It is less useful for the type of qualitative research that would be needed to understand people's reasons for not registering to vote.

3. PROBLEMS

Compared to most nations for which we have data (see Appendix 1), the UK is by no means among the nations with the most restricted method of allowing nationals residing overseas to vote. It is, though, among the more mature nations who have more complicated overall arrangements for overseas voters.

The most common method employed is to allow only voting in person. The UK is among a relatively few nations to employ a mixed method, permitting postal, proxy or personal voting. However, as the data in Appendix 1 show, there are other nations employing a greater number of options, including electronic voting. The merits and demerits of the four principal means of overseas voting (voting by proxy, voting in person, voting by post, and voting electronically) are reviewed in Appendix 2.

However, the means by which overseas voters may vote is only one aspect of ensuring a greater registration and participation on the part of overseas voters. The system may be well designed, but serve little purpose if voters are not aware of its existence or do not have an interest in voting. It may also be of little use if there is no systematic way of knowing where UK nationals are living overseas.

There is thus no simple, certainly no single, answer to the conundrum of how to increase the number of British citizens living abroad who are registered to vote and who exercise that right to vote.

As a result of our inquiry, we identify a number of problems with enabling UK nationals living abroad to register and to vote. These are primarily:

Difficulty of identifying UK nationals living abroad who are eligible to vote

The difficulties with contacting expatriate Britons is that their whereabouts are simply not known as they are not required to inform the UK electoral authorities where they intend to reside if they emigrate or move to work abroad. Data on citizens held abroad may be and in some cases is held by public bodies, such as HM Passport Office, HMRC, and the Department of Work and Pensions. However, HM Passport Office only holds the most recent address supplied, and HMRC only holds the person's first address abroad. Furthermore, all those bodies are usually precluded from releasing personal data to other bodies.

Reaching British citizens resident overseas via TV, newspaper or other campaigns also poses significantly more challenges than for those who are resident in the UK. Though some UK nationals live in countries, such as France and the Gulf States, where there are English-language publications designed for them, and/or where there is an active expatriate community, many live in nations where there are relatively few UK nationals and little means of being reached through dedicated media other than through internet sites aimed specifically at British expatriates.

Poor communication

Not only is it difficult to know precisely where British nationals reside abroad, but no more than limited effort are made to reach them. Tony Garry and Stuart Roper carried out a study in New Zealand of a small sample of UK nationals and recorded their experience and awareness prior to the 2010 general election. Those who were registered to vote in the UK had only become aware of their right to vote whilst living outside the UK and claim they were only made aware through word-of-mouth whilst living in New Zealand. They had not received any official notice of their eligibility to register and many believed that their leaving the country had negated their entitlement to vote. The report found that there was a dependency on non-UK media and its limited coverage. This left some of them feeling disenfranchised and ‘more like the audience rather than a participant’.

Practical difficulties of registering and voting

Unlike UK residents, where every residential property is sent a registration canvass form each year, British citizens resident overseas are to a much greater extent responsible for their own registration. Overseas electors cannot be canvassed in the same way as electors resident in the UK. Those who have registered receive an annual reminder from their Electoral Registration Officer to update their registration, but there is no way of making contact with those who fail to register or to re-register when they change address.

The current process of issuing and returning ballot papers also creates problems. This was highlighted by a number of UK nationals living abroad in evidence to us:

I have always registered to vote but for the last two elections my ballot paper got lost in transit. Barnet and my local MP were unconcerned about this.

Before the 15-year exclusion [applied], twice tried to use my postal vote, receiving letters from my last constituency confirming registration before [the] last elections, but in both cases postal delays invalidated my vote.

Often the paperwork arrives late with insufficient time to send in my postal vote.

Some years ago my husband and I tried to register, but the system was so complicated, so last minute, that it became impossible really. It seemed to us then that the system was in fact designed to discourage expatriate voters.

I have lived in France since June 2001. I voted in the last general election in Britain but it is a complicated process to vote by proxy. You have got to get someone living in the constituency you used to live in to vote for you but in my case it meant this person had to travel a few miles to vote for me in the town I used to live in. You also have to renew the application, fill in forms and get your proxy's agreement to vote for you. The alternative, postal voting, is not really reliable because of postal delays.

The extension of the election timetable, noted above, will go some way to reducing this problem, as – in respect of registration – will the move to online application, but the problem of ensuring that those eligible to vote actually register to do so remains.

Separate responsibilities within Government

It is clear from our inquiry that there is an absence of joined-up government. Responsibility for overseas voters is spread among a number of bodies. The Foreign and Commonwealth Office (FCO) has responsibility for embassies and consulates, though ambassadors and consuls have considerable discretion as to what efforts to make to contact British nationals within their domain. Indeed, the FCO used to operate a system of voluntary consular registration, which provided it with data on expatriate citizens who had registered, but this has now been abandoned. The Cabinet Office has responsibility for constitutional issues and is the lead Department on overseas voting, though electoral law remains within the remit of the Home Office, which also has responsibility for issuing passports. The Electoral Commission has responsibility for encouraging British nationals living abroad to register and to vote, but has no role in registering them to vote. Registration remains the responsibility of Electoral Registration Officers (EROs). Whereas the Electoral Commission is a national body, each ERO covers only the electoral area for which they are appointed. By contrast, Italians on moving abroad must register their new status with the mainland authorities and such registration automatically registers them as overseas voters. In the United States, a federal body exists to facilitate overseas voter registration on behalf of the states.

Disparate approaches taken by embassies and consulates

As we have noted, embassies and consulates have considerable discretion as to what efforts they make to encourage British nationals within their bailiwicks to register to vote. We found little evidence of a notable effort by them to engage in a voter registration drive or to make efforts to mark elections in the United Kingdom. Whereas the embassies of some nations appear to have a tradition of hosting receptions on their national election days, there appears to be no such tradition on the part of UK embassies.

Absence of incentives

Furthermore, within Government there is an absence of incentives to prioritise the issue of overseas voters. The absence of joined-up government means there is no one body that sees it as its responsibility to give a lead and has no obvious reason to do so. The only body with a clear remit is the Electoral Commission, but its role is to encourage. There is no clear incentive within Departments to devote money and resources to enhancing voter registration by UK citizens living abroad. EROs do not know and do not have the means at their disposal to know which UK nationals living abroad qualify to register in the constituencies for which they have responsibility.

Absence of political will

At the root of the problem, from which the foregoing stems, is an absence of political will to ensure that British citizens living abroad are taken seriously as citizens eligible

to register and hence to vote in elections in the United Kingdom. They are, as we have noted, forgotten citizens for the purposes of implementing effectively UK electoral law.

The lack of political will appears to stem from embracing or at least not consciously rejecting the myths we outlined in opening. Tackling the problem has at its starting point recognition of the merits of encouraging British nationals to exercise their statutory rights. Once the political will is there, many of the practical problems we have adumbrated can be overcome or at least tackled.

4. RECOMMENDATIONS

In terms of recommendations, our focus is how to ensure that UK nationals entitled to vote do register to vote and exercise that right in greater numbers than at present. As a result, we do not address the existing 15-year rule, but rather work within it. For those who wish to get rid of the limit, what we recommend will be necessary but not sufficient. For those who are opposed to, or see little point in, extending the limit, what we recommend will be necessary and sufficient. The unifying feature is that there is agreement on the existence of a principled case for encouraging all those who under our current law are entitled to register to exercise that right.

We also put to one side the case for dedicated parliamentary representation for overseas voters. Having such representation is unknown in the UK, though residents of Gibraltar are now part of the electorate for the South-West region of England in elections to the European Parliament. However, contemplating having an MP for overseas UK nationals is not presently feasible given the small number of overseas voters who are registered to vote. They constitute the equivalent of about one-third of a constituency electorate. Were the number of voters registered to reach a six-figure number then there would be a case for reviewing the proposal.

We recognise that there is a chicken and egg element to this debate. UK nationals may not register to vote because they lack any clear connection to those who they are entitled to vote for. Were they accorded a dedicated MP then they might be more inclined to register and vote. However, as there is no evidence to demonstrate that registration rates would shoot up sufficiently were a dedicated seat to be allocated, the case for introducing such a seat at this stage is not compelling.

Given that, we concentrate on addressing how British citizens living abroad can be encouraged to exercise their right to register to vote and then cast their vote. As we stressed in opening, there are clear practical benefits to the UK, as well as to the citizens living abroad, in doing so.

Our principal recommendations are therefore:

- ***Joined up government***

A necessary starting point is for Government to take the issue seriously. That entails not only giving voice to the need to take action, but also ensuring that there is someone within Government to drive the campaign to get British nationals living overseas onto the electoral register and to encourage them to vote. The way forward may be found fortuitously in the present ministerial structure. A lead must come from the top, but we recommend that responsibility for the task of driving up overseas registration should be vested in a minister. At the moment, Lord Wallace of Saltaire answers in the House of Lords for the Cabinet Office and also does so for the Foreign and Commonwealth Office. That appears to us to be a pertinent combination in terms of departmental responsibilities. Such a combination should be

maintained, with a minister having clear responsibility for British nationals living overseas and for ensuring a co-ordinated approach within Government. This should also encompass ensuring effective communication between the Electoral Commission and the FCO.

- ***Incentives***

We believe that there should be incentives for the different bodies responsible for enhancing voter registration to pursue such registration. We wish to see the Electoral Commission devote more resources to pursuing this task. We therefore recommend that a portion of the £4.2 million allocated to encourage greater registration be ring-fenced for encouraging UK nationals overseas to register to vote. We also propose that the Commission be set a target of achieving registration of *at least* 100,000 overseas voters – the equivalent of the largest sized constituency electorate – by the 2015 general election. We also see merit in charging ambassadors with a duty to encourage voter registration and for HM Government to record and publicise the extent to which embassies are successful (or a failure) in doing so.

- ***Data sharing***

We recommend that the Government explore the possibility of data sharing to enable UK citizens living abroad to be identified. HM Passport Office has details of all live passports. HM Revenue & Customs (HMRC) has details of those who pay taxes in UK and know when a resident becomes non-resident by means of form P85. The Department of Work & Pensions (DWP) has details of those in receipt of state pensions. If privacy protection prevents data sharing, we recommend pursuing a duty on the part of such bodies to inform UK citizens of their right to register to vote. This could be by a straightforward inclusion of an information sheet with material sent to British citizens when the relevant agency is making contact with them.

- ***Information dissemination***

There is a great deal more that could be done to disseminate information in addition to using the agencies that we have identified. More information could be disseminated utilising social media (e.g. an App) as well as media seen by expatriates, such as schools' websites. We have focused on reaching nationals who are already living abroad. There is considerable merit in reaching citizens before they move abroad. While <https://www.gov.uk/moving-or-retiring-abroad> mentions that you are entitled to vote, it does not give any further information or provide links to information that may be useful. A simple enhancement of the information, not only by providing links, but also encouraging expatriates to register, would be a useful and potentially productive (and largely cost free) exercise.

- ***Exhortation***

Making contact with UK nationals living overseas should not only be for the purpose of disseminating information, but also for exhorting citizens to vote. One of our witnesses stressed the importance of conveying that voting is a public duty. It is clear that many UK nationals living abroad remain fiercely loyal to the UK. Given that, we

recommend following the practice of some other countries in emphasising the importance of the nation's citizens overseas and stressing the value of their votes and commitment to the United Kingdom. Our citizens living overseas should be made to feel valued. That is an essential prerequisite for encouraging them to vote.

- ***Voting electronically***

We welcome the changes that flow from IER for the purposes of enabling citizens overseas to download registration forms and the extension of time for distributing ballot papers. We believe that the next step will be to allow paper ballots to be downloaded electronically. This is permitted in New Zealand and if employed in the UK would entail, as for New Zealand voters, filling in the ballot paper and posting it back to the appropriate ERO, under a procedure which has been called 'email-out, post back'. We understand the Cabinet Office is undertaking a trial of such a procedure and we very much welcome this initiative.

The next step would be to enable voters not only to receive the ballot paper electronically, but also to vote electronically. We recognise that moving to voting electronically would be a very significant change and one (as shown in Appendix 2) that would be fraught with difficulties. We are not therefore minded to recommend such a radical step. However, given that France, the Netherlands and Estonia all utilise e-voting, we recommend that the Government undertake a feasibility study to determine whether such a move would be possible for UK nationals living abroad. A trial could be undertaken in some areas with the highest concentration of expatriate voters, such as Melbourne and Malaga. It would in itself be a signal of the extent to which the Government takes seriously the rights of UK nationals living – and, as we have stressed, working – abroad.

CONCLUSION

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.

OUR RECOMMENDATIONS IN SUMMARY

- **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.**
- **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.**

APPENDIX 1: INTERNATIONAL COMPARISONS



What follows is a breakdown of the ways in which a wide range of countries allow nationals living abroad to conduct their vote. It is clear there is no obvious preferred system for allowing external citizens to vote. The various voting systems themselves are discussed in Appendix 2.

Personal voting only 54 Afghanistan, Angola, Argentina, Azerbaijan, Belarus, Botswana, Brazil, Bulgaria, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Finland, Georgia, Ghana, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Iran, Iraq, Israel, Kazakhstan, Kyrgyzstan, Laos, Moldova, Mozambique, Namibia, Niger, Peru, Pitcairn Islands, Poland, Romania, Russia, Rwanda, São Tomé and Príncipe, Senegal, Singapore, South Africa, Sudan, Syria, Tunisia, Turkey, Ukraine, Uzbekistan, Venezuela, Yemen. In a number of cases, voters may cast their votes at the embassy in their country of residence.

Postal voting only 26 Austria, Bangladesh, Bosnia and Herzegovina, Canada, Denmark, Falkland Islands, Fiji, Germany, Gibraltar, Guernsey, Ireland, Italy, Jersey, Lesotho, Liechtenstein, Luxembourg, Malaysia, Isle of Man, Marshall Islands, Mexico, Norway, Panama, Switzerland, Tajikistan, United States, Zimbabwe.

Proxy voting only 4 Mauritius, Nauru, Togo, Vanuatu

Mixed procedures 27 Algeria, Australia, Belgium, Benin, Chad, Cook Islands, Estonia, France, Gabon, Guinea, India, Indonesia, Japan, Latvia, Lithuania, Mali, Micronesia, Netherlands, New Zealand, Palau, Philippines, Portugal, Slovenia, Spain, Sweden, Thailand, United Kingdom.

Not yet implemented or not available 4 Bolivia, Greece, Nicaragua, Oman.

Of those with mixed voting systems:

Mixed voting procedures	No. of cases	Countries
Personal voting and postal voting	<u>12</u>	Cook Islands, Indonesia, Japan, Latvia, Lithuania, Micronesia, Palau, Philippines, Portugal, Slovenia, Spain, Thailand
Personal voting and voting by proxy	7	Algeria, Benin, Chad, Gabon, Guinea, Mali
Postal voting and voting by proxy	<u>1</u>	India
Personal voting, postal voting and voting by proxy	3	Belgium, Sweden, United Kingdom
Other methods in addition to any of the above	4	Australia (personal, postal, fax), Estonia (personal, postal, e-voting), France (personal, postal, proxy, e-voting), Netherlands (postal, proxy, e-voting), New Zealand (personal, postal, fax)

Low Turnout

There is no single reason why there is often low turnout for overseas voters relative to turnout by voters in the home country. There are, though, some factors specific to external voters, not least geographical location of polling stations, access to information, and the logistical arrangements for voter registration. Locating polling stations only where embassies or consulates are available presents obstacles to voting for some electors. If polling stations are small in number or are difficult to access, this may contribute to low levels of participation. Counter-intuitively, Sweden set up fewer polling stations abroad in the 2006 parliamentary elections, but more votes were cast than when more polling stations had been available abroad. The opening hours of diplomatic missions may also affect the number of voters casting ballots. The requirements for registering as a voter are also central to participating in elections. Mexico in 2006 introduced a requirement for would-be voters to obtain a photographic voting card that was available only by going in person to Mexico. In Cambodia's 1993 elections to its Constituent Assembly, overseas voting was possible at only very few locations in the United States and only if voters first travelled to Cambodia to register. Requirements stating a minimum or maximum number of eligible voters may also work as a disincentive. Senegal, for instance, only organises overseas voting if the total number of registered voters in one country is 500 or more. Other restrictions or preconditions, such as documentation requirements in the host country (Mexico) or stating an intention to return (the Philippines), can also make participation less attractive than it otherwise would be. Depending on how, when and where the election campaign is organized, voters may feel more or less inclined to participate.

In addition, only some candidates or parties may be represented in the campaign abroad, mainly for political or financial reasons. Some states (e.g. Mexico) have decided to provide a more level playing field between the participating political parties by simply not allowing any sort of campaign activity abroad. Furthermore,

election and campaign information is not always readily available, thus putting the onus on the voters to gain information themselves, which may be more or less difficult depending on the circumstances. In the UK, electors resident in a constituency receive election literature from candidates, mailed at public expense. Overseas electors do not. Even where large-scale media and advertisement campaigns are run—as was done within the USA, targeting the Mexican population, for the 2006 Mexican presidential elections—registration and turnout may still suffer. The lack of sufficient cooperation by other states can make voting difficult or even impossible due to legal or diplomatic issues. Liberia allowed overseas voting in 1986, but abolished it in 2004 due to the inability of the electoral management body (EMB) to cope with refugees in neighbouring countries, particularly as some of the neighbouring states objected to electioneering taking place within their territory. Another example of a country that used to restrict the options for voting is Switzerland, which until 1989 did not allow any voting in foreign elections to take place on its territory.

There may also be problems with the administration of the electoral system, in some cases with problems or delays attributed to deliberate acts of fraud by an incumbent government or even by the election management body.

Other reasons for low voter turnout can be attributed more directly to the voters themselves. Illegal migrants or those opposed to the regime in the home country may not be prepared to register to vote out of fear of reprisals. The Iraq elections showed that the sensitivity surrounding the registration and handling of personal information can dampen would-be electors' enthusiasm to register and vote if the political situation is precarious. Overseas electors, particularly if they are permanent residents abroad and/or hold multiple citizenships, may feel detached or apathetic about political events in their home state. This may be exacerbated if the decisions made by that state have little or no impact on the everyday life of the voter or the voter's family. On the other hand, some nations have improved access to participation by overseas voters in elections by allowing permanent residents with a foreign citizenship to vote in sub-national elections.

Problems arising from a low turnout

As is mentioned above, overseas voters may sometimes have a disproportionate influence on an electoral process. For example, eleven countries have reserved seats in the legislature for overseas electoral districts. Where this is the case, if voter turnout is low, fewer votes will influence the outcome of the election for a parliamentary seat compared to domestic constituencies, thus giving a small number of overseas voters disproportionate weight. Some nations, such as Croatia, weight the number of overseas voters against the number of domestic voters in order to decide how many seats are allocated to represent overseas voters.

Low turnout by overseas voters also has to be seen in the light of the associated costs. Overseas voting is often more expensive than organizing in-country voting. Some may argue that participation is a right regardless of cost in monetary or political terms, while others contend that the degree of political effort and financial cost have to be justified by appropriate levels of participation by voters abroad.

Botswana, for example, is considering abolishing its external voting provisions as a result of the low turnout rates and high costs associated with the arrangements. In France, overseas voting is seen as very costly in terms of cost per voter, although the high cost is more accurately associated with the extensive overall arrangements made to cater for the French abroad – not least wide-ranging consular services, dedicated extra-parliamentary assembly, MPs and senators representing the French living abroad and *Maison des Française de l'Etranger*.

APPENDIX 2: OPTIONS FOR OVERSEAS VOTING



As is clear from the review of international practice, there are essentially four basic options for the procedure for external voting:

- voting by proxy;
- personal voting—voting in person in diplomatic missions or military bases;
- postal voting; and
- electronic voting.

The advantages of proxy voting are that it is technically simple and does not involve the huge financial and administrative costs that are customary in elections held outside the state territory. It does, however, have one problematic feature: the proxy could use this procedure to obtain an additional vote with the electoral authorities being unable to intervene. The main advantage of voting in diplomatic missions is that there is a highly transparent electoral process, supervised by diplomatic staff. However, they must be, and be perceived to be, independent and unbiased. Moreover, in some countries getting to the nearest embassy or consulate may be a problem, especially for citizens of those states that have few diplomatic missions in those foreign countries or in countries where the infrastructure is poor. Oversight issues also important with voting at military bases abroad.

It is clearly easier to organise postal voting than to establish polling stations in all diplomatic missions worldwide. However, the transparency of voting by post is not so high as when the vote is cast in person in a consulate under the observation of state officials. Problems of ‘family voting’, for instance, have been known to arise. Moreover, postal services may be slow and unreliable. Whether postal voting is more or less suitable than voting in diplomatic missions will depend to a great extent on the context, such as the infrastructure of those nations where external voting is to be held. The costs associated with postal voting are generally lower than those for personal voting because the management structure can be centralized. However, due to timelines, it may be necessary to use courier services to move the ballot papers to a central point in each country for mailing and also to return them for counting. Costs for these services are high but they ensure timely delivery. The local mailing costs are also high because the package contains ballot papers, a series of envelopes, instructions, candidate lists and so on.

Timelines

The planning process is made difficult by the particular features of overseas voting. However, if there is early planning and careful preparation, the process may parallel that of the election in-country. For overseas voting, however, extra time is required at the registration and voting stages, especially if the external electors are widely distributed geographically. A short election period can effectively exclude overseas voting, and is indeed sometimes used for that purpose. In Sierra Leone in 2002, for example, the timeline was one of the reasons for excluding external voting. By contrast, the USA obliges ROs to send out voting papers at least 45 days before the election date. Overseas voters may register and apply for a postal vote using a simple form valid for all states, known as the Federal Postcard. If ballot papers are not received in time to send them back within the required deadlines, the overseas voter may download and send in (or fax back) a Federal Write-In Absentee Ballot (FWAB) form as an emergency ballot, provided the voter registered in time, but failed to receive an official ballot from local election officials. The voter must write in the name(s) of the candidate(s) or parties for which he/she wishes to vote.

Electronic voting

Electronic voting refers to any system where a voter casts his or her ballot using an electronic system, rather than a paper ballot (or mechanical machine to punch a paper ballot). Once recorded, an electronic vote is stored digitally and transferred from each electronic voting machine to a counting system.

The common denominator in the seven countries which allow electronic voting is the fact that they wish to make it easier for their citizens abroad to participate in national elections and referendums. In this respect, overseas electors are considered to be one of the most suitable target groups for remote e-voting, since there is no comparable voting channel fully available for them that would be as comfortable and as accessible. Postal voting – the channel that is probably most comparable to remote e-voting – does not offer the same benefits, since postal services are sometimes too slow for delivering the ballot paper before voting day and thus some electors are prevented from voting. Other voting channels, such as voting at an embassy or diplomatic mission, are not as convenient for the voter, since he or she needs to go to a certain place during certain hours. The principal reason behind making it easier for overseas electors to vote in elections and referendums is the principled one to increase voter participation and thus strengthen democratic legitimacy. However, there are also more practical reasons. Apart from convenience, they include:

1. *Testing.* In some cases, citizens living or staying abroad are considered to be an ideal test group for remote e-voting, in preparation for introducing it at home.
2. *Cost.* Depending on the circumstances and the other voting channels available for external electors, remote e-voting might save costs.
3. *Demand.* In some cases, citizens abroad are well organised – even better organised than interest groups inside a country – and capable of formulating their needs and demanding more efficient means of casting their ballots.

Because by and large only those countries that are considering the introduction of remote e-voting provide information on the subject, there are only a few arguments to be found against its introduction of remote e-voting for overseas electors. These reasons include:

1. *Security concerns.* The security concerns include doubts about the Internet as a means of transmission of confidential information. There is the fear of hacker attack, both by insiders (e.g. software programmers) and by outsiders (e.g. political parties, terrorists or other states). As with postal voting, there is the anxiety about the possibility of undue influence being exerted on the voter during the voting process (e.g. ‘family voting’). However, these concerns are generic to e-voting: they apply whether employed for overseas or domestic voting.

2. *Financial aspects.* It may be costly to build the infrastructure for providing remote e-voting for a limited number of electors. The expensive items can be the building of a digitised, harmonised register of overseas electors or the maintenance of the security of the system.

3. *Equal treatment of all electors.* In Switzerland, the government says that if remote e-voting is introduced it has to be done on a step-by-step basis. It should be introduced for ‘internal’ electors first and only after that for overseas electors. The reason behind this is that there is no centralised electoral register for overseas electors. Electors from one canton should not be able to vote electronically while those from another canton do not have this opportunity.

No system is free from problems or controversy, but what is fairly remarkable is that where electronic voting has been applied on a national scale, there has been neither widespread public backlash nor evidence of significant errors or system failures. Indeed, many electoral commissions charged with making the decision to use electronic voting cite errors and inaccuracies in the manual counting process as a compelling reason to adopt electronic voting and computerised vote counting methods.

Some security challenges for remote e-voting and possible solutions

Before remote e-voting is introduced, several security challenges have to be faced. However, each country has different legal conditions and different technical infrastructure available. These should be taken into account as well.

Challenges	Possible Solutions
Unambiguous identification The participant in a vote or election must be clearly identified and authorized.	<ul style="list-style-type: none"> • Individual code in order to gain access to the system • Indication of date of birth and the place of origin for the purpose of identity validation and prevention of systematic fraud • Use of a digital signature • Further personal data could be required.
Authenticity of the e-voting servers	<ul style="list-style-type: none"> • The server certificate should be

<p>Citizens must have the guarantee that their votes are sent to the official servers.</p>	<p>reviewable by the citizens (fingerprint control).</p> <ul style="list-style-type: none"> • Authenticity could also be demonstrated by an answer code or symbol (image) which can be verified, e.g. on a polling card sent to the elector by post.
<p>Unique and universal voting Citizens are allowed to cast one vote. The casting of two or more votes must be prevented.</p>	<ul style="list-style-type: none"> • As soon as an advance vote (postal or electronic) is cast, the voter could be marked in the electronic electoral register. • Unambiguous features on the polling card (e.g. any tampering with the metallic field or seal covering individual ID codes) could indicate that a citizen has probably already cast a vote.
<p>Protection of voting secrecy/protection of privacy The intention of citizens must remain secret and must not be seen by a third party.</p>	<p>Separate and divided storing of personal data and vote.</p> <ul style="list-style-type: none"> • Random mixing of votes in the electronic ballot box so that it is impossible to gather knowledge of how someone has voted by comparing the sequence of casting votes and time flags in the electronic electoral register
<p>Hacker attacks to: (a) voting devices (private computers, etc.): possible interception and modification of votes, e.g. by Trojan horses (the weakest point of any e-voting system) (b) vote transaction from client to server: possible interception and modification of votes (e.g. man-in-the-middle attack, domain name server (DNS)-hacking). (c) central server platform (heart of the e-voting system), e.g. denial-of-service attack.</p>	<ul style="list-style-type: none"> • Firewall protection • Code voting • Virus scans • Vote encryption • Verification by the voter: vote is transmitted as an image, not as text information • In the transaction dialogue all packages should be check-sum tested (hash code) to prove their integrity • Several redundant servers • Collaboration with major providers
<p>Force majeure Thunderstorms, earthquakes, terrorist attacks etc.</p>	<ul style="list-style-type: none"> • Several servers at different locations • Housed in highly secure rooms (access control, fire protection, emergency power supply)
<p>Traceability, recounting Electronic votes must be recounted if appealed.</p>	<ul style="list-style-type: none"> • Voter gets a receipt when his or her vote has been cast • Audit trail journal of the counting of conventional and electronic votes signed by the public servants and controllers in charge • Separate storage (CD-ROM) of electronic votes and log files (encrypted)

<p>Confidence The system and its components must be trustworthy. External experts must be able to review source codes.</p>	<ul style="list-style-type: none"> • Training of controllers • Use of open-source software (operating system) • Disclosure of proprietary applications
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Other support through new information and communication technologies

There are also other, less far-reaching ways in which electronic means – among them the Internet – can be used to facilitate voting from abroad. The range goes from providing information to facilitating different steps of the voting process without going so far as to allow voters to cast their ballot electronically. This section highlights some examples.

Australia

Electors abroad can do different things by fax: enrol to vote; apply to become an ‘eligible overseas elector’; enrol as spouse or child of an eligible overseas elector; enrol as an ‘itinerant elector’; or apply for a postal vote.

New Zealand

Overseas electors can download their ballot paper, declaration and supporting documentation from the Internet starting three weeks before election day. However, they cannot return the ballot papers electronically or vote by email, as the website of Elections New Zealand emphasises. Only overseas electors are allowed to download the ballot paper. Completed ballot papers can be returned by fax or by ordinary post. Only voters abroad are allowed to fax their ballot papers; if a ballot paper is faxed from within New Zealand, the vote will not be counted.

Singapore

Singapore offers overseas electors the possibility of filling out a registration form online. However, the form cannot be transmitted over the Internet, but has to be printed out, signed and sent to the Elections Department or any overseas registration centre by registered post. Registered overseas electors are assigned to vote at one of the overseas polling stations (located within Singapore’s high commissions, embassies or consulates). If the elector does not remember which his polling station is, he can find out online.

Electors abroad are clearly a focus group that is of particular interest for those countries that are considering the introduction of e-voting. At the same time, they are a target group that can be difficult to include in e-voting for practical reasons. Other countries see a case for introducing e-voting for their overseas electors but do not see the same urgency for introducing e-voting for electors at home. However, there is no definite trend towards the introduction of remote e-voting, not even in the countries where the first steps towards it have been taken.

Embassy voting

British nationals living overseas who are eligible to vote may vote via post or proxy; if they are in Britain on the day of the election they may vote in person. In Argentina and Brazil, an overseas voter is required to visit an appropriate embassy or consulate

in order to vote. Many countries offer the ability for overseas nationals to vote physically in the current state they live in by voting through their diplomatic or consular networks (personal voting). The argument for the UK to introduce personal voting is that it could increase participation as it would allow British nationals living abroad to feel more directly involved in the political process. In cities where there is a high number of British nationals it could also restore faith in the process as many may not be in a position where they are able to vote by proxy (they do not have anyone in the UK they trust to cast their vote). Some do not trust postal voting because of obvious time delays with some postal votes not being received in time for the external voters to participate. As with many ideas to increase participation cost and logistics are counter factors, setting up this form of voting, while clearly possible (as adopted by other countries) it would require additional costs and logistical practical problems would apply.

Designated representative in Parliament

Eleven countries not only allow their citizens abroad to participate actively in some electoral processes, but also enable them to elect their own representatives to the national legislature. There are four in Europe (Croatia, France, Italy and Portugal), four in Africa (Algeria, Angola, Cape Verde and Mozambique) and three in the Americas (Colombia, Ecuador and Panama). It was also formerly the case in the Cook Islands, but the ‘external seat’ there was abolished in 2003. This practice is clearly aimed at reinforcing external voters’ links with the national political community, enabling promotion of their own legislative agenda and direct intervention from an overseas viewpoint in the debates and processes of political decision making on topics of national interest. Each case has its own particular features.

Arguments for	Arguments Against
Direct representation	Cost
Focus on specific problems for expatriates	Is there the support?
Works internationally	Would require additional seat(s) when legislature is already too large
Build international links	Political interference
Encourages parties to engage with overseas electors	Could result in parliamentary majority being result of overseas voters’ constituencies
More inclusive, encourages overseas voters to participate	Representative could vote on issues that does not affect constituents (‘West Lothian question’ internationally)

Cross-Party Group on Overseas Voters

The Cross-Party Group on Overseas Voters was established as an informal group of parliamentarians in 2013 and is independent of party and of any organisation. It has neither sought nor received any financial support.

For further details, please contact either

Professor The Lord Norton of Louth,
House of Lords,
London SW1A 0PW
nortonp@parliament.uk

or

Geoffrey Clifton-Brown MP,
House of Commons,
London SW1A 0AA
CliftonBrownG@parliament.uk