

**OVERSEAS VOTES HANSARD JUNE 18<sup>th</sup> 2012**

Representation of the People Act 1985 (Amendment)

Geoffrey Clifton-Brown

Tony Baldry

Mr Gary Streeter

Mr Robert Buckland

Mr Robert Walter

Mr Greg Knight

NC3

To move the following Clause:—

‘(1) The Representation of the People Act 1985 is amended as follows.

(2) In section 1 (Extension of parliamentary franchise) omit subsections (3)(c) and (4)(a).

(3) In section 3 (Extension of franchise for European Parliamentary elections) omit subsections (3)(c) and (4)(a).’.

Member’s explanatory statement

Currently, British citizens can qualify as overseas electors only if they have been resident in the United Kingdom within the previous 15 years. This also applies to Members of the House of Lords for European Parliamentary elections. This amendment would remove this qualifying period, so that British citizens could qualify as overseas electors even if they had ceased to be resident in the United Kingdom more than 15 years before.

**Geoffrey Clifton-Brown:** I am grateful for the opportunity to raise an aspect of overseas voter registration. I also draw the Committee’s attention to the fact that I have tabled new clause 3 on an associated matter—to eliminate the cut-off for overseas voting. On this matter, I urge the Minister to bring forward secondary legislation, under clause 1(3), relating to regulations to introduce

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improvements to the registration system, which could result in a far higher number of participants in our elections at a time when the number of registered voters is falling.

At present, some 5.6 million British subjects live abroad, of which it is estimated that some 4.3 million are of voting age. But in December 2011 a mere 23,388 overseas voters were registered to vote, according to the Office for National Statistics.

**Sir Peter Bottomley (Worthing West) (Con):** Will my hon. Friend give those figures again? Did he say 23,000 out of 4 million?

**Geoffrey Clifton-Brown:** My hon. Friend heard me correctly, but for the sake of clarity and emphasis, I shall repeat the figures: there are estimated to be about 4.3

million overseas citizens of voting age, a mere 23,388 of whom, in December 2011, were registered to vote, according to the ONS electoral statistics.

**Mr Robert Syms (Poole) (Con):** What a contrast that is with the French, who have created a parliamentary constituency covering London and northern Europe because of all the thousands of French voters in London. They can now vote for a Member of the French Assembly.

**Geoffrey Clifton-Brown:** I am grateful for my hon. Friend's intervention, but actually it is more dramatic than that. The French gave away two Members of Parliament, in Paris of all places, who are now specifically responsible for all French overseas voters. I am not going anything like as far as that, but I want my hon. Friend the Minister to consider the regulations in the way I will set out.

It is certainly not that British people living overseas have no interest in taking part in our elections, so the figures I have now quoted twice surely suggest that the system for registering overseas voters actively deters voters from registering. Otherwise, would not more of them want to register? If I explain to the House the rather protracted process for becoming an overseas voter, perhaps my point will become clear.

To apply to become an overseas voter, a person must obtain and complete a registration form, and send it to the electoral registration office for the area in which they were last registered to vote. So they have to find out where they were last registered to vote and precisely which district council and registration officer to send their form to. To confirm that the person is a British citizen and that they are not living in the UK when they apply, the application must be witnessed by another British citizen living abroad, who can be hard to find, particularly if the person lives in a rural area.

Here, then, is the first of my sensible suggestions to the Minister: an alternative would be to use a person's passport number as proof of identity. The current system is potentially time consuming and undoubtedly puts people off registering to vote in the United Kingdom. Instead, a simple system for overseas voters involving the help of, and co-operation with, the Home Office and Foreign Office could be implemented. All potential overseas voters hold a British passport, details of which are held by the Identity and Passport Service, which is

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part of the Home Office. Passports do not contain addresses, although the IPS holds a delivery address for the passport when last issued. Where these people live is immaterial, however; what counts is their known UK address before moving abroad, because that determines the constituency in which they are entitled to be registered.

**Andrew Griffiths (Burton) (Con):** Does my hon. Friend recognise the stark difference between the situation in the UK and that in the United States of America, where they have the principle of "forever an American and forever an interest in the country of your birth"? Both the Democrats and Republicans run successful outreach schemes that get a huge uptake in the UK and across the world.

**Geoffrey Clifton-Brown:** My hon. Friend anticipates me and makes a sound point. As hon. Members have mentioned, the USA, France and Germany have much better systems for their overseas voters.

The Foreign and Commonwealth Office encourages British citizens living overseas to register with its LOCATE database. Even more should be done, however. Although the database's primary objective is to facilitate the identification of and contact with British citizens living overseas in the event of a natural, political or other disaster, LOCATE's resources could also be used to harness the cause of overseas voter registration. One could imagine a simple, streamlined overseas voter registration system based on data-matching and functioning in the following manner: when giving a non-UK address in applying for a passport, British citizens living overseas could be asked on their application form to state whether they wish their application to be treated simultaneously as an application for overseas electoral registration and, if so, to give the address of their last UK residence. Questions could then be added to the LOCATE online questionnaire to ascertain whether applicants wish their application to be treated as an application for overseas electoral registration and, if so, to ascertain their last UK residence.

**Frank Dobson (Holborn and St Pancras) (Lab):** Does the hon. Gentleman think it would be a good idea to add to the form a declaration of when the person concerned last paid any United Kingdom tax?

**Geoffrey Clifton-Brown:** I hesitated before giving way to the right hon. Gentleman. I thought it would be a frivolous intervention, and indeed it was.

When it comes to registering to vote each year, a security-protected e-mail could be sent to each voter containing their registration forms—perhaps bar-coded—which would then be returned by post in the normal way. Were this or a similar system implemented, I have no doubt that we would significantly increase the participation of overseas voters in our elections.

According to research by the Institute for Public Policy Research, 55% of British emigrants who left the country in 2008 did so for professional reasons. Many of those who left the UK to work abroad—for British businesses, international organisations, and UK Departments and agencies—play an important and active part, bolstering the UK's position internationally. Many others retire abroad, but nevertheless have a close interest in UK political matters.

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**Nick de Bois (Enfield North) (Con):** Perhaps my hon. Friend would consider adding to the list those who work for charities or churches and missionaries? Many cannot necessarily afford to retain a property back here in the UK or even have a proxy vote. They are completely disfranchised by the current system, so we must urge the Government to have a simpler registration process for them.

**Geoffrey Clifton-Brown:** My hon. Friend is right. Again, if there are categories of people who live abroad but do not qualify to vote in this country, they, too, should be included in the system.

In answer to the question that my hon. Friend the Member for Burton (Andrew Griffiths) asked, when people fill in their voter registration form, they should be asked whether they want their details kept on the database, thereby opting in for permanent overseas voting until they opt out of it. That is the way of dealing with the system that he mentioned.

I think we should recognise the loyalty of many of these subjects who live abroad—bearing in mind that there may be 4.3 million of them—and ensure that they are not disfranchised by the voting system, but are able to take an active part in our democratic elections. It was the complication of the system for voters in the armed forces that led to the situation in the 2010 election whereby—these figures are also startling—only 564 votes were received from British military personnel in Afghanistan, even though nearly 10,000 were able to vote. Many people regard that as a national scandal. These brave people risk their lives on a daily basis in Afghanistan and elsewhere to protect this country's interest and the international norms of behaviour. Surely the least we can do in this Parliament is ensure that they are able to participate in our elections in the United Kingdom.

**Mrs Laing:** Is my hon. Friend aware that many of us asked the last Government over and over again whether they would take steps to ensure that our armed forces, especially those serving in Afghanistan, could be given the opportunity to vote in the 2010 election? However, the last Government took no action until late 2009, by which time it was too late. Indeed, the figures that he has just quoted prove that they let down our armed forces in a very serious way.

**Geoffrey Clifton-Brown:** My hon. Friend is absolutely right. I do not want to alienate Opposition Members, because I want their support on this matter, but she raises a serious issue. Indeed, it is, I would say, frankly a moral issue that we should do something to amend the system, so that what I have described can never happen again. I know that the Minister is aware of this issue, and, in light of what I have said today, I hope that he will consider bringing forward regulations under proposed new section 10ZC(3) of the 1983 Act to improve the system of registering overseas voters. There was method in my madness when I intervened on the Minister, in response to an intervention from the Opposition spokesman, to urge him to bring forward regulations and to praise him for doing so swiftly under this Bill. I know that my hon. Friend perspicaciously knew what I was going to say today, so I will close by urging him to publish the secondary legislation as soon as possible.

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5.45 pm

**Dan Rogerson:** I have been prompted by the hon. Member for The Cotswolds (Geoffrey Clifton-Brown) to speak briefly in the debate. I understand his aspiration to encourage participation in political life by those who are temporarily abroad for good reasons. A couple of points have occurred to me, which I am sure the Minister will have considered. Our first-past-the-post system—which we seem likely to retain for some time, and of which the Conservative party is a great supporter—is based on electorates in individual constituencies. It is therefore important for the individual voter to have a relationship and an affinity with the geographical location concerned,

and the communities within it—boundary changes notwithstanding. If an overseas voter is voting in a US presidential election, for example—or perhaps in congressional elections, which are closer to our parliamentary ones—they are voting on issues that affect the whole of their country. Their ties with a particular small locality might be less important in those circumstances.

**Geoffrey Clifton-Brown:** My hon. Friend is right. Our whole system is predicated on the basis of the voter having a connection with the place in which they last registered. I would point out to him that, although parliamentary boundaries are changing, those for district and municipal councils—where the electoral registration officers sit—will probably not do so.

**Dan Rogerson:** That is probably true, but I am thinking about the relationship that Members of Parliament would have with their overseas constituents. If they are electors, they are in a sense also constituents. I question how the relationship would work in relation to overseas voters, especially if there were a large number of them compared with the local electors who have a more traditional relationship with their Member of Parliament.

The other point that occurred to me is that, given the importance of encouraging all candidates at every election to engage with the people in their voter base, it is much harder to do that if those voters are overseas. We cannot go and knock on their doors, and we sometimes do not even know where they are. We need to resolve that issue if this proposal is to be introduced. We will need information to tell all the candidates seeking election exactly where those electors are. That does not always happen at the moment.

**Mark Menzies (Fylde) (Con):** Perhaps we could learn something from Australia, which operates a constituency-based system. I believe that Australia House in London is the largest single Australian polling station, and anyone who goes along there on polling day will see a plethora of candidate information being given out.

**Dan Rogerson:** I would argue that, in an election campaign, one would hope to have more engagement with the voters before polling day. If we are to have a more meaningful discussion with the electorate, the candidates will need to know where their electors are, so that they can send them literature or perhaps telephone them.

**Mark Field (Cities of London and Westminster) (Con):** Is the thrust of the hon. Gentleman's argument that he is happy for the system of overseas voting to remain

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intact when only a relatively small number of overseas electors is involved, but that if that number became so large that it could make a profound difference to particular results, he would be more concerned about the proposal put forward by my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown)?

**Dan Rogerson:** I can see why the hon. Gentleman might think that, but no—this has been a source of frustration to me when I have been a candidate at local and national elections and it has not been easy to engage the overseas electors. It would be even

more of a problem if their numbers were much greater. This is more about the principle than the number, however, although in some constituencies—and certainly in some local council elections—the majority involved could be very small indeed. Those numbers could affect the outcome in those circumstances. I hope that we can find a process whereby those voters' addresses could be provided, if the proposal is adopted.

The proposal could also affect electoral spending limits. For example, the hon. Gentleman's constituency might well contain many people who are involved in finance and travel all over the world. Similarly, the military garrison town represented by my hon. Friend the Member for Colchester (Sir Bob Russell) will contain much greater numbers of overseas voters. That might need to be taken into account when the limit on election spending is being set.

**Mark Field:** The issue in my constituency is not so much one of overseas electors, although there is the potential for that; it is more one of the electors having second homes, many of which might be in North Cornwall.

**Dan Rogerson:** The hon. Gentleman is tempting me to speak to the amendments to clause 2; the lead amendment, which I have tabled, covers that very subject.

**Andrew Griffiths:** Has my hon. Friend had any thoughts about the role of the internet? He talks about getting information to the elector, and all candidates now have web pages, Facebook pages and Twitter accounts, so it is much easier to communicate with people overseas now than it was a few years ago.

**Dan Rogerson:** The hon. Gentleman makes a good point. If that sort of information were provided to candidates, it might help to overcome the situation. In the recent past, another group of people emigrating, shall we say later on in their years, would have been less likely to have access to those facilities. Nowadays, however, with grandchildren and great grandchildren wanting to contact them through Skype or whatever, they will be encouraged to make contact in that way.

**Geoffrey Clifton-Brown:** May I say two things to the hon. Gentleman? First, on changes to the number of overseas voters, in view of the opt-in I mentioned, making people fairly permanently registered as overseas voters—depending on the cut-off time that may or not be negotiated through the Bill—there would not be the churn problem. Secondly, people would be registered at the beginning of each calendar year, so there would be plenty of time before an election to get hold of them by

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electronic means or even by postal means. The difference between overseas voters and postal voters is that the former are more permanently registered.

**Dan Rogerson:** My question to the Minister is: if such a process is to be extended and codified in a new way, can we ensure that we provide information to candidates about how to contact those electors through whatever means is appropriate? It is important to examine the question of how a constituency MP or even a local councillor is to

represent people in this category who have elected them. It is not just a question of the election alone, as the role of representing such individual people is also important.

**Mr Syms:** I rise to support my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown). We all know the history—that the first Thatcher Government implemented legislation, which was then watered down in the wash-up, as a result of which overseas voting has never really taken off. For the reasons already set out, it has seemed to be too difficult and too complicated. Given that there are a potential 4.3 million people abroad who could vote, yet only 23,000 are registered, we ought to be ashamed of the fact that we are not engaging with so many of our citizens.

We live in a global economy. Our future lies in exports and in our companies going abroad. We all know that in getting and undertaking export contracts, we have people in the middle east and elsewhere working for British interests sometimes for years. It is totally wrong if people without a home in the UK who are nevertheless working for British interests abroad do not have the opportunity to vote. Let us not forget that even those who retire to the Costa Blanca or other areas in Spain will have spent a lifetime in the UK working and paying taxes. They will often have family in the UK and still take an interest in what goes on here. Many get British pensions and some in the Costa Blanca even get winter fuel allowance. We seem to be able to pay benefits to retired people abroad, but we have not given enough priority to making a few simple changes in order to empower them by giving them the right to vote.

My hon. Friend argued powerfully about overseas voters registering their last address in the UK, but I am rather attracted to the French system of putting them all into one category and perhaps having an MP at large to represent certain areas abroad. That would make life somewhat easier than the hon. Member for North Cornwall (Dan Rogerson) having to e-mail 25 people in Alicante. It is better if the MP represented these people's concerns, as it might be necessary for the MP to make representations to Spanish local government about what it is doing to the health service.

**Mark Field:** Does my hon. Friend agree that if all 4.3 million overseas electors were to be registered, it would be a matter of some concern that some 7,000 electors would be added to each and every constituency in the UK? Going down the route of designated MPs might well be the right model, as there will be a trigger point somewhere between the current 23,000 and the 4.3 million.

**Mr Syms:** Absolutely, but we would be winning even if got a few hundred thousand registered to vote. What we need from the Government are assurances that they

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will not only look at the law, but have a long-term campaign to keep those leaving registered and to re-register those abroad. People abroad buy British newspapers, watch Sky television and take an interest in what goes on. I believe that they still have beliefs in what is right for their country. We could argue about modern democracy, electoral reform and proportional representation, but it ill behoves a party that has argued for PR to deny 4.3 million people abroad their vote.

**Sir Peter Bottomley:** I congratulate my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown) on leading this debate. To have 10,000 service personnel in Afghanistan who were either not registered or unable to cast their vote at the last election was a disgrace—one for which we should all apologise. Rather than wait for this Bill to pass and for the regulations to be laid, we should ask Defence Ministers to make it the responsibility of adjutants in every unit to ensure that people are registered and to make arrangements so that voting papers get to them in time.

I am on record as saying that the move to individual registration is not necessarily such a brilliant idea. We know from Northern Ireland that it helped to reduce the inflation on the electoral roll, but we do not know how many of those who should have registered did not do so under the new system—but I do not want to go into that now, as it requires separate legislation.

The last time I spoke on voting I said that we have a responsibility to ensure that people in prison are registered to vote, but whether or not they can will depend on future decisions in the House. However, I would be interested to hear whether, if the law is changed, the Bill will allow for the registration of people in prison. If so, would that be done through individual registration, or would there be a responsibility on the Prison Service or the Ministry of Justice to make the arrangements?

The major group of people referred to by my hon. Friend are the more than 4 million people abroad who are not registered but should be. We must make sure not only that they can be, but that they are, registered to vote. That brings up another of my campaigns—that we need to get rid of the anomaly whereby half of our overseas pensioners do not get increases in their state pension while the other half do. The ones who do not receive it are probably the ones who need it most. We need to understand the effect of registering overseas people to vote, and it is right to ensure that people are not excluded.

One of the newer democracies is Tunisia—I have been there twice, first for its constituent elections and then to help with training for parliamentary activities. Tunisia has overseas voters and Members of Parliament representing Tunisians overseas. Whether we choose to follow that approach or to get people to vote in their existing UK constituencies is a matter for debate and decision. What is certainly not a matter of debate and decision is the fact that if we leave 4 million people—roughly 10% of those who should be eligible to vote—off our voting list, we will have failed. It does not bother me whether people are abroad because they have retired, because they are working there or simply for enjoyment. The fact is that they should be entitled to vote; it is our job to make sure that they can be registered. Having done that, it is then our responsibility to make sure that they use their registration and cast their votes.

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**Frank Dobson:** I entirely agree with what the hon. Member for Worthing West (Sir Peter Bottomley) said. It seems to me—and, I think, to him—that it requires no change in the law for the Army or the Ministry of Defence to take the necessary

administrative steps to make sure that our troops serving abroad get on the electoral register. No change in the law is needed; it just needs some action by those in a position to do something about the problem.

One further complication might arise. I strongly support the view that anyone registered abroad should be registered in a particular constituency. Because of the youth of a large number of men and women serving in the services abroad, some will not have previously been registered anywhere, as they would not have been old enough to do so. If we need a change in the law to help with service registration, it would be on that sort of issue. Generally speaking, however, certain people taking electoral registration for servicemen and women seriously ought to be enough to sort it out without Parliament being required to do anything.

6 pm

**Mr Harper:** The right hon. Member for Holborn and St Pancras (Frank Dobson) and a number of others raised a point about service personnel. About 75% of our service personnel are registered to vote. I will not be quite as harsh to Labour Members as one or two of my hon. Friends were, because, admittedly, their Government made some progress, on that as on many other issues involved in the Bill. Some of my hon. Friends took every opportunity to harry Labour Members, but they did make progress, although, as was pointed out by my hon. Friend the Member for Epping Forest (Mrs Laing), who has now left the Chamber, they did so only at the last possible moment. At the time of the most recent general election, they made specific arrangements to enable our service personnel stationed in Afghanistan to vote.

One of the problems involves the electoral timetable, which, for general elections, is quite tight. I will not go into that in detail now, because we will deal with it when we reach clause 13, but one of our reasons for wanting to extend the timetable is our wish to ensure that overseas voters, both service personnel and others, have a much more realistic chance of casting a vote themselves, by post, rather than having to rely on appointing a proxy. I think that if they could vote by post and had an opportunity to make their votes count, more of them would feel incentivised to do so. When our troops are deployed overseas in significant locations, we will repeat the exercise that the Labour Government organised for the general election and we organised for the referendum on the alternative vote, and take specific steps to enable our service personnel to participate. Like my hon. Friend the Member for North Cornwall (Dan Rogerson), I am very pleased that we are retaining the first-past-the-post system for the foreseeable future.

**Mr Syms:** Is not one of the good by-products of five-year fixed Parliaments the fact that everyone will know the most likely date of a general election well in advance? That will make electoral registration for central and local government, and the build-up to it, much easier to deal with.

**Mr Harper:** Yes, that will make a difference. My hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown) gave some statistics. In the December 2010

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register, which followed the most recent general election, 32,000 electors were registered to vote overseas—which, admittedly, is not a huge number in comparison with the 4.3 million cited by my hon. Friend—but by the following year, the figure had fallen to 23,000. It appears that the incentive of the general election is a spur to registration, as it is for domestically residing voters. I think that knowing when an election will take place will help both registration officers and people living overseas.

My hon. Friend referred to the attestation requirements involved in the registration process. I know that they can pose difficulties, especially in countries where there are not many other British citizens. We are trying to establish whether there is anything that we could do. If we need to alter the requirements, we can do so by changing secondary legislation. We are also considering a trial of online registration, which I think could help not just voters living in the United Kingdom, but those living overseas.

That brings me to the point made by my hon. Friend the Member for North Cornwall about communication. The Government are currently trialling—without universal approbation from Members on both sides of the House—a website featuring statements from all the candidates for the police and crime commissioner elections, which will then be promoted by the Electoral Commission and in the material that goes to voters. We may consider a similar procedure for a general election, with an eye on overseas voters.

I should also say to my hon. Friend that overseas voters can vote only in parliamentary elections. That makes their relationship with their local councillors slightly less consequential, but it also means that their votes are not just about who their Member of Parliament will be but about what flows from that, namely who will govern their country—and they are, of course interested in that.

My hon. Friend the Member for The Cotswolds made the important point that most British citizens overseas are working there, winning orders for Britain and working for British companies that bring wealth into this country. It is important for them to have an opportunity to contribute to the decision on who will govern the country.

**Mark Menzies:** The Minister is absolutely right. I have several hundred BAE Systems constituents who are out in the Kingdom of Saudi Arabia, and I want to ensure that they are not disfranchised.

**Mr Harper:** That is a good point. One of the ways in which we can grow our economy is to win orders abroad. My right hon. Friend the Foreign Secretary spoke of those who work hard for many of our companies overseas. That means basing British citizens abroad, sometimes temporarily but often permanently, so that they can work with companies to win orders and install and support equipment, and it is very important for them not to be disfranchised.

**Geoffrey Clifton-Brown:** My hon. Friend has heard the fairly strong opinions held by, at least, Conservative Members. He has said, adeptly, that the attestation requirements could be changed by means of secondary

legislation, but he has not said whether they would be changed by that means. Will he give us some idea of the action that he will take following the debate?

**Mr Harper:** My hon. Friend has anticipated my closing remark. As he knows, we have been considering the matter. Along with my officials, I am continuing to think about ways in which we could replace the attestation process with a process involving appropriate levels of security—my hon. Friend’s thoughtful proposals touched on that—and also making it much easier for people to register. I will add my hon. Friend’s well thought through model to my current thinking. I have listened carefully to the thoughts that have been expressed in the House. If we decide to make changes, which I hope to be able to do, the House will have to vote on them in the usual way. I hope that that reassures him.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*