

## Liberal Democrats Written Submission

### House of Commons Elections Public Bill Committee

20<sup>th</sup> October 2021

#### Overseas Electors: Part 2 Section 10 & Schedule 6

Following the oral evidence given by Mr George Cunningham on 16<sup>th</sup> September 2021 on behalf of the Liberal Democrat Party, we have pleasure in supplementing it with this short written submission.

#### Overview

The Liberal Democrat party has long campaigned for the **abolition of the 15-year rule**. This commitment featured in our 2017 and 2019 General Election manifestos, alongside the need for **overseas constituencies**.

We are therefore supportive of the Elections Bill's aim to abolish the 15-year rule as an **important first step** for all British citizens having equal rights to be properly represented and have their voices heard. We also **agree that voter registration should be renewed every three years**, not annually.

Nonetheless we feel that the Bill should be **widened to include participation by British citizens abroad in UK referenda**. It is clear that the 2016 EU referendum had its greatest negative impact on British citizens living in the EU, many of whom had lost their right to vote and therefore their futures dictated by others.

#### 1. Postal Vote (page 120)

This is the biggest issue to resolve. The situation with **reliance primarily on postal voting does not work**. If the UK government is going to rely on the postal service for voting, it will be effectively denying thousands the ability to vote.

**In many countries, there is no effective postal service**. In others, mail from the UK can take two months or longer to arrive. During the pandemic, there is not even an outgoing mail service in many parts of the world. Any critical document has to go by courier, and the most ardent voter is going to balk at paying a hefty price for the privilege.

**The postal vote will privilege British citizens living closest to the UK and deny British citizens living in far flung places** - such as the very considerable number in Australia - the ability to receive let alone send their votes back in time.

The problem is further accentuated with the **abolition of the Fixed Term Parliament Act** and a possible shortening of the time period between the proroguing of parliament and election day.

Also there is **the issue of UK pre-paid envelopes**. In some countries, postal offices have not accepted them as pre-paid and have discarded them as not having the correct national postage stamps. It may be best not to have pre-paid envelopes to ensure votes are not further wasted.

We do not support the introduction of electronic voting, as the technology as it stands poses a serious risk to election integrity. However, there is in fact a **simple solution which has the effect of speeding both the distribution and the return of ballots from eligible voters**.

This method would involve **combining the use of centrally recorded online requests for inclusion on the electoral register and the distribution and return of ballots by the local electoral administrators using digital methods including fax and email**.

This system is well established in countries such as the USA where there is a legal obligation to offer voters the option to receive 'absentee ballots' via email, fax or internet download and to return them via 'electronic transmission'. Local administrators are able to decide the precise details of how this is done and how they are returned. Please see: <https://www.fvap.gov/citizen-voter/overview> & <https://travel.state.gov/content/travel/en/international-travel/while-abroad/voting.html>

To understand this in the UK context, we already have an established mechanism via the gov.uk website to request voter registration, which is then passed on to the local authority Election Registration Offices (or overseas voters can contact their local authority directly by email if they wish or download the application form.) **We recommend that the Elections Bill obliges those local authorities to offer electronic transmission as an alternative to the postal service for the distribution and return of ballot papers**.

We accept that the role of this Bill is to create the framework for the work of the local authorities in running elections and therefore recommend that the **mechanics of this system be the subject of future secondary legislation and best practice advice and guidance by the Electoral Commission**.

**We highly recommend the obligation to offer this option to overseas voters should be introduced into the bill as an alternative to postal voting.**

We also recommend the **use of consulates and embassies as hubs** from which to send postal ballots to reduce round-trip times substantially. Documents can be distributed securely through existing channels and printed by embassies for distribution locally through the national postal system, to be sent directly back to the UK.

## **2. Registration Campaigns/awareness raising (P.121).**

We note that the Elections Bill rightly considers that it would be important to **raise awareness of many of our citizens abroad about the full restoration of their voting rights.**

An **advertising campaign** in English-speaking media abroad by the UK Electoral Commission would be important to inform British citizens of this change. The campaign could be so designed that **all parties could piggyback** on the campaign with their own campaigns. A **target** should be set to reach a certain number of registrations generated by the campaign.

## **3 Information included in electoral registers**

It is essential in our view that this bill obliges the UK Electoral Registration Offices to make available **details of their registered overseas voters** and their addresses in the countries where they reside on a yearly basis, in the same way as is done for UK based voters (including regular updates as new registrations and changes are made)

The failure to provide this information is in our view anti-democratic and discriminatory, creating **significant inequality between the rights of voters living in the United Kingdom and those domiciled overseas.** Due to this inequality occasioned by failing to provide the same type of information about an elector as is the case for a UK voter, Britons registered from overseas are frequently treated as second class citizens. Efforts by political parties are seriously impaired by this difficulty in communicating with the overseas electors on their local register. In addition, many of our members and supporters have told us that when they contact 'their MP' they are either ignored or told they 'aren't one of our constituents' when they seek to raise matters with them between elections.

Whilst most MP's would probably accept that this is wrong, the practicalities of record keeping in the digital age mean that the databases used by political parties to hold the electoral registers cannot process the information supplied about overseas voters in their area. The current format of the electoral registers describes 'Other Electors' by giving their electoral number and name in the ward in which they are registered and nothing else for most of the electoral cycle. The practical effect of this is that their addresses do not appear on any lists until they have registered as postal voters a few weeks before the election itself or their location is 'hidden' behind the address of their proxy voter if they have one.

**This is another example of discrimination and unequal treatment of voters living abroad which we recommend should be corrected by this Bill.**

#### **4. Overseas Constituencies**

As has been stated, **the notion of overseas constituencies is very important** to the Liberal Democrat party.

Brits abroad will not just be voting on UK domestic issues but on their own concerns abroad as well. As an example, the Liberal Democrat Party has been fighting to **unfreeze UK pensions**. Righting this injustice would gain much more traction in the House of Commons by MPs representing overseas constituencies.

Registration prior to the last General Election – which was at an all-time high because of the Brexit issue - reached 285,000 which would equate to about 3-4 overseas constituencies. Even if the electorate increased to 450,000 because of the abolition of the 15-year rule, **they could be represented by just 6 MPs – equivalent to less than 1% of the current House of Commons Membership.**

The **complexities of registration would be resolved** with Overseas Constituencies which would require eligibility to vote simply with a British passport and being in conformity with the age limit of voting.

We will continue to press on this issue in the future.

**Contact: George Cunningham, Chair, Lib Dems Overseas, on behalf of Lib Dems Abroad. Email: [gfcunningham@gmail.com](mailto:gfcunningham@gmail.com)**

cc. Minister Chloe Smith; Ed Davey MP; Baroness Sal Brinton; Baroness Sue Miller; Lord Ben Stoneham; Lord Paul Tyler; Phil Bennion Chair Federal International Relations Committee; Kay Braine, Chair Lib Dems in France; Tom McAdam Chair Lib Dems in Europe; Ian Hook, House of Commons Scrutiny Unit.