

PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS ELECTORS BILL

First Sitting

Wednesday 17 October 2018

CONTENTS

Sittings motion agreed to.

CLAUSE 1 under consideration when the Committee adjourned till
Wednesday 24 October at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 21 October 2018

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

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| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Moran, Layla (<i>Oxford West and Abingdon</i>) (LD) |
| † Clifton-Brown, Sir Geoffrey (<i>The Cotswolds</i>) (Con) | † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | Snell, Gareth (<i>Stoke-on-Trent Central</i>) (Lab/Co-op) |
| † Gapes, Mike (<i>Ilford South</i>) (Lab/Co-op) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Lake, Ben (<i>Ceredigion</i>) (PC) | |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 17 October 2018

[MR LAURENCE ROBERTSON *in the Chair*]

Overseas Electors Bill

2 pm

The Chair: Welcome, everybody, to the Public Bill Committee on the Overseas Electors Bill. Please ensure that all electronic devices are switched to silent mode. I am afraid that only water is allowed, not tea or coffee, but Members are welcome to remove their jackets.

Ordered,

That, if proceedings on the Overseas Electors Bill are not completed at this day's sitting, the Committee shall meet at 2.00 pm on Wednesdays on which the House sits.—(*Glyn Davies.*)

The Chair: Before we begin line-by-line consideration, I remind Members that the required notice period for tabling amendments in Public Bill Committee is three working days. Amendments should therefore be tabled by the rise of the House on Friday for consideration on the following Wednesday.

For those who are relatively new to the process, it may be useful if I give a brief explanation of the arrangements. The selection list for today's sitting, which is available in the Committee Room and on the Bill website, shows how selected amendments have been grouped for debate, generally on the same or similar issues. The Member who has put their name to the leading amendment in each group will be called first; other Members who wish to speak on any amendment in the group will then be free to catch my eye. A Member may speak more than once in a single debate.

At the end of a debate on a group of amendments, new clauses or schedules, I shall again call the Member who moved the leading amendment or new clause. Before they sit down, they will need to indicate whether they wish to withdraw it or seek a decision on it. If any Member wishes to press to a vote any other amendment, new clause or schedule in the group, they need to let me know.

Decisions on amendments take place not in the order in which they are debated, but in the order in which they appear on the amendment paper. In other words, debates occur according to the selection and grouping list, but decisions are taken when we come to the clause that the amendment would affect. New clauses and schedules are decided on after we finish consideration of the existing text of the Bill. I shall use my discretion to decide whether to allow separate stand part debates on individual clauses and schedules after debate on the relevant amendments.

Clause 1

EXTENSION OF FRANCHISE FOR PARLIAMENTARY ELECTIONS: BRITISH CITIZENS OVERSEAS

Layla Moran (Oxford West and Abingdon) (LD): I beg to move amendment 1, in clause 1, page 1, line 14, after "citizen," insert " (iii) is aged 16 or over;".

It is a pleasure to serve under your chairmanship, Mr Robertson. I put on record my congratulations, and those of the Liberal Democrats more generally, to the hon. Member for Montgomeryshire for presenting the Bill and steering it to Committee. The subject has been in our manifesto for a very long time, as I know it has been for most parties. I look forward to continuing to support the Bill.

Since this is my first Public Bill Committee—my party is quite small, so we do not feature on such Committees very often—I thought I had better make the most of it, so I decided to table some amendments. However, I reassure the hon. Gentleman that I have no intention of derailing anything, so I hope he will see my amendments in a spirit of improvement and nothing more.

Amendment 1 relates to a proposal that it is time to consider seriously: extending the franchise for overseas electors to 16 and 17-year-olds. That, of course, is in line with the policy of my party and many others. It is worth mentioning that, in the last general election, the majority of votes were cast for parties that support it. I am grateful to the Opposition Front-Bench spokesperson, the hon. Member for City of Chester, for adding his name to the amendment. I note that several other hon. Members present have also expressed support for extending the franchise for various reasons, and I hope I can count on their support today.

In the debate on the money resolution, the Minister said:

"Now is the time that we should reach out to our citizens—our people around the world—and say, 'You are British, and we are proud that you are British and we welcome you into our democracy.'"—[*Official Report*, 16 October 2018; Vol. 647, c. 572.]

I sincerely hope she agrees that that should extend to 16 and 17-year-olds. Rightly, they play a crucial part in the Welsh Assembly, which last week voted overwhelming to include them in Welsh Assembly elections. As we know well, in Scotland, 16 and 17-year-olds played a critical role in the referendum. The idea that 16 and 17-year-olds are not ready to vote has been roundly proven to be wrong. As education spokesperson, I go around schools a lot. Young people are desperate for a chance to grab hold of democracy.

I was one of those 16 and 17-year-olds who would not have been in this country at that age. My father was a diplomat and we travelled around the world. At that point, I was strong in my Britishness and I felt so tied to the country. Just because I was not here on terra firma does not mean that my heart was not here. That is the spirit that the whole of the Bill expresses: just because someone is abroad does not mean that they are not British—quite the opposite.

I fully recognise and anticipate that the Minister will argue that the amendment would lead to an anomaly, as only those 16 and 17-year-olds who are overseas would vote in elections but not everyone else. I would accept that anomaly. It would show that 16 and 17-year-olds would and can participate in those kinds of elections and it may open the door to that wider debate. That is why it is important to talk about it today.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): I am sorry to fire a torpedo at the hon. Lady. Perhaps I am being thick, but the Bill deals with people who have been out of the United Kingdom for 15 years or more. How will that apply to a 16-year-old?

Layla Moran: Let me give myself as an example. I was born in this country—in Hammersmith—and we left when I was one. I would have been tied to an address, but we left and I did not come back until university. I came back for boarding school because I had to, but my brothers and sisters did not because I went to boarding school only because we were in a country that did not have adequate schooling—in fact, we started our own school, but that is a long story.

The amendment would have applied to me, because when I was 16, had there been a general election, I could have had the chance to vote: I lived here when I was one and I was on my parents' passports at that point. I took my first flight to Nepal when I was six months old.

Mike Gapes (Ilford South) (Lab/Co-op): It is a pleasure to say a few words under your chairmanship, Mr Robertson. The hon. Member for Oxford West and Abingdon made clear that there are anomalies in our current electoral system. She referred to developments in Wales, but several hundred thousand young people have already voted in an election, including 16 and 17-year-olds: the Scottish referendum, which was on a different franchise to the referendum we had on the European Union.

The numbers of people who would be affected by moving from a 15-year threshold for 16 and 17-year-olds to an indefinite threshold would be very low. By definition, it may be only hundreds or even fewer, but there is an important principle at stake about the future of the country. I do not want to reopen the debate about the EU referendum—I am sure you would call me to order if I did, Mr Robertson—but by definition young people have a longer interest in the future of our country than older people, because we are all mortal. Therefore, I support the amendment. It is also supported by many organisations that campaign to widen our democracy. On that basis, I am happy to give my support.

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to serve under your chairship, Mr Robertson. Yesterday, I was—I think—next door with a delegation of young people of various school ages from Nottingham who wanted to talk to me about hate crime. They had taken part in research under the auspices of Nottingham Citizens, our chapter of Citizens UK, and pulled together what they felt was the hate crime situation in schools. They wanted to see me and my colleagues, and it was made clear to me that while I may have been the host of the meeting, they would be chairing it. They wanted to take control. That is a good example of the bright young people of my city, who are reflective of the country, and I thought it was a nice way to begin giving my support for the amendment.

This issue is of real substance and of its time, and it is time that hon. Members did something. We have the perfect opportunity here to dip our toe, as has been said.

Christian Matheson (City of Chester) (Lab): My hon. Friend raised hate crime at Prime Minister's questions. Am I to think that he was inspired to do so by young people who do not currently have the vote?

Alex Norris: Yes, absolutely. They asked me directly how I intended to act on their behalf, and I said I would give them a voice. Today was the start of that, and I think we are close to securing a meeting with the Home

Secretary, which will be one way to do it. I will come shortly to what that has told me about votes at 16—this is not just an interesting story, but one that is pertinent to the amendment, which I know you will be keen on, Mr Robertson.

It is probably helpful that no colleagues from the Scottish National party are on the Committee as I admit this—I hope colleagues from Plaid will not tell them. Like other Committee members, I canvassed during the Scottish referendum. I did so because I love the Union and think it is important. I had a say and, like many others, I went to express it. Actually—I am probably in relatively good company in this room, if not in any other—I enjoy canvassing and am a keen supporter of it. I am probably not supposed to admit that.

I enjoy talking to people on the doorsteps, but I really like talking to—*[Interruption.]* In fact, I will go even further: one period of canvassing I particularly enjoyed was a summer by-election in Norwich North—I think it was in 2010. The weather was tremendous and we canvassed all day and went out at night. It was fantastic—other than the result, I had a tremendous couple of weeks. This is not a story of where I have been canvassing, which is everywhere, but in that referendum I enjoyed talking to 16 and 17-year-olds because they took the issue seriously and obviously understood what a seismic moment it was and the importance of reflecting on their futures and what they wanted. Frankly, it was too important to leave to those older than them and they wanted to have their say. I thought that referendum was an excellent model and hoped we would roll it out across all elections. I still do.

I find it regrettable that, when we talk about votes at 16 and 17, we get into this tennis match of what 16 and 17-year-olds can and cannot do—whether they can drive a car, get married, serve in the armed forces or pay taxes—which I do not think adds up to a particularly persuasive case either way. It just makes for a bit of a fudge that means it goes into the too-hard-to-deal-with basket.

There is one compelling reason for votes at 16 and 17, which is why I will be glad to continue to advocate it: it is the last chance we have to talk to a young person when in education, employment or training about what voting is and why it matters. When I canvass—some of this will relate to the deprivation and challenges in my community—in any session anywhere, people will say, “I just don't know anything about it. It's a long way from anything I know about. I wouldn't know how to make up my mind. I am not going to participate.” That is a significant group of people. It is characterised as apathy, but it is not. It is our failure rather than theirs because we have been unable to demonstrate in a non-partisan way what an election is. We have been unable to demonstrate that it will not be scary to cast a ballot, and that everyone has to decide what is right for them in their life and there is no right or wrong answer in that sense. Where better to do that than in the last couple of years of education?

Christian Matheson: My hon. Friend makes an interesting point. I have heard a suggestion that some adults do not vote because they are too scared—they find it intimidating because they believe that they do not know how to go to a polling station and cast a vote. My hon. Friend seems

[*Christian Matheson*]

to suggest that, by incorporating education into the voting process, we would encourage people to vote throughout the rest of their lives.

2.15 pm

Alex Norris: I absolutely agree. Letting a person cross the threshold for the first time is a good way of dispelling some of the fears and barriers, and good for creating a culture and a habit of voting for life. That would be a positive thing, however people choose to use that ballot. The point I raised in Prime Minister's questions today was that the report on hate crime made it clear that young people in my city did not know what it was. I do not mean that they did not know about positive relationships—I do fear for my community on that—but technically they did not know whether the words that they heard banging around, whether from older siblings or on the television, were being used lawfully or unlawfully. Again, I felt that that was a failure on our part to skill people up to do that, and this issue fits into the same category. The best thing about this measure is that the majority of people would, at some point in that period, experience the practical application of a vote. They would be able to learn not just in the classroom but to actually do it, which would be really positive.

I will conclude with a quote about this from someone in a far more esteemed position than mine. I think she is entirely right. She is the former chair of the all-party parliamentary group on youth affairs. The year was 2015, and she said:

“Voting is a habit that is formed early and we ought to treat it as such...It is important that we take...a progressive stance on these matters.”—[*Official Report*, 18 June 2015; Vol. 597, c. 527-532.] That came not from Nottingham North but from Norwich North, and I desperately hope that the Minister feels the same today and will support this important amendment.

Christian Matheson: What a great pleasure it is to serve under your chairmanship, Mr Robertson. You and I have a shared interest in horse-racing, although I have not seen you at Chester racecourse recently. I was there twice over the summer, and you are more than welcome if ever you choose to venture to Chester which, of course, has the oldest racecourse in the country. I hope I may wander just a little in my opening remarks and say that it is a great pleasure to see my good friend, the hon. Member for Montgomeryshire. He and I also have a shared interest, which is the wellbeing of the beautiful country of Colombia. I think he has personal connections there, and I have an interest because of the plight of trade unionists and civil society in Colombia. He and I will continue to work together on that issue, just as we will work together on the Bill, and I congratulate him on the Bill, which has completed Second Reading and is now in Committee.

It is a pleasure to work with the hon. Member for Oxford West and Abingdon. I have not worked with her before, but she has already earned a fine reputation in this place. Her speech was important thanks to her use of personal experiences to demonstrate the strength of her argument. The breadth and diversity of experience that hon. Members right across the patch bring to the House is one of its real strengths, and I welcome that.

I am a little surprised that the Bill has already reached this stage. It has leapfrogged other private Member's Bills in a similar departmental area, and it secured a money resolution in the House last night. I do not decry that—once a Bill completes its Second Reading it is right for it be accorded a money resolution, and I am genuinely pleased for Friend the hon. Member for Montgomeryshire that the matter can proceed. I suggest to Conservative Members that the Parliamentary Constituencies (Amendment) Bill, introduced by my hon. Friend the Member for Manchester, Gorton (Afzal Khan), should also be given a money resolution.

Turning to amendment 1, I believe that all hon. Members agree that no area of electoral law is more important than the franchise—who gets to vote, and who is able to participate in our democracy—because it underpins the democracy that underpins this country and all that is good in it. I welcome this opportunity to discuss in detail the intricacies of the Bill and point Ministers towards areas where our democracy could and should be strengthened.

Labour supports diversity. British citizens now live all over the world, strengthening the multiculturalism of our country. I talked earlier about the experience of the hon. Member for Oxford West and Abingdon, and British citizens living abroad can bring their experience back to the UK if they return. We should project British values abroad, although that is not under discussion at the moment. Overseas electors play a significant role in providing a close connection not only to our European neighbours but to countries across the world, and we must continue to encourage that valuable connection.

The Bill denies overseas British citizens aged 16 and 17 a vote. It states:

“A person is entitled to vote as an elector at a parliamentary election in a constituency if...on the relevant date, the person...qualifies as an overseas elector in respect of that constituency...is not subject to any legal incapacity to vote (age apart)...and...is a British citizen”.

It also requires that

“on the date of the poll, the person...is not subject to any legal incapacity to vote,...is a British citizen, and...is registered in a register of parliamentary electors for that constituency”.

As it stands, there is no mention of including young voters in the franchise. The Bill will further embed and entrench the current laws that prevent 16 and 17-year-olds either abroad or in the UK from engaging in parliamentary elections. The voting age for UK parliamentary elections remains 18 for the whole of the UK, and under current legislation a person must be 18 or over to vote in all elections in England, Wales and Northern Ireland.

I echo the words of the hon. Member for Oxford West and Abingdon, who spoke about consensus in the Opposition parties. Labour strongly believes in the right of our young people to engage in our parliamentary democracy through voting in general elections. The Bill gives us the opportunity to grant British 16 and 17-year-olds living overseas that right, and it could be a trailblazer or a test bed—I will come on to that in a little while. Amending the Bill to enfranchise 16 and 17-year-olds could be a first step in granting young people the vote. As this Bill is under consideration, it might be the opportunity that hon. Members are looking for. In a political atmosphere that is becoming increasingly unpredictable, one thing is certain: it is only a matter of time before votes are granted to 16 and 17-year-olds.

There is cross-party support for the change. Members from both sides of the House recognise the overwhelming importance of sustaining a modern democracy by listening to young people. To encourage greater numbers of young people to become lifelong, politically active and participatory citizens, institutional reform is required. I was very interested to hear the contribution of my hon. Friend the Member for Nottingham North, who talked about the importance of engaging young people from an early age, and the effect it would have on them in terms of lifelong participation. I worry that we sometimes underestimate the danger, which I highlighted in my intervention, that members of the public are intimidated by voting because they were not given the opportunity to learn about it early in their lives.

The amendment is simple: with the value of the franchise in mind, we wish to include 16 and 17-year-olds in the changes proposed for the electoral franchise for overseas voters. The change would enfranchise young people of our nation, who deserve a say in the way we run our parliamentary democracy. The amendment would add 16 and 17-year-old voters to the individuals who can qualify as overseas voters. We believe that, in the context of any extension of the franchise to overseas voters, the views of British 16 and 17-year-olds living abroad must be included. It is our duty as representatives in Parliament to strengthen the foundations of our democracy by giving young people a say in the democratic process. The Bill presents us with the opportunity to grant young people, as politically engaged citizens, the ability to participate in parliamentary elections and to begin a life of political engagement. By doing so, we would strengthen our democracy and open it up to a generation of young people living overseas, who are currently excluded from our democratic process. We are talking about enfranchising a new generation of citizens through greater access to information, communication and self-empowerment. Young people, both overseas and in the UK, are becoming increasingly engaged politically. We cannot continue to deny them access to our parliamentary democracy.

The case for votes at 16 at all parliamentary elections is stronger than ever before, particularly given the mood of young people post-Brexit. We hear stories that the majority of senior citizens voted to exit the European Union while the majority of young people voted to remain, and that an even greater majority of people between 16 and 18 would have voted to remain if they had been given the chance. As we all know, there is a real sense of division and discord in the country. It is greatly magnified or amplified among young people because 16 and 17-year-olds were not allowed to take part in that vote, and they felt that their future was being decided by others—a future in which they have a greater stake, because they have more of it to come. There is a real sense of grievance.

Young people who are British citizens, especially those living overseas in the European Union, feel that their future has been decided for them by another generation. Votes at 16 for young overseas voters is an essential part of securing votes for life. I am interested to know what the Minister and the hon. Member for Montgomeryshire think about extending the franchise to 16 and 17-year-olds, given their party's insistence on the importance of granting votes for life to our overseas

voters. If that is truly a priority for the Tory party, attention must be paid to educating and informing young people who are living abroad.

Engagement in political life should not be limited to people above the age of 18—I think my hon. Friend the Member for Nottingham North hinted at that point. I am sure that the Government agree that involvement in politics from the age of 16 can only be beneficial for our young people, making them more likely to engage in politics throughout their lives. Young people overseas will of course bring the added dimension of a different experience to those living solely in the UK.

Alex Norris: I am enjoying the case that my hon. Friend is making. A greater proportion of 16 and 17-year-olds than 18 to 24-year-olds voted in the Scottish referendum, which perhaps shows that the connection to education had built a sense of participation and encouragement. Does he agree that we might benefit from that approach?

Christian Matheson: That is a concrete example. We need to look into the reasons why 16 and 17-year-olds voted in greater numbers than 18 to 24-year-olds. It also raises the slightly different issue of why 18 to 24-year-olds do not necessarily feel involved. Perhaps they do not feel an attachment; perhaps they do not feel that it is relevant. We always scratch our heads and worry about that. It could well be that, because they did not start getting involved early enough in democratic processes, we have already lost them. My hon. Friend makes a very valid point—unfortunately, it throws up as many questions as answers, because we need to look more carefully at why previously young people did not feel that politics was for them, and why they seemed to embrace the Scottish referendum in particular.

I was never a true believer in votes at 16; I am a convert, which is perhaps why I am attacking the subject with so much zeal. It was the experience of the Scottish referendum that sealed the deal for me.

2.30 pm

The hon. Member for Ochil and South Perthshire is smiling ruefully, wistfully perhaps; I note his mirth. As they say in American courtroom dramas, “Let the record show that he is shaking his head wistfully.” The point is that it was absolutely clear that young people in Scotland were energised by the referendum. They were engaged, arguing and debating among themselves. That certainly changed my mind; we should not simply dismiss the younger generation.

The experience in Scotland has shown how successful extending the franchise to young people can be, with 75% of 16 to 17-year-olds voting in the independence referendum. Sixteen-year-olds can now vote in council elections in Scotland and the Welsh Government are looking to do the same for council and Assembly elections. You might pull me up on this, Mr Robertson, but that puts me in mind of Boundary Lane, which is in my constituency and is half in England and half in Wales. Obviously, I represent the English half. We might soon be in the absurd situation where a 16-year-old living on one side can vote in his or her council elections and the 16-year-old living on my side cannot vote in elections. Such is the nature of national geography.

There is no silver bullet for improving participation in politics, but we cannot overlook the importance of contact with politics in the formative years. I suspect that that is the point my hon. Friend the Member for Nottingham North makes concerning young people in his constituency who have a concern about an issue but do not have the confidence or education to know how to put that concern into action. They came to see him yesterday and today he raised their concerns with the Prime Minister.

Involving and engaging our young people in politics is vital for the future of our democracy, making our young people feel that they can have a say. Evidence from the referendum and the 2017 Scottish council elections demonstrates that, when a 16 or 17-year-old is able to vote, turnout rates are much higher than those among 18 to 24-year-olds, as my hon. Friend the Member for Nottingham North said in his intervention.

If an individual has voted once, they are more likely to vote in future. Young people are aided by the encouragement of families and schools, meaning that they became politically engaged at an early stage. If we are able to spark political engagement from that early stage, we are more likely to encourage individuals truly to vote for life, engaging in the political process throughout their lives.

My hon. Friend mentioned that the Minister had, in a previous role, summed up the situation well, saying:

“Voting is a habit that is formed early, and we ought to treat it as such... It is important that we take—dare I say it?—a progressive stance on these matters.”—[*Official Report*, 18 June 2015; Vol. 597, c. 527-532.]

In reminding the Minister of her words on this matter, I am now trying desperately to think of things I have said in the past as an APPG chair. I wonder whether they will put a hole under the waterline of any of my future arguments when I am a Minister, which of course will not be too long hence. I shall reflect on that later, after the Committee adjourns.

There is a sense that overseas younger voters might even bring a greater energy to their parents. The younger generation who want to register to cast their democratic ballot might be able to energise parents who perhaps worry about the bureaucracy, which we will consider in later clauses. Younger voters want to get involved and have their say, and offering them the opportunity to take the most important and responsible of actions—namely voting to choose a democratically elected Government—will energise and inspire their parents to do the same. Of course, that amounts to a reversal of the usual situation whereby parents either try to get youngsters involved or their apathy is infectious and has been passed on to the next generation.

The issue can no longer be overlooked by the Government, given the cross-party support for votes at 16. As the hon. Member for Oxford West and Abingdon has mentioned, Labour, the Liberal Democrats, the Scottish National party, Plaid Cymru—[*Laughter*.]

Chris Elmore (Ogmore) (Lab): I am grateful to my hon. Friend the Member for City of Chester, where Welshmen can of course still be shot with an arrow inside the city boundaries at dusk. The words he is looking for are “Plaid Cymru”, and I apologise to my hon. Friend for laughing so heavily at his pronunciation.

Christian Matheson: As a Cheshireman I shall seek out my crossbow forthwith, but let us not go down that road. In addition to the parties I have mentioned, Plaid Cymru and the Green party are fully supportive of extending the franchise. Even senior politicians in the Conservative party, including the former First Secretary of State, the right hon. Member for Ashford (Damian Green), and the leader of the Scottish Conservative party, are fully paid-up members of the votes at 16 club. Surely that also means that they are fully paid-up members of the overseas votes at 16 club, which is the issue under consideration. It is time the Conservatives recognised the need to update the current voting franchise to reflect the modern make up of British society, in which 16 and 17-year-olds are politically engaged, educated and aware enough to make informed decisions about the political environment.

Our country is well overdue a change to its voting laws. In 2004, the Electoral Commission published a review of the voting age, which concluded that it should remain the same “for the time being.” It recommended, however, that the situation be reviewed in five to seven years, and I will return to that issue. The commission qualified that by stating that

“circumstances may change the context significantly over the next few years. In particular, citizenship teaching may improve the social awareness and responsibility of young people.”

That has certainly been the case, as our young people are better informed than ever, thanks to access to the internet and social media. Although fake news and disinformation pervade, young people are becoming more adept at spotting that and are becoming more critical, we hope, about what they read, which is all part of a political education.

In 2006, the Power commission published its final report “Power to the People”, which supported that conclusion. The commission drew up a set up proposals and recommendations to increase political participation, including lowering the voting and candidacy age to 16, with the exception of candidacy for the House of Lords. I have no idea what the minimum age is for the House of Lords.

Alex Norris: One hundred and sixty.

Christian Matheson: I think that is a little bit much. If those arguments apply to domestic 16 and 17-year-olds, should they not also apply to overseas voters? If a review is to take place—as I have said, in 2004 the Electoral Commission called for one—is not the Bill the perfect opportunity and vehicle for that review, and is not clause 1 the perfect clause with which to undertake it?

The Power commission explained the recommendations, stating:

“Our own experience and evidence suggests that just as with the wider population, when young people are faced with a genuine opportunity to involve themselves in a meaningful process that offers them a real chance of influence, they do so with enthusiasm and with responsibility.”

There is absolutely no reason why that should apply to UK-based 16 and 17-year olds but not to 16 and 17-year-old UK citizens who live overseas. The report went on to state:

“We recognise that few people take an interest in a sphere of life or an area from which they have been deliberately excluded. Reducing the voting age to sixteen would obviously be one way of

reducing the extent of such exclusion for many thousands of young people, and of increasing the likelihood of their taking an interest, and taking part, in political and democratic debate.”

Those recommendations are increasingly relevant in a Parliament where only 2% of MPs are aged under 30, despite 16% of the UK’s population being aged 18 to 29. I confess that I do not know what percentage of the UK’s overseas citizens are aged under 30; I will try to dig that out. Young voices are consistently under-represented in our politics. In the period from 1979 to 2017, the average age of MPs at elections has been consistently around 50 years old—not that I am complaining, of course, about a candidate being 50 years old.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): Was it your big year this year?

Christian Matheson: It certainly was. Government Members may well be surprised to hear that I was indeed 50 this year—[HON. MEMBERS: “Never!”] I am afraid none of us is getting any younger.

The statistics are similar at local level, with just 2% of councillors aged 18 to 29. There is no better time to begin listening to the voices of our young people and properly representing their views. As MPs, we vote every day on issues that will have a direct impact on their generation—university fees, zero-hours contracts and the minimum wage, to name but a few—yet we refuse to allow them a say.

There is an argument, with which I have a lot of sympathy, that if somebody chooses to live abroad, it is perhaps less important that they have a say in what is going on in the United Kingdom, and that the decisions need to be taken by those who will be affected by them; but for young people, more so than for adults who might be permanently resident abroad, there is an importance in having a say, because it has an impact on their future.

I give the example of a young person who is living abroad but wants to return to education or university in the UK; the hon. Member for Oxford West and Abingdon mentioned that she came back to school in the UK. Whereas there could be criticism of expanding the franchise overseas to everybody who wants to vote, no matter how long they have been abroad, those young people have a greater stake in having the vote, because they may choose to have a future back in the UK, separate from their parents or guardians.

What are the Government doing to ensure that this vital section of our society is being listened to? What conversations has the Minister had about the views of young voters? Perhaps now is not necessarily the time for the Minister to consider that, but I put the question out there. The Government can no longer ignore the issue.

Voices from the Votes at 16 coalition continue to demand action. The coalition is made up of more than 60 member organisations, including the British Youth Council, the Children’s Rights Alliance For England, Barnardo’s, the Electoral Reform Society, the Inter-generational Foundation, the YMCA, Christians on the Left and Oldham Youth Council. That reminds me that my hon. Friend the Member for Oldham West and Royton (Jim McMahon) had a private Member’s Bill

on that very subject, relating in his case to 16 and 17-year-old UK residents, as opposed to 16 and 17-year-olds overseas.

How will the Government act to involve our young voters in politics and ensure that their voices are heard, and to avoid isolating them before they have even had a chance to exercise their right to vote? Not if but when votes at 16 become a reality nationally, as they will under a Government willing to listen to the evidence and to the voices of young people, that must be accompanied by compulsory political education in schools, ideally at key stage 4.

Who could argue against our young people studying in depth—for the first time in history, I hasten to add—how this place works, who it works for and what the different parties that sit here represent? We all have school visits in our constituencies and down here in the excellent education centre, which is a real asset to Parliament. When those visits are opened up to questions, the youngsters will look around and shuffle a bit—regardless of whether they are primary or secondary school pupils—waiting for the first person to ask a question. The teacher will eventually pick someone and say, “Right, Jane or Jonny, you ask the question.” Once the ice is broken, there is always huge interest and lots of different questions, as young people demonstrate their desire for more knowledge.

2.45 pm

A proposal for such education would be problematic for youngsters who were being educated abroad in a foreign school system. I am referring to overseas voters. For younger overseas voters in a UK-focused school system, it would be possible. That includes, for example, children from forces’ families and children at international schools that are based on the UK system and syllabus.

A former Labour Prime Minister, Gordon Brown, pushed for compulsory citizenship education in schools, recognising that the education to grow people into responsible, well-rounded and aware citizens in our communities is best done at a young age. We want to build on that achievement by giving young people the rights and responsibilities that we know they are capable of wielding. For the first time, all young people would have the opportunity to develop the political appetite that I know they have, but too often lose once they leave school, feeling that their voice is not heard and that decisions are made for them, not with them.

We have an opportunity to tackle that head on, culminating in young people being granted the right to vote at what we now know is the right age, whether they are overseas voters or UK-based voters. I am reminded of what I think is the Jesuits’ phrase—give me the child at seven, and I shall give you the man. The interests of young people are shaped, and they are given the freedom to develop, when we promote and expand their interest and their experience, and they will then develop into fully participating citizens.

We have cited the Minister’s words. I am pleased to be able to inform her that she is not alone in supporting, on a personal basis, votes at 16 for overseas or UK-based voters. Labour has led the way on the issue with a series of private Members’ Bills. I have referred to my hon. Friend the Member for Oldham West and Royton and

other colleagues, but even within the Minister's own party, strong support has been expressed for lowering the voting age.

Some prominent Conservative politicians, such as the leader of the Scottish Conservatives, Ruth Davidson, and the right hon. Members for Putney (Justine Greening) and for Loughborough (Nicky Morgan), have stated that they support lowering the voting age to 16. Even a former Chancellor of the Exchequer has claimed that there is widespread support among Conservative MPs for lowering the voting age. Does the support from senior Conservatives extend to overseas voting?

Writing in a 2016 pamphlet published by the Tory Reform Group, Ruth Davidson spoke of the engagement of 16 and 17-year-olds during the referendum on Scottish independence. Ms Davidson suggested:

"Those in favour of the status quo argue that while the referendum offered a clear, unambiguous choice, parliamentary elections present a more muddled, multi-layered decision which require a more mature electorate. But having watched and debated in front of 16 and 17 year olds throughout the referendum, I have found myself unable to agree. My position has changed. We deem 16 year olds adult enough to join the army, to have sex, get married, leave home and work full-time. The evidence of the referendum suggests that, clearly, they are old enough to vote too."

I assume that the arguments Ms Davidson is making in response to her experiences in the Scottish referendum would also apply to 16 and 17-year-old overseas voters.

In July 2018, the Electoral Reform Society published a pamphlet on the case for votes at 16, backed by the Tory Reform Group. The right hon. Member for Loughborough wrote:

"We cannot now have elections in different parts of the United Kingdom where 16 and 17-year-olds can vote and then other elections where they cannot."

To break the quotation for a moment, that puts me in mind of my dilemma on Boundary Lane, where there are two different parts of the United Kingdom on two different sides of a street. The right hon. Lady went on to state:

"But the most patronising argument, which I suspect has been recycled from the time of the Suffragettes, and which really doesn't stack up, is that 16 and 17-year-olds aren't mature enough to vote. Making such a sweeping generalisation on the basis of no evidence whatsoever should be given no air time."

Again, those are compelling arguments for votes at 16 and they apply as much to 16 and 17-year-olds who live overseas as they do to domestically domiciled 16 and 17-year-olds.

In a report by the Electoral Reform Society entitled, "Civic Duty: The Conservative Case for Votes at 16 and 17", the right hon. Member for Loughborough wrote a beautiful piece about the importance of votes at 16, comparing them to the extension of the franchise to women, which we are celebrating this year:

"In the same way that allowing all men and women to vote seemed a brave step forward—but is now something we wonder why it took so long to achieve"—

she is absolutely right—

"I think the time has now come to allow votes for 16 and 17-year-olds."

Indeed, many of the arguments that we used before 1918 to try to prevent universal suffrage can be compared to the current arguments rejecting votes for 16 and 17-year-olds. The right hon. Lady pointed out that

"there is one overwhelming reason why this area has to be addressed. By accepting that 16 and 17-year-olds in Scotland could vote on their future in their 2014 referendum, the arguments for not extending the franchise further were completely undermined."

Indeed, if 16 and 17-year-olds were able to act responsibly in the Scottish referendum, handling the votes with sensibility and maturity, why would they be unable to do that in British parliamentary elections? Those are all sound, persuasive and compelling arguments that apply equally to 16 and 17-year-olds living in the UK and to 16 and 17-year-olds domiciled around the world who would be considered overseas voters.

Bob Stewart (Beckenham) (Con): Will the hon. Gentleman give way?

Christian Matheson: I give way to the hon. and gallant Gentleman, who is a good friend of mine.

Bob Stewart: The hon. Gentleman mentioned Chester racecourse, the birthplace of the Cheshire regiment in 1689. I presume that the hon. Gentleman might be in favour of 16 and 17-year-olds fighting in a war, because at the moment they cannot fight until they are 18.

The Chair: Order. That is slightly beyond the scope of the amendment.

Christian Matheson: With permission, I say to the Committee—I have said this to the House before—that the hon. Gentleman is held in extremely high regard in my constituency. He and I have enjoyed Chester racecourse together just as I hope you and I will in future, Mr Robertson. There is a preclusion on the deployment of soldiers under the age of 18, which is probably the right thing to do, but the hon. Gentleman is the expert on matters military, not I. I defer to his expert opinion and judgment in this matter.

The divide in opinion is not necessarily party political, but between those who are willing to listen to the compelling evidence for votes at 16 and the many benefits they will bring to our democracy, and those who choose to ignore them. Is it not time that Ministers, and those in the Conservative Government more widely, consider updating their stance on this issue? Is not the amendment the perfect opportunity to do so? It is not the Conservative party as a whole that is standing in the way of granting this basic democratic right to young people, but individual Ministers in the party. Such Ministers must reflect on their own views and consider the impressive and commendable statement by the right hon. Member for Loughborough, Chair of the Treasury Committee, who said:

"It is time politicians stopped wringing our hands and wondering why young people aren't politically engaged—and instead took the most obvious step to address this: by extending the franchise to our 16 and 17-year-olds."

That lesson could surely be applied to this Bill.

Across the world, Governments recognise the need to include young people in democratic culture through voting. If we extend the franchise to overseas voters without this change, we may be in the contradictory position whereby young people cannot vote in UK elections, but their fellows in the countries and jurisdictions where they are living can vote in their home elections.

Let me list a few. In 2006, the Isle of Man lowered the voting age. Jersey and Guernsey followed in 2007. Also in 2007, Austria became the first member of the Council of Europe and the European Union, and the first of the developed world's democracies, to adopt a voting age of 16 for all municipal, state and national elections. Turnout for 16 and 17-year-olds in the 2008 Austrian federal elections was 86%. That reminds me of the point that my hon. Friend the Member for Nottingham North made about energising 16 and 17-year-olds, who then vote in greater numbers. Our hope is that that will continue throughout their lives.

In 2009, the Council of Europe proposed an expansion of democracy by lowering the voting age to 16. Even Norway lowered the voting age from 18 to 16 in the 2011 local elections as a trial in 21 municipalities. Some 58% of the enfranchised 16 and 17-year-olds voted. That was somewhat lower than the overall turnout level of 63% in those municipalities, but much higher than the turnout among regular first-time voters aged 18 to 21, which was 46%. As my hon. Friend the Member for Nottingham North described, 16 and 17-year-olds consistently vote in higher numbers. Imagine a 16 or 17-year-old UK citizen living in Norway who cannot vote in the UK, while his or her Norwegian counterparts can vote in Norway.

The Scottish independence referendum is a case in point. It was the first time the vote has been extended to 16 and 17-year-olds in the UK. Turnout among 16 and 17-year-olds was 75%, and 89% of 16 and 17-year-olds registered to vote. As hon. Members are aware, as a result of such a successful turnout in June 2015, Members of the Scottish Parliament passed the Scottish Elections (Reduction of Voting Age) Act 2015, which enabled 16 and 17-year-olds to vote in elections in Scotland. The experience in Scotland shows us how successful extending the franchise can be. As I said earlier, that was my moment of conversion—perhaps my moment of persuasion. I was always open to the idea, but that event sealed the deal for me and persuaded me that it was both feasible and the right thing to do.

However, we are now in the ridiculous position whereby a 16-year-old living in Scotland can vote in local elections but is denied the right to vote in UK general elections. It is time we caught up with the progress made across the Union of the United Kingdom. Even the Welsh Labour Government are looking at extending the franchise to young people for council and Assembly elections. It is vital that we have equal rights across the United Kingdom for all elections, and that means equal rights for 16 and 17-year-old overseas voters. This amendment would achieve that equality of rights.

This is not a leap of faith. I have highlighted the evidence and the precedent for change from other countries on our doorstep, but votes at 16 need to be trialled as a democratic experiment at the very least. People across the United Kingdom have changed their minds: there is now widespread support for votes at 16 after elections in which young people could vote. Public opinion in Scotland shifted after the Scottish referendum in 2014. Some 60% said that voting at 16 should be introduced, up from 44%, when ICM asked a differently worded question immediately after the 2014 European elections.

Moreover, in 2015, the Welsh Assembly conducted a consultation to determine public opinion among young people. It heard 10,000 views from people aged 11 to 25,

most of whom were in the 14 to 17 bracket. Some 53% said that the voting age should be lowered to 16 in all UK elections; 29% said, "No"; and 18% said, "Don't know". It would be interesting to see whether 16 and 17-year-olds living overseas would respond in the same way—perhaps the Government would consider a survey of overseas voters and potential 16 and 17-year-old voters.

3 pm

The Welsh Assembly also held a consultation that showed a huge number in favour of young people having the opportunity to learn about politics and the voting system: 79% said it was important for children and young people to have a political education; and 77% said that school or college was the best place to do that. It is time that we caught up with the progressive thinking of our friends across the rest of the United Kingdom.

Central to the amendment is the inclusion of votes at 16 and 17. The UK Government define an adult citizen, as shown on British passports, as someone over the age of 16. Young people have the freedom to travel independently from the age of 16 and to live and work abroad. If a 16-year-old can move abroad and live overseas, they should be capable of taking part in our democratic process by registering as an overseas voter under the Bill. Need I remind the Committee of the numerous other responsibilities placed on young people at the age of 16? However, they are still unable to vote. The hon. and gallant Member for—

Bob Stewart: Beckenham. I am surprised you don't know that.

Christian Matheson: The hon. Member for Beckenham mentioned some of this a short while ago. At 16, one is eligible to pay tax, get married or even join the Army—albeit, as my good friend said, they cannot serve in a frontline deployment. It is absurd that 16-year-olds can have all those rights and responsibilities, but are not granted the ability to engage in the democratic process and decide which party sends their older comrades into combat. The Opposition strongly believe that lowering the voting age to 16 will help energise and engage young people and ensure that their voices are heard. Once again, that applies entirely to young UK citizens living abroad as well as young UK citizens living in the UK.

The Government must act now before they undermine the integrity of the democratic process across the four nations. If we are to extend the franchise overseas, we should give that opportunity to young voters as well. This is an opportunity to see how well it would work.

At the centre of the debate is a simple point: the notion of votes for life. If the Government truly stand by that—and it is important to respect an individual's right to vote in every election—why do we not open that up to the thousands of 16 and 17-year-olds currently unable to vote? How can we justify allowing individuals who have been detached from British society for a significant time to have the immense responsibility of voting in our parliamentary elections when we still deny 16 and 17-year-olds any say in our parliamentary democracy?

[*Christian Matheson*]

The Office for National Statistics estimates that 890,000 British citizens reside in other EU countries, of whom 83,500 are under 15 and 90,000 are aged between 15 and 29. Those young people, as well as those living in the UK, need to be granted the vote. Current voting laws create barriers to democratic engagement. Votes for life should begin at 16, just as political engagement in education should start from an early age. We must encourage our young people to feel included in our democratic system. By denying them the vote, we risk deterring them from politics altogether. If we want long-term overseas voters to feel included in the UK, we also want 16 and 17-year-olds to feel involved in the democratic process of the country to which they feel they belong.

Glyn Davies: It is a pleasure to lead on a Bill with you in the Chair, Mr Robertson. We have spent some time together at sporting events; this is rather a new thing for us. I would also like to thank all Members who have agreed to serve on the Committee—it looks as if it might take some time before we reach the end. I will first make some general remarks about the Bill, then turn to the amendment.

The Chair: Order. The amendment is really to be addressed.

Glyn Davies: I will take your advice, Mr Robertson, and I will move straight to the amendment, although I did have some quite important remarks to make.

I understand that there have been calls, including today, for the voting age to be lowered, and there are different views across the House of Commons. Indeed, I have expressed my own views. I am surprised the Opposition spokesman did not dig out some of the quotes on votes at 16 that I have made in the past. However, there are no plans to lower the voting age and the House of Commons has repeatedly voted against it.

I want to stress that this is a single-purpose Bill, with the aim of removing the arbitrary 15-year rule for overseas members. Whether one is in favour or against votes at 16, that is not part of the Bill. If it were, it would completely dominate and change the Bill. I hope on that basis, the hon. Member for Oxford West and Abingdon will withdraw the amendment.

Chloe Smith: May I add my voice to those congratulating my hon. Friend the Member for Montgomeryshire on securing this important Bill? I fully support its principles and intention. We have laid those arguments out at several prior stages, so I am confident that we know what we are dealing with.

I would add my remarks on amendment 1. I thank the hon. Member for Oxford West and Abingdon for tabling it and the hon. Member for City of Chester for adding his capacious comments to the argument. As my hon. Friend has set out, there is a range of views across the House on the subject of the voting age but it is a fact that the House of Commons has repeatedly voted against. The Government also stated in their manifesto a commitment to retain the voting age at 18. That being the case, we are carrying out that promise.

I will add that the Government fully and passionately recognise the importance of engaging young people in decision making. We are working in partnership with young people in the form of numerous civil society organisations such as Bite the Ballot, the British Youth Council and Operation Black Vote, to increase engagement of young people across the country in our precious democracy.

We have also taken the opportunity to use events such as the suffrage centenary year and National Democracy Week, which we ran for the first time this year, to encourage that further. I want to impress the Committee with my strong support for the engagement of young people in general, but that is not for this Bill.

Although the hon. Member for City of Chester tried to inveigle us into believing that this would be the perfect vehicle, which I think were his words, he later conceded that now is perhaps not the time to consider these issues. Once he has sorted out whether this is or is not the perfect vehicle, I can confirm that I do not think that this is a very good vehicle at all for the argument because—

Christian Matheson: Will the Minister give way?

Chloe Smith: No, I will not. I will be brief. The hon. Gentleman has had ample time to put his arguments. The Bill is not a moment for a “democratic experiment”, to quote the hon. Gentleman further. It is also not the moment to fracture the franchise; it is a moment to extend the franchise. It is not right to make the franchise one thing in one sense and another thing in another sense.

I address that argument directly to the hon. Member for Oxford West and Abingdon, who has rightly brought the argument here today in a spirit of wanting to explore the issues, and I applaud her for that. She said at the outset that she wanted this to be an exploratory debate, and I am grateful that we have had that today. The bottom line is that the Bill seeks to do something different. It is about extending the franchise geographically; it is not about the age at which the franchise starts, and I do not think that it would be a wise course to have two different age starting points for the franchise within the democracy that we hope to sustain for UK parliamentary elections. I hope that the hon. Lady will feel able to withdraw the amendment on that basis. I look forward to making progress through the Bill.

Layla Moran: I thank everyone who has contributed to this debate. I do not agree that this is not the time to discuss this matter, or that we should not vote on it. It may well have been voted down in the past, but let us face it: the shifting sands of politics are moving so fast that I do not even know what happened yesterday, let alone what will happen tomorrow. What I do know, though, on behalf of many of the young people I speak to day in, day out, as I have done for the whole of my career, is that this is absolutely the time to press such an amendment to a vote, and that is what I intend to do.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 8.

Division No. 1]**AYES**

Bradshaw, Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Gapes, Mike	Norris, Alex
Lake, Ben	

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negatived.

Alex Norris: I beg to move amendment 33, in clause 1, page 2, line 7, at end insert
“and

- (c) the person satisfies at least one of the following conditions—
- (i) he or she was included in a register of parliamentary electors at some time in the past fifteen years;
 - (ii) he or she was resident in the United Kingdom at some point in the last fifteen years;
 - (iii) he or she is a member of the United Kingdom armed forces;
 - (iv) he or she is employed in the service of the Crown;
 - (v) he or she is employed by the British Council;
 - (vi) he or she is employed by a United Kingdom public authority;
 - (vii) he or she is employed by a designated humanitarian agency;
 - (viii) he or she is the spouse or civil partner of a person mentioned in sub-paragraphs (iii) to (vii) above and is residing outside the United Kingdom to be with his or her spouse or civil partner.

(1A) The Minister for the Cabinet Office or the Secretary of State may by statutory instrument define ‘United Kingdom public authority’ and ‘designated humanitarian agency’ for the purposes of subsection (1)(c).

(1B) A statutory instrument containing regulations under subsection (1A) is subject to annulment in pursuance of a resolution of either House of Parliament.”

The Chair: With this it will be convenient to discuss the following:

Amendment 34, in clause 1, page 2, line 9, leave out “in the past” and insert “since 1 January 2004”.

Amendment 35, in clause 1, page 2, line 17, leave out “in the past” and insert “since 1 January 2004”.

Alex Norris: Let me say, in the spirit of what the hon. Member for Oxford West and Abingdon said, that this is my first amendment; it is certainly my first sole amendment, so I am very much looking forward to discussing it. I start by congratulating the hon. Member for Montgomeryshire on securing a private Member’s Bill, getting it to this stage and even securing the support of the Cabinet Office in drafting it. He has done very well indeed. In a previous debate, we did not get to hear some of the broader substance, because it perhaps was not in line with the amendment, but I suggest gently that it might be in line with the amendment that I have tabled, because I am not seeking to change the meaning

of the hon. Gentleman’s Bill, and if I am missing something of the meaning of his Bill, this might be a good moment for me to understand that.

It may not be widely known that this is the second private Member’s Bill Committee of the day for me, as it is for my hon. Friend the Member for City of Chester, the Minister and even the hon. Member for Torbay (Kevin Foster), who was so deprived of my contributions this morning that he has joined us in the audience to listen now—I for one greatly appreciate it. At the moment, we cannot make any contributions in that Bill Committee, because we are stuck in parliamentary stasis. I explain this to everyone I see now. People think that we are from a different planet—to a certain extent, they already did—because for 15 consecutive Wednesdays we have met here at 10 am, or 9.30 for the first few sittings, but every time, we discuss only a motion to adjourn. It is very sad to see that Bill stymied in that way, but I am not the sort of person to be jealous that this Bill has got through and managed to jump the queue ahead of that one. I believe that a rising tide raises all boats and I believe in private Members’ business, so I congratulate the hon. Member for Montgomeryshire.

3.15 pm

I have a few suggestions on this group of amendments and some later ones that I think would improve the Bill; I will be interested to hear the hon. Gentleman’s contribution and those of others about whether that is considered to be the case. I sought a place on the private Member’s Bill of my hon. Friend the Member for Manchester, Gorton (Afzal Khan) for the same reason that I am glad to be on the Bill Committee for this Bill: I am passionate about our democracy. Democracy, it seems to me, is at its weakest point globally in at least 30, if not 70 years.

In that spirit, we should always be very sure about the changes we make to our democracy. Anybody who knows anything about the rules of political parties knows that the little amendments that are made for whatever reason at some point have a habit of creating all sorts of different conclusions later down the line. We ought to ensure that we play out the scenarios that they might present, but also ensure that the changes we make are proportionate to achieving the goal. If we can achieve the same goal by being more surgical, we should seek to do so.

In that spirit, I turn to amendment 33, which I hope achieves the same goals that the hon. Member for Montgomeryshire seeks, but in a slightly tighter way. As other hon. Members will have done, I have listened to previous stages of this Bill, including yesterday’s money resolution debate. We heard lots of legitimate stories from individuals about the reasons why someone, often in the most profound service of this nation, might be away from the country and lose the basic right to vote, which of course seems unfair. In my amendment I seek to pick all that up, so that that would not be the case.

Sub-paragraphs (i) and (ii) speak for themselves, but sub-paragraph (iii), exempting the UK Armed Forces from the 15 years so that they have that vote for life, would seem to make perfect sense. In the same spirit, we should not wish those who serve our country in the service of the Crown as civil servants—some 1% of our civil service are permanently based abroad—to miss

their vote, nor those working for the British Council, with the services they perform for our nation and our standing in the world. Critically, sub-paragraphs (vi) and (vii) cover UK public authorities and designated humanitarian agencies.

We heard stories about people working for charities in other parts of the world, embodying the very best of British values, but falling foul of this issue. We should not want that to happen, and that is why I have covered it in this amendment. We have a lot of faith in ensuring that our Ministers get things right, so I also covered giving Ministers scope to define those terms so that things are not missed, because if we did an exhaustive list in this regard we would probably not cover it all this afternoon.

What I have sought to do with this amendment is to cover the idea that someone might be in the service of our country but miss out on the vote in a way that none of us, I think, would deem legitimate, while maintaining the basic 15 years, as a slightly narrower and tighter way of achieving what I think the hon. Gentleman is trying to achieve—although, as I say, we have not quite heard those prefacing arguments, so I may well be wrong and may well be corrected on that. That is with regard to amendment 33.

I have a strong practical attachment to amendments 34 and 35. I, like many in Parliament, came here from a career in local government—I am not sure, looking around this room, whether anyone here did. As all parliamentarians do, we had a role in elections, seeing electoral registration officers and those who count the votes and staff the polling stations; but those who have served on their council for a while also know that those people do not come out of a cupboard. They are the same people who work in leisure services, are chief executives or work in social work in the councils, but they are wearing a different hat. It is a bit like an international break in football: Raheem Sterling has been wearing his Manchester City shirt, but this week he is wearing his England shirt. Around elections, it feels very much like that.

One thing we do know is that, while we might have a day-to-day working relationship with someone, around the election period we must be very careful to recognise their distinct role. After an election, we might talk about how it went. Polling day is a long day, because we do 15-hour stints, but so do they. We go to a count, but so do they. It is increasingly clear that these people are under pressure to deliver the excellent free and fair elections—the beauty of British democracy. They have to work really hard and resources are tight.

In amendments 34 and 35, I have sought to give those people time to bed that in. That means that the 15-year rule would be retained from 1 January, but would slowly die: it would become a 16-year-rule, then a 17-year-rule, and so on. It is practically very difficult, and to a certain extent undesirable, to ask our electoral registration individuals to reach back. The 15-year rule was previously the 20-year rule until 2002, so 16 years ago. It would be very difficult to ask our registration officers, who are hard-pressed and doing the best they can, to reach back possibly 30, 40 or 50 years, to verify that the individual who is making a votes for life application is doing so legitimately. That is too much, and slightly unfair of us to ask.

I am not advocating on their behalf without basis; in its reports of 2016 and 2017, the Association of Electoral Administrators said that staffing the 15-year rule is very difficult and resource-intensive, so to ask them to more would be a real challenge.

Mike Gapes: Could there not be some mechanism whereby dates of birth and birth certificates were looked at, to see where the child was born or where the parents were resident at the time of the birth? Would not that data be of assistance?

Alex Norris: Anyone who has ever been interested in genealogy knows there are a broad range of ways to try to establish where people were at certain points in time. The issue is that with every level of extra difficulty, the whole system gets much harder. Under the current rule, the association says it takes two hours to legitimately verify one voter. Every layer added on top of that will only make that longer. There comes a point at which we are asking too much.

Instead, the amendment would stand the 15-year rule as it does today, so that those people would register as they normally do. That would take two hours each time, but we are managing to do that now, so presumably we can be confident that with the right resources we can continue to do so. Then, every year, that starting register of anyone who joins would carry on. Those grandfather rights, as the lawyers call them, would grow across the years and we would get to what the hon. Member for Montgomeryshire seeks, but in a way that would be practically deliverable by our electoral administrators, who are pressed.

Layla Moran: How many people does the hon. Gentleman think that would exclude? We are talking about large numbers of people who have been here for far more than 15 years. Does not the amendment stop their right to vote completely?

Alex Norris: I cannot find the numbers; perhaps the hon. Member for Montgomeryshire may help when he responds. I will be clear because I make no attempt at subterfuge: the amendment would mean that the Bill would not enhance the position of people not currently eligible to vote. Trying to get to that position is very difficult to the point of being an incredible undue burden.

Mike Gapes: I declare an interest—at least currently, until I am purged by Momentum—as the honorary president of Labour International. Members of Labour International, who are active members of the Labour party, have been living in Brussels or France—I was with one in Madrid last week. They have been living outside this country for more than 15 years—in some cases 17, 18, 20 or 22 years—and had the right to vote. In those cases, surely that information would be available already, so I cannot see why they would not be permitted to have a vote, even though they left the UK some 22 or 25 years ago.

Alex Norris: I am grateful for my hon. Friend's contribution. Yesterday, we heard from the hon. Member for North Thanet (Sir Roger Gale) about an individual just like that, who was of strong Labour stock, just like us, who would not be included. I understand that, but I

have to go back to the point that although they may have had a registration in the past, verifying that is exceptionally difficult for the registration officer.

My hon. Friend mentioned using other data, such as birth data, but every layer that is added to it adds exceptional complications. We might sit around and say what a good idea that is, but in practice it would be really difficult and would put an onerous burden on already hard-pressed registration officers. For that reason, my amendment meets in the middle. Perhaps it is imperfect, but it achieves the long-term aims of the Bill in a practical way.

Christian Matheson: I do not intend to speak at length on these three amendments. Amendments 34 and 35, which my hon. Friend was just talking about, talk about the practical difficulties in the administration of overseas electors. My office sought advice from one of the electoral registration officers in my region who is known to me. They talked about the difficulties of finding information to verify the individual.

Council tax records will go back only five or six years, and they do not always keep historic electoral registers, so if somebody had moved away 20 or more years ago, the manager in the electoral registration office would not know how to start going about finding their information. The view of the electoral registration officer who my office spoke to was that they would simply have to start taking people at face value when they applied to be an international voter, because there would be no real way to tell if somebody was eligible or not, and they do not have the resources or the time to do that research.

The current process for an overseas registered voter is complex. It takes ages to verify somebody because the office has to contact the local archivist. Many offices are now paperless. There used to be 15 years' worth of voting registration documents in this office in my region, but now they do not have any storage space for the voting records, so they have to call an archivist to get the information they need about whether the person was on the register, which can take many days.

They have also found issues with boundary changes, which cause difficulties in figuring out someone's ward and polling district. That is important because the registers are based on polling districts, but they might disappear as the wards are rearranged, which makes it harder to track down where the individual polling district is.

Layla Moran: I draw the hon. Gentleman's attention to my amendment about overseas constituencies. Many of those issues are solved by that amendment. Would he be willing to support that as well?

Christian Matheson: I confess that my focus has been on the earlier parts of the Bill and I have not had a chance to check that yet. Perhaps the hon. Lady and I can discuss that in due course.

If an individual had lived abroad for 10 years, there could have been two boundary reviews since they had moved, so their previous residence could have been transferred to a new polling district. Even if they had only lived in one house, it could now be in a new polling district. My contact, the electoral registration officer who my office spoke to, felt that that is all manageable

when someone has been abroad for only about five years, but if it is longer than that, there will have been more boundary reviews, so it becomes increasingly difficult.

If I may make a more political point that is nevertheless entirely relevant, cuts to local authorities mean that electoral registration officers have been under huge pressure in the last few years. My local council, Cheshire West and Chester Council, has had £57 million of cuts in four years. It is focusing entirely on putting what money it has left in the most critical areas, such as children's services and looking after vulnerable adults, but plenty of local authorities simply do not have the resources to manage that in the austere times still with us, whether austerity has ended or not.

3.30 pm

Amendments 34 and 35, which were tabled by my hon. Friend the Member for Nottingham North, would provide a practical solution to a difficult problem. The hon. Member for Oxford West and Abingdon talked about fundamentally changing the nature of the Bill, but the amendments would allow the extension of the franchise to overseas voters over time, irrespective of the 15-year rule, but make it more manageable. More voters would become eligible each year, rather than a huge number coming forward and applying at once.

I will float a scenario: the Bill passes and then there is another general election outwith the normal schedule—whether hon. Members want one is a different matter. The Prime Minister might find herself in a position where she seeks a general election and there is then a huge influx of overseas voters now able to register but for whom verification of their registration is very much more difficult and, as a result, electoral registration officers fail to cope. Of course, at the same time they would have to be registering voters domiciled in constituencies in the UK. At the previous election, we saw examples of voters who had applied perfectly in time but whose registration had not gone through. I am concerned that, unwittingly, we may get into a situation where that might happen again. The suggestions from my hon. Friend the Member for Nottingham North appear to be a sensible solution.

The other thing to say—I am checking the time to ensure that the Minister and Member in charge have a chance to respond—is that the Government tell us that they are extremely concerned about electoral fraud. Indeed, as part of a trial in certain areas, they have introduced an obligation for voters to show a form of identification before they vote. The problem with all this complication is that it potentially makes fraud easier to perpetrate and to get away with, particularly if, as my contact in the electoral registration business says, they would simply have to accept applications on good faith because they do not have the resources to combat it. If the Minister is really serious about cutting down electoral fraud, she must bear that in mind.

On the debilitating effects of local government cuts, by 2020 local authorities will have faced a reduction in core funding from the Government of nearly £16 billion since 2010, which is 60p out of every pound the Government have provided to spend on local services. Next year, 168 councils will receive no more core central Government funding at all, and the Local Government Association says that a further £1.3 billion will be cut in 2019-20.

Mr Ben Bradshaw (Exeter) (Lab): Is the inadequacy and underfunding of our electoral system really a reason to disenfranchise thousands of UK nationals who live abroad of the right to vote? Other countries that are poorer than us seem to manage this perfectly well and reasonably. Why should it be beyond our wit to do it?

Christian Matheson: There are already problems within the administration of electoral registration. We saw it at the 2017 election and we hear it now from electoral registration officers. Further cuts will put further pressure on those officers, and that will undermine their ability to manage the process efficiently. It is sadly a fact of life that, if local authorities are being asked to do more with less, they are more likely to spend it on areas other than electoral registration.

The Bill as it stands would demand a hugely complex administrative task of our electoral registration officers. They do not always have the necessary training or resources to be responsible for carrying out the in-depth, time-consuming research that is necessary to register overseas voters who are not present on any voter register. Local electoral officers would be expected to do extensive research into people's past history and residency, for which they are not prepared. It would open electoral registration up to between 4.7 million and 5.5 million new overseas voters. Not all of them would choose to register, of course, but even if only a small proportion did, that would be fairly overwhelming for the already overstretched electoral registration officers.

Let us imagine, for a moment, the task of registering an overseas voter, who last resided in the UK 40 years ago. That is along the lines of the example given by my hon. Friend the Member for Ilford South about long-term absentees from the UK. They would have to provide to the electoral registration officer their name, date of birth, age and the last address for the last day on which they were resident in the UK. The electoral registration officer must then research and find the last residence of the applicant, without using the electoral register, if they have been away for that long. They would have to research whether the house still existed, whether the address was still the same, and which polling district, ward and constituency the house used to be in, taking into account all the boundary reviews.

That detailed information about the historical residence is difficult to find. I seriously doubt if electoral registration officers will be able to carry out that sort of research, even if it was not on a mass scale and there were only a few tens of applications every year. Will the Minister tell us whether she has had any conversations with local electoral administrators or the Association of Electoral Administrators to prepare them for this massive change and to warn them what might be coming down the road?

I am keen to wrap up shortly so that the Minister and the hon. Member for Montgomeryshire can respond. Amendment 33 seeks to extend and widen the franchise in the way the Minister spoke about in the debate on amendment 1. It does so by striking a balance between throwing the doors open completely to people who might not have lived here for many years and allowing those people who are perhaps in the service of the United Kingdom or one of its agencies.

The hon. Member for Beckenham mentioned members of the armed forces—one of those bodies included in the amendment. It puts me in mind of the 1945 general

election, that landmark in British history and in the history of my party. The results of the election were delayed for several weeks for all the servicemen who were serving abroad and had to have their votes brought in. I had the privilege this year to visit our British forces in Estonia, Gibraltar and Cyprus. There clearly are British servicemen and women serving abroad.

Those service deployments are normally for only two or three years; some can be a little bit longer. There are, of course, also civilian deployed staff who may stay on deployment for far longer. My hon. Friend the Member for Nottingham North's amendments make practical proposals that will help to roll out the extension of the franchise to overseas voters in a more measured and controlled fashion. I commend him for bringing them to the Committee.

Sir Geoffrey Clifton-Brown: I am very grateful, Mr Robertson, for your allowing me to speak. I do not in any way want to prolong the Committee, but I want to appeal to the hon. Member for Nottingham North by using one specific example of why his amendment should not be pressed, and I hope he will consider it seriously.

My hon. Friend the Member for North Thanet (Sir Roger Gale) yesterday instanced the personality of Mr Harry Shindler. Mr Shindler is 97 years old. He is bedridden. He is a war veteran of distinction: he served at Anzio. He came back to this country after the war. He married an Italian wife and went back to live in Italy, and he lost his vote in 1997. Under the hon. Member for Nottingham North's amendment 34, the grandfather rights procedure, Harry Shindler would lose his vote. He said this last night, and members of the Committee might like to consider this:

"As the longest-serving member, and servant for many years, of the Labour Party, I am ashamed that Labour people...tried to stop this Bill yesterday. The Overseas Electors Bill is an issue of principle and not political. I went to war to give the people of Europe freedom and I and all British citizens should have our democratic right to vote. It is an elementary right and no Member of Parliament should deny any fellow citizen this right. It is disgraceful to try to block other British citizens like me their right to vote. I appeal to this Committee to do that which is just".

He calls on us to right this wrong and to strengthen our "great democracy".

I hope that the hon. Member for Nottingham North will consider the many people like Harry who have taken a great interest in this country, who fought for this country, but who have lost their right to vote. Surely, if we live in a great democracy—one of the oldest democracies in the world—we should consider people like Harry, and carefully consider giving them that right to vote. I hope that right hon. and hon. Opposition Members will not hold this Bill up.

Glyn Davies: I very much associate myself with the remarks of my hon. Friend the Member for The Cotswolds. He put that very well; I too know Harry Shindler.

The Bill will only enfranchise those who can prove a real and discernible connection to a UK address via a previous registration or residence. At its core is the need to scrap the 15-year rule for overseas voters and rightly ensure that this group can vote for life.

On amendment 33, I too recognise the valid contribution of individuals employed, for example, as Crown servants in the British Council or military personnel overseas. I

am pleased that there are existing provisions in the Representation of the People Act 1983 to ensure that those categories of electors are not disenfranchised by the current 15-year rule. The Bill will mean that no other British citizen who was previously resident or registered in the UK will be blocked from voting in this country. That will apply equally to those who were employed overseas by a UK public authority or employed by a designated humanitarian agency. I hope, on that basis, that the hon. Member for Nottingham North will feel able to withdraw amendment 33.

Chloe Smith: This is a very interesting amendment. My understanding of what the hon. Member for Nottingham North is trying to do developed slightly as he made his comments, and I am grateful for the way in which he explained what his amendments seek to do. I will take them in two halves and respond to some points in relation to amendment 33 before coming on to the other two amendments.

On amendment 33, I am grateful that the hon. Gentleman recognises the challenge of the residency test. At the moment, there is no way for a person to join the register if they had been resident in the UK, as opposed to previously registered. Those are the two different concepts that we are dealing with, and I think the hon. Gentleman recognises that in what he is trying to do with amendment 33. I welcome that, because the residency issue aims to put right an injustice that, for example, could apply to the children of British citizens who moved abroad. I believe that the hon. Member for Oxford West and Abingdon might have been such an example. Having left the UK at such a young age, she could not possibly have been registered in this country, but of course, she had been resident here.

Layla Moran: I was resident here, but my brothers and sisters were not. They were born after me, and were born abroad. Are they less British than I?

Chloe Smith: There we go. It is very helpful to have such personal experience of the issues raised in the Bill. However, I feel duty bound to say that the Bill might not help in the instance of the hon. Lady's brothers and sisters, although it would help in her own instance.

3.45 pm

The hon. Member for Nottingham North still holds firm to the principle of having a 15-year limit in amendment 33. I do not agree with that, and neither do the Government. We think that it is right to lift that 15-year limit and say that it should be open-ended, which is the central premise of the Bill.

Secondly, I understand that in the amendment the hon. Gentleman seeks to extend the definition of the category that we think of as "Crown servant" by a few types of person or worker. Like him, I welcome those people's service and I welcome what they do for our country, but it is my contention that the unamended Bill does that better by allowing everybody to come in under the lifting of the 15-year limit. That objective is met first and foremost by the unamended Bill.

To conclude on amendment 33, let us stick with the principle that is set out in the Bill, which is that the lifting of the 15-year rule performs those two functions in a better way than the hon. Gentleman's amendment. I hope he welcomes that consideration of his argument.

On the other two amendments, my understanding has come on since the hon. Gentleman got to his feet, so he may still wish to correct me if I get this wrong. As I understand it, he sees his amendments as providing a kind of rolling entry to the UK franchise by sticking a fixed date in the legislation and then having a year-by-year admittance, as he described it. I disagree with that on principle, and I will try to set out why. Again, I hope that he will welcome this engagement with his arguments and that it is helpful to the Committee.

Gradual admittance to the club of democracy is a bad idea in principle. We are considering the principle of enfranchising people because they are British overseas, however long they have been overseas, so it would be a case of justice delayed being justice denied to say that they should be admitted gradually to the club. That is the first point.

We are of the view that a cut-off of any kind, whether it is rolling or fixed, is arbitrary. To say to somebody that they would have qualified on new year's eve but they do not qualify on 1 January of whatever year is still the wrong thing to do. Instead, it is right to lift that cap entirely and say, "You are British. You have your part in the UK voting system." I do not think that in this country we would say to any other category of British voter, "You may come in only one at a time if you are of that category."

Mike Gapes: When these issues were first discussed many years ago, there was a five-year deadline, which became 20 years and then 15 years. In those days, we did not have the internet and Skype, and we did not have the ongoing communication and connection between people living abroad and this country. We also clearly had far fewer people who travelled to work in other countries for several years and who kept their main home there but came back from time to time, whether to visit families or not. Does the Minister agree that the arbitrary definition to which she has referred relates to a different context from the world we live in now?

Chloe Smith: That is correct. The premise of the Bill is that the world has grown smaller in the way that the hon. Gentleman describes and that people are, or can if they wish to be, much more in touch with their home country. The point is that we are seeking to enfranchise those people who wish to be. We are throwing open that door, rather than opening it an inch at a time.

I will pick up on the reference to Mr Shindler, whom several hon. Members present know. I say this with the greatest respect, and I do not wish to be mawkish, but he is very elderly. Alas, if very elderly people were put in the position of being allowed in one year at a time, I do not think that would necessarily bode well for someone his age being able to get the justice that many of us feel that he and others deserve. I hope that that suffices as a thought towards amendments 34 and 35.

Let me come on to two other very important points that have been raised: the burdens that might be placed on registration officers, and how the Bill helps. Those points are absolutely relevant to this section of the debate. The point has been bandied about that registration officers should fear the Bill because it places new burdens on them, but that need not be the case. I want to send out a message to reassure members of the Committee

[Chloe Smith]

and, of course, the registration community—the community of EROs, who work so incredibly hard to run our registration systems and then, with their colleagues, run our elections. New burdens that arise from this Bill will be funded by central Government. That is clear in the impact assessment; it has been made clear by my Department; and I make it clear again here today. The broader arguments made by the hon. Member for City of Chester about local government funding pressures are not relevant. New burdens from this Bill will be funded. I am very happy to reiterate that. It is there in the impact assessment and here in our discussion today.

There is a precursor to that—I can give a record of credit to it—which is that we did the same for the individual electoral registration reform. We have been fully funding electoral registration officers for the additional burdens brought by that reform. Indeed, we then went on to make further reforms to ease those pressures, because that is, of course, what we all want. We are not in the business of asking people to do more work for fun. We are in the business of asking people to do that work so that we have a flourishing democracy in which individuals' voices count and British citizens are properly enfranchised and involved. Again, that is the fundamental point of this Bill.

Sir Geoffrey Clifton-Brown: To put this issue to bed, could the Minister say a little more? She is right about the financial implications of the Bill. The explanatory notes state clearly:

“The Government plans to provide funding for electoral registration officers' costs, in accordance with the new burdens doctrine.”

Could the Minister give the Committee a little more information on how that would work? For example, would an ERO who had one application to register under the procedure get a different amount from an ERO who had 100 applications? How will the funding work?

Chloe Smith: I thank my hon. Friend for the opportunity to add further clarity. Essentially, the answer remains simple: all new burdens that arise from this Bill will be funded. I can also reassure the Committee that I am in close touch with the Association of Electoral Administrators, the Electoral Commission, of course, and the Society of Local Authority Chief Executives. They are all part of the wider community of registration officers and their colleagues in the relevant parts of local government who do such hard and important work for our society and whom we as a Government seek to support every step of the way.

On future reform, the UK Government, in partnership with the Governments of Scotland and Wales, are seeking to alleviate some of the pressures that relate to the canvass process in our electoral systems. That is another good modernisation opportunity and it will also relieve the pressures that registration officers can find themselves under from some of the aged processes in our electoral law for registering people. I am absolutely in the business of supporting our registration officers, finding ways to help them in their work and, specifically in the case of this Bill, ensuring that any new burdens are met.

Let me turn to some of the smaller changes proposed in the Bill. They are smaller compared with the big point of principle, but of course they are not small at all

to an administrator whose job it is to operate the system. I can confirm that we will reduce the amount of information that an elector needs to supply in a renewal of registration. We are going to give EROs a more streamlined system for processing those renewals and recommend email as a method of communication between the ERO and the elector. There are a number of other ways in which we can help streamline those processes so that the Bill can achieve its really important goal—that big principle—while also creating a system that EROs will find operable and easy to play their part in as we extend the franchise to where it should be extended.

Alex Norris: I am grateful to colleagues on both sides of the Committee for contributing to an interesting discussion. We have probably set a good shape for the rest of our consideration of the Bill. We have had a discussion about the pragmatic versus the purist. I am not a daft lad—I hope Members have noticed that—so I can read a room, and I get a clear sense that we want a pure and full implementation. I will make my remarks with that in mind.

I was excited to hear the Minister say that there is no desire for gradual or partial admittance or delay, and that if someone is turned away from a polling station and does not come back, that constitutes a denial. I will hold her to that in future sittings and beyond. I was glad to hear the positive messages about resourcing, but we need to understand that things start from the context of deficit: University of East Anglia research from 2016 says that 43% of EROs have suffered real-terms cuts, and in the EU referendum only one quarter of the 254 local authority electoral authorities felt sufficiently resourced to do their jobs. When those new resources are introduced, it must be understood that the existing resources are not sufficient. We have clearly heard today the Minister's desire to provide resources to electoral registration officers, and I am excited about that.

I hope there will be clear support for the 33 recommendations in the association's report, which it produced after the 2017 general election, on how to improve elections. If they receive that support, EROs will be able to do their jobs properly and that would enrich all elections. In that spirit, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Christian Matheson: I beg to move amendment 2, in clause 1, page 2, line 39, at end insert

“‘resident’ must be defined in regulations made by the Minister for the Cabinet Office or the Secretary of State”.

The amendment considers the definition of “resident” in the Bill. The ambiguity surrounding the notion of residency is critical to the future integrity of our franchise. There needs to be a comprehensive and lengthy discussion about the definition of residency before the Government can even consider enfranchising millions of overseas electors who would be eligible under the new provisions. A clear definition of residency is central to the Bill, and a multiplicity of complex and ambiguous cases that remain within the definition must be resolved before any progress is made.

There is no clear definition of electoral residence. Currently, residence is understood to mean a considerable degree of permanence. That means that a person with two homes who spends the same amount of time in

each can legally register at both addresses. I fall into that category as a Member of Parliament with a flat in London and my primary home in Chester. I think a lot of hon. Members will be in a similar position.

4 pm

The Law Commission's 2016 interim report recommended that the law on electoral residence, including factors to be considered by electoral registration officers, and the law on special category electors should be restated clearly and simply in primary legislation. Nearly two years later, the Government have yet to respond to that report.

To reduce vulnerability to fraudulent behaviour—I mentioned this in relation to an earlier amendment—we need to establish a clearer definition of residency. The concept of residency is at the centre of the Bill, which seeks to enfranchise millions of British overseas electors based solely on an electoral connection to a past residence. Therefore, what it means to be resident is critical to the verification of overseas voters under these proposed provisions.

The definition of residence, however, remains complex and vague. Entitlement to be registered to vote turns upon residing within the electoral area in question. Residence connects a person to a geographical area that has democratic representation; it provides a person with an electoral connection. Besides noting that that is the purpose of residence, defining residence is difficult and the law on residence is complex. For example, there are questions about untypical cases of residency, such as individuals living in mobile homes or on boats, or individuals who are couch surfing. Again, it tends to be younger people and those at the lower end of the economic scale, including those who have fallen on hard times and perhaps those who fall into more difficult categories, who are being excluded or precluded from voter registration. Those cases can be difficult to capture under a universal understanding of residency.

Similarly, cases in which individuals are absent from home for a period of work, or for some other reason, can also pose problems. Some people have more than one residence and the law says nothing to assist registration officers in determining whether they are entitled to be registered in respect of a second residence. If a person spends equal amounts of time in each residence, it is unclear where they would be registered.

There is a further special category of electors, namely those who are categorised by the concept of notional residence. Notional residence ties an elector to a place, even if he or she may not actually reside there. This category includes merchant seamen, mental health patients, remand prisoners, service voters—we have talked about them previously—as well as overseas electors and homeless persons. Various legal devices are used to establish notional residence, notably a declaration of a local connection.

The Law Commission's 2016 interim report proposed the provisional view that one legal structure should govern all special category electors. Currently, the detail of the law governing this special category is complex. In summary, section 5 of the Representation of the People Act 1983 lays down factors that tend to establish residence, without seeking to define it. Therefore, there is no single definition of residency, only a discussion and explanation of the factors that establish it.

The Law Commission summarises the current approach to residency by stating:

“Case law has expanded on statute to establish that residence connotes a considerable degree of permanence, and has also emphasised that the standard of accommodation should not determine residence. Our consultation paper proposed that the law be restated simply and clearly, setting out the factors registration officers should consider to make consistent residence decisions...Of the 35 consultees who addressed this proposal specifically, 34 agreed with it. There was a strong consensus among stakeholders that the law on registration was unduly complex.”

Clearly the experts agree that more clarity is required before the Bill can proceed.

Indeed, there is widespread agreement that such change is needed. The Scottish Assessors Association, which represents registration officers in Scotland, summed up a corpus of views among administrators that residence defied simple definition, stating:

“The current law is outmoded and contradictory”,
and that

“classifications such as ‘home’, ‘second home’, ‘work’ and ‘student’...are no longer reliable in terms of definition.”

The SAA concluded that it

“supports a clear and simple restatement of the law that will reflect modern life and promote consistency and fairness in terms of access to the democratic process”.

The Labour party was more equivocal in our response, emphasising the difficulty in defining residence and proposing a solution:

“The purpose here must be to allow persons to easily register for any address for which they qualify, whilst preventing fraudulent registrations. For registration purposes it may be that people have to describe their residency or attachment to an area in explicit terms which could be challenged at a court or other hearing.”

Any restatement of the law will indeed require caution. We did not detect disagreement in the consultation response, or at the events we attended, with our summation of the current law. There is universal agreement that the provisions of the 1983 Act are almost impenetrable. We therefore recommend proceeding, assuredly but cautiously, to restate the current law in primary legislation.

I will raise a few of the multiplicity of complications we face as a result of the lack of clarity surrounding the definition of residency. A person's entitlement to be registered to vote turns on their being resident within the electoral area in question. Therefore, residency connects a person to a geographical area of democratic connection. When used in the context of electoral residence, the concept of residence can be stretched to cover a variety of circumstances, provided that a democratic connection to a geographical area is maintained.

There are a number of diverse scenarios in which we can debate whether somebody is resident for the purposes of electoral registration. Clearly, not all cases follow the most straightforward and most common format in which a person is settled at premises at a given address that is publicly recognised as such. This central example of residence covers most of the UK's population. The house has a postcode, street name and house number and so on. Residents at this house spend the majority of their time at this address.

Glyn Davies: I beg to move, That the debate be now adjourned.

The Chair: I am afraid that that motion can be agreed only at the end of a speech.

Christian Matheson: In that case, I will wind up fairly quickly.

There remains a real sense of confusion. The Law Commission and others agree that the concept of residence lacks clarity and a review is long overdue. As so many of the Bill's proposals in relation to overseas electors depend on being able to establish a connection to a constituency, now is the necessary time to establish residence. UK electoral law does not give a definition of residence; it

provides indicators for registration officers to come to their own view, which relate to specific situations, such as temporary absences due to work or study.

There needs to be a comprehensive and lengthy discussion about the definition of residency before the Government can even consider enfranchising the millions of overseas electors who would be eligible under the new provisions.

Ordered, That the debate be now adjourned.—(*Glyn Davies.*)

4.8 pm

Adjourned till Wednesday 24 October at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS ELECTORS BILL

Second Sitting

Wednesday 24 October 2018

CONTENTS

CLAUSES 1 AND 2 agreed to.

CLAUSE 3 under consideration when the Committee adjourned till
Wednesday 31 October at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 28 October 2018

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

- | | |
|--|---|
| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Moran, Layla (<i>Oxford West and Abingdon</i>) (LD) |
| † Clifton-Brown, Sir Geoffrey (<i>The Cotswolds</i>) (Con) | † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | † Snell, Gareth (<i>Stoke-on-Trent Central</i>) (Lab/Co-op) |
| Gapes, Mike (<i>Ilford South</i>) (Lab/Co-op) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Lake, Ben (<i>Ceredigion</i>) (PC) | |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 24 October 2018

[MR LAURENCE ROBERTSON *in the Chair*]

Overseas Electors Bill

Clause 1

EXTENSION OF FRANCHISE FOR PARLIAMENTARY ELECTIONS: BRITISH CITIZENS OVERSEAS

Amendment moved (17 October): 2, in clause 1, page 2, line 39, at end, to insert “resident’ must be defined in regulations made by the Minister for the Cabinet Office or the Secretary of State”.—(*Christian Matheson.*)

2 pm

Christian Matheson (City of Chester) (Lab): I had covered most of the contents of the amendment last week, so I do not wish to repeat myself. I am keen that we make more progress in Committee today, Mr Robertson, with your guidance, leadership and permission.

I remind everyone that the amendment concerns the definition of a “resident”. Residence is an issue that affects domestic as well as overseas voters. Existing provisions include no clear definition of electoral residence, which is understood to mean a considerable degree of permanence. For example, someone with two homes who spends the same amount of time in each may therefore legally register at both addresses. That affects many hon. Members, who have a residence in London and one in the constituency.

We are now calling for clarity on the matter of residency. We are not alone. The 2016 interim report by the Law Commission recommended:

“The law on electoral residence, including factors to be considered by electoral registration officers, and on special category electors, should be restated clearly and simply in primary legislation”.

Two years later, the Government have not yet responded.

The Bill seeks to enfranchise millions of British overseas electors based solely on electoral connection to a past residence, but the definition of residency remains complex and vague. At the moment, a residence connects a person to a geographical area that has democratic representation. It provides a person with an electoral connection. There are questions, however, about untypical types of residency, such as an individual living in a mobile home or a boat, or couch surfing. Such cases can be difficult to capture with a universal understanding of “resident.”

A further special category of electors is categorised by the concept of notional residence, which ties an elector to a place even though he or she may not reside there. Such electors include merchant seamen, mental health patients, remand prisoners, service voters, overseas electors and homeless persons. Various legal devices are used to establish notional residence, notably a declaration of local connection.

In 2016 the Law Commission interim report cited one provisional view that

“one legal structure should govern all ‘special category’ electors.”

The detail of the law governing this special category is complex. There is widespread agreement that change is needed. The Scottish Assessors Association, representing registration officers in Scotland, stated that the law is “outmoded and contradictory” and called for a “clear and simple restatement of the law”.

The existing law does not give a definition of “resident” but provides indicators for registration officers to come to their own view. The amendment seeks to clarify this critical area of law before enfranchising millions of voters. The amendment requires the Secretary of State to propose a definition, which is needed by overseas voters with no physical presence in the UK for more than 15 years.

Glyn Davies (Montgomeryshire) (Con): The purpose of the Bill is to extend the franchise to British citizens overseas. Allowing citizens who were previously resident in the UK, as well as those previously registered, should they move overseas, goes a long way to achieving that. I suggest that to impose additional barriers in regulation goes against the grain of the measures set out in the Bill. The Minister will add a lot more information but I hope that, on the basis of what I have said and of her contribution, the hon. Gentleman will feel able to withdraw his amendment.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): It is a pleasure to serve under your chairmanship this afternoon, Mr Robertson. I thank the hon. Member for City of Chester for succinctly restating his arguments on a quite difficult subject. He was right to note today and last week that defining “residence”—what the amendment is about—is difficult.

As the Bill’s promoter, my hon. Friend the Member for Montgomeryshire, has set out, we who support the Bill do not want to put additional barriers in the way of people who want to register to vote in UK elections, and that is the principle we are putting forward. Our intention is that there should be a wide and open enfranchisement, so we are sceptical about placing additional barriers in the way, in the form of burdensome definitions that might introduce more complexity than solutions.

On a practical note, however, the question of the existing framework arises. The hon. Member for City of Chester explained that an outline is found in section 5 of the Representation of the People Act 1983. His argument is that we should create secondary legislation to go alongside that. I understand the arguments that have been made in other places, which are, as always, helpful contributions to the broader debate, such as those of the Law Commission and the SAA, but my alternative view is that it would be better to use ministerial guidance.

I draw the Committee’s attention to the new section 1G that clause 1 would insert into the Representation of the People Act 1985, which would provide that electoral registration officers must have regard to ministerial guidance in determining applications for overseas electors’ registration and renewal. It goes on to state what the guidance may cover, which includes determining whether a person satisfies the residence condition.

I think guidance is a better route than secondary legislation for assisting registration officers in the matter of how they may determine residence. I say that because

I do not want to put additional burdens of complexity or time on those who want to register. My hon. Friend the Member for Montgomeryshire has already made that argument. Also, perhaps we should leave things to the registration officers, who know best how to do their jobs. We discussed in the previous debate how much we welcome and value the way they do their jobs, and the hard work they put in. In my view, guidance would support them in their task better than would the time and complexity involved in trying to define things for them in legislation. It is better to leave it to their professional judgment to gauge residency, given the complexity of the task that both sides of the Committee have acknowledged.

I hope that my comments have been helpful to the Committee, and that the hon. Gentleman will feel able to withdraw the amendment.

Christian Matheson: I am grateful for the responses of the hon. Member for Montgomeryshire and the Minister. A definition of residence is still an outstanding requirement, arising out of the Law Commission's 2016 report. I suspect that as we extend the franchise we shall have to return to the idea of what constitutes a residence that will anchor overseas voters to a constituency. However, the Minister has addressed the concerns raised by the amendment. I am not entirely sure that I agree with her, but in the context of the Committee I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Alex Norris (Nottingham North) (Lab/Co-op): I beg to move amendment 36, in clause 1, page 3, leave out lines 5 to 8 and insert—

“(3) The second condition is that the person making the declaration (‘the declarant’) proves that they qualify as an overseas elector in respect of the constituency by providing valid supporting documentation to the registration officer.

(3A) Valid supporting documentation for the purposes of proving qualification for the previous registration condition are—

- (a) a poll card, or
- (b) a letter from the appropriate local authority stating that the person was on the electoral roll at the appropriate time.

(3B) Valid supporting documentation for the purposes of proving qualification for the previous residence condition must include—

- (a) one document from List A, or
- (b) two documents from List B.

(3C) For the purposes of subsection (3B), List A documents include but are not limited to—

- household utility bill (such as gas, electric, water or telephone);
- full UK photocard driving licence with signature or ‘old style’ driving licence (including provisional or expired licences);
- bank, building society or credit card statement, or bank or building society passbook;
- local authority tax bill (e.g. council tax bill);
- local authority rent book;
- solicitor’s letter confirming house purchase or land registry confirmation, or an official copy of the land register or other proof of title;
- HM Revenue & Customs (Inland Revenue) tax document such as a tax assessment, statement of account or notice of coding;

original notification letter from the relevant benefits agency confirming entitlement to benefits or the state pension;

pension or benefit correspondence from the Department for Work and Pensions;

instrument of a court appointment, e.g. probate or court-registered power of attorney.

(3D) For the purposes of subsection (3B), List B documents include but are not limited to—

- payslip;
- employment document, such offer of employment or reference;
- school, college or university (or UCAS) document, such as offer of a place, or confirmation of attendance;
- insurance documents, such as full insurance schedule, or letter confirming insurance cover;
- student loans company letter;
- mobile telephone bill;
- other evidence prescribed in guidance given by the Minister.

(3E) To be valid supporting documentation, a document must contain both a date (which can be earlier than the date the declarant left the address concerned) and the declarant’s declared last address in the United Kingdom.”

The Chair: With this it will be convenient to discuss the following:

Amendment 3, in clause 1, page 3, line 34, after “name” insert “and date of birth”.

Amendment 4, in clause 1, page 3, line 35, at end insert—

“(aa) state either the declarant’s National Insurance number or the reason the declarant is unable to provide his or her National Insurance number.”.

Amendment 5, in clause 1, page 3, line 35, at end insert—

“(aa) state any previous full names held by the declarant in the period since they were last resident in the United Kingdom or registered and the reasons for any changes of name.”.

Amendment 6, in clause 1, page 3, line 35, at end insert—

“(aa) state the number and date of issue of a British passport held by the declarant or, if the declarant no longer holds a British passport, prescribed information relating to the nationality of the declarant.”.

Amendment 7, in clause 1, page 3, line 35, at end insert—

“(aa) state a telephone number for the declarant.”.

Amendment 8, in clause 1, page 3, line 35, at end insert—

“(aa) state an email address for the declarant.”.

Amendment 9, in clause 1, page 3, line 35, at end insert—

“(aa) state the declarant’s preferred means of contact by the registration officer.”.

Amendment 10, in clause 1, page 3, line 38, leave out “that the declarant is not resident in the United Kingdom” and insert

“state the country of residence of the declarant, and how long they have lived there.”.

Amendment 11, in clause 1, page 3, line 42, at end insert—

“(ea) state that the declarant is aware of the voting offences under sections 60 and 61 of the Representation of the People Act 1983 and associated punishments under sections 168 and 169 of that Act.”.

Amendment 12, in clause 1, page 3, line 42, at end insert—

“(ea) state whether the declarant intends to make absent voting arrangements or to vote in person at a polling station.”.

Amendment 38, in clause 1, page 3, line 44, leave out from first “requirements” to end of paragraph and insert—

“(fa) contain a valid attestation of identity under section [Attestation of identity].”.

Amendment 39, in clause 1, page 4, line 48, at end insert—

“ICA Attestation of identity

(1) A valid attestation of identity must contain attestations from two attestors.

(2) The first attestor must be a registered elector resident in the constituency in which the declarant wishes to be registered.

(3) The second attestor must be a registered overseas elector.

(4) An attestor must not be the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant.

(5) An attestation must—

- (a) be in writing and signed by the attestor,
- (b) swear that, to the best of the attestor’s knowledge, the declarant is the person named in the declaration,
- (c) state the attestor’s British passport number together with its date of issue,
- (d) be dated on the date on which the attestation is made,
- (e) confirm that the person attestor is aware of the offence, under section 13D of the Representation of the People Act 1983, of providing false information to a registration officer, and
- (f) confirm that the attestor is a person of good standing in the community

(6) For the purposes of paragraph (5)(f), examples of a person of good standing in the community include, but are not limited to, the following or their local equivalents—

- accountant
- airline pilot
- articled clerk of a limited company
- assurance agent of recognised company
- bank or building society official
- barrister
- chiropract
- Commissioner of Oaths
- civil servant (permanent)
- dentist
- director, manager or personnel officer of a limited company
- director or manager of a VAT-registered charity
- director or manager or personnel officer of a VAT-registered company
- engineer (with professional qualifications)
- financial services intermediary (e.g. a stockbroker or insurance broker)
- fire service official
- funeral director
- insurance agent (full time) of a recognised company

journalist

Justice of the Peace

lecturer

legal secretary (fellow or associate member of the Institute of Legal Secretaries and PAs)

licensee of public house

local government officer

medical professional

member, associate or fellow of a professional body

Merchant Navy officer

minister of a recognised religion (including Christian Science)

nurse (Registered General Nurse or Mental Health Nurse)

officer of the armed services

optician

paralegal (certified paralegal, qualified paralegal or associate member of the Institute of Paralegals)

person with an honour (such as an OBE or MBE)

pharmacist

photographer (professional)

police officer

Post Office official

publicly-elected representative (such as MP, Councillor or MEP)

president or secretary of a recognised organisation

Salvation Army officer

social worker

solicitor

surveyor

teacher

trade union officer

travel agent (qualified)

valuer or auctioneer (fellows and associate members of the Incorporated Society of Valuers and Auctioneers)

warrant officers and chief petty officers.”

Amendment 19, in clause 1, page 6, line 11, at end insert—

“(aa) state either the declarant’s National Insurance number or the reason the declarant is unable to provide his or her National Insurance number.”.

Amendment 20, in clause 1, page 6, line 11, at end insert—

“(aa) state any previous full names held by the declarant in the period since they last made a renewal declaration and the reasons for any changes of name.”.

Amendment 21, in clause 1, page 6, line 11, at end insert—

“(aa) state the number and date of issue of a British passport held by the declarant or, if the declarant no longer holds a British passport, prescribed information relating to the nationality of the declarant.”.

Amendment 22, in clause 1, page 6, line 11, at end insert—

“(aa) state a telephone number for the declarant.”.

Amendment 23, in clause 1, page 6, line 11, at end insert—

“(aa) state an email address for the declarant.”.

Amendment 24, in clause 1, page 6, line 11, at end insert—

“(aa) state the declarant’s preferred means of contact by the registration officer.”

Amendment 25, in clause 1, page 6, line 14, leave out “that the declarant is not resident in the United Kingdom” and insert

“the country of residence of the declarant, and how long they have lived there.”

Amendment 26, in clause 1, page 6, line 15, at end insert—

“(da) state that the declarant is aware of the voting offences under sections 60 and 61 of the Representation of the People Act 1983 and associated punishments under sections 168 and 169 of that Act.”

Amendment 27, in clause 1, page 6, line 15, at end insert—

“(da) state whether the declarant intends to make absent voting arrangements or to vote in person at a polling station.”

Alex Norris: My hon. Friend the Member for City of Chester and I are doing some sort of double act. I shall speak briefly, but I shall leave a little meat on the bone for him as well. With amendment 36 I am seeking to clarify what documentary evidence the Government see as necessary to register as an overseas elector. Obviously, I hope that the amendment is accepted, but if not, I hope to come away with a clearer understanding.

Hon. Members, particularly the hon. Member for Kingswood, may note the plagiarism that I have committed in my amendment, as it comes from the October 2016 policy statement, “A democracy that works for everyone: British citizens overseas”. I have lifted the amendment from there and seek to put it in the Bill. The document says that the standard that I have written “may” be used and I am trying to change that to “must”. That is pragmatic and sensible, although I am mindful of the comments that I just heard from the Bill’s promoter the hon. Member for Monmouthshire and the Minister about hurdles, so I am less confident than when I drafted the amendment.

If an electoral registration officer needed to check on the registration of a domestic voter, they would just go to the property, but obviously that is not the case with overseas voters. Something more stringent will clearly be necessary to demonstrate the applicant’s eligibility to vote in the UK and in that constituency. The amendment supports EROs to do that and puts that clearly in law.

The broader context is that people will make attempts online to subvert democracy and to involve themselves in democracies—it astonishes me that people will go to such lengths, although not that they have an interest in doing so. If there are people out there who are willing to set up whole incredible industries to do that, it is not beyond the realms of possibility that, if they had the chance not just to influence public opinion but to generate votes, they would be minded to abuse that. We ought to have safeguards in place.

I am conscious that, if the Bill passes through all its stages in this place, we are talking about around 5 million new applications for voter registration, which is a lot for EROs to check. We need to have a clear standard if we are going to be accurate about voter identification and prevent fraud.

Under the current law, overseas voters must have previously registered in the UK, as we have said. As I mentioned last week, the EROs must then do some time-consuming research about an overseas voter—it takes about two hours for each one. That job is becoming harder, because the primary port of call for that research is previous electoral registers, which are becoming rarer as organisations are going paperless.

I was not successful in passing my amendment about rolling out the extension from 15 years more slowly on an annual basis, so we are going to have a section of people for whom it has been a long time since they were registered in this country. That will be very difficult for the electoral registration officers, so I am trying to change slightly the burden of proof on the individual. I do not think that is particularly onerous—indeed, it is the Government’s test, not mine. That is reasonable.

I will leave amendment 36 there. What I dislike most in politicians is hypocrisy, so I want to put on the record that I have been and will continue to be vocal about voter ID pilots. I am not enthusiastic about them and I think that, wittingly or unwittingly, they are suppressing voter numbers. I do not think that there is anything inconsistent about that view and the belief that there ought to be a higher standard for those for whom it is much harder to prove fraud, such as people living overseas. That is why there is a variance, and mindfully so. It is not a quiet hypocrisy that I hope hon. Members will let me get away with.

Christian Matheson: I share my hon. Friend’s views about voter ID. He talks about the higher standard to prevent fraud, but of course it is also a higher standard to be able to enforce the law on somebody who might be committing an offence in this country but is doing so from abroad while living abroad, and who therefore cannot be brought to justice.

Alex Norris: That is right. We would get into all sorts of problems around extradition and I cannot imagine that that is where we want to go. Having that standard at the front would therefore deter those things from happening later.

On amendments 38 and 39, which relate to attestation, again I am interested in probing and testing why the Bill is drafted in its current form, and whether we can gently beef up those attestation provisions. My amendment says that there should be two forms of attestation, one from an individual in the constituency where the elector is registering and one from an overseas elector. I think that would make it a bit more robust. Currently, all we are requiring is that the identity must be attested by another overseas registered elector who is not a close relative, and that person needs to be aware of the penalties.

2.15 pm

Bob Stewart (Beckenham) (Con): Does the hon. Gentleman mean that someone in the home constituency actually writes some sort of form saying, “I know this person. They lived here 15 years ago”? Is that what he is talking about, in practical terms?

Alex Norris: Yes, that sums up neatly, in practical terms, how it would work. My logic for this is that I think it is a really big thing—to the point of not being a reasonable or effective thing to ask—for an overseas

[Alex Norris]

British person to verify that another overseas British person lived in another place perhaps two decades ago, at least over 15 years ago. I know the Association of Electoral Administrators has said that applicants themselves struggle to remember what their address was, so to expect a third party to be able reliably to attest to where that individual lived, to the point where we would be happy for it to play a significant role in our democracy, is not quite tight enough for me. It is asking people to be a bit generous with what they are likely to know. I do not think it is realistic.

Bob Stewart: I thank the hon. Gentleman for giving way again. On that point, I am very worried, because some of my constituents who live abroad and have been lobbying me on this do not actually know anyone left in their home area. That remains a problem for them.

Alex Norris: I can understand that. However, the alternative is saying that they just need to know someone who lives abroad and is British. I will be interested to hear from the Bill's promoter the hon. Member for Monmouthshire and the Minister, and maybe there will be a Goldilocks solution somewhere in the middle, but I do not think it is sufficient as it is. Again, I think this is about trying to tackle fraud.

To conclude, amendments 36, 38 and 39 seek a clear understanding, so that on Report and at Third Reading we all know what we are signing up to, and what hurdles an individual will have to clear. I am mindful that the Bill's promoter the hon. Member for Monmouthshire said that he is not looking to put extra hurdles in place, which I understand, but we need to know confidently that this person is eligible to be registered in this way. I am really keen to know how that might work.

Christian Matheson: I rise in support of amendment 36, in the name of my hon. Friend the Member for Nottingham North. I will also speak to amendments 3 to 12, which are in my name. I will seek your guidance, Mr Robertson, about other amendments in this group.

I intend not to speak at length, so as not to repeat what my hon. Friend said. He made a general point about the need for a higher standard for overseas voters, because it is harder for electoral registration officers to verify their residency or identity, and he is concerned about fraud. He is absolutely right to be so concerned.

In response to the previous clause, the Minister spoke about leaving things up to electoral registration officers. Although I trust the skill and experience of electoral registration officers, I am concerned that there will be a lack of consistent practice across the United Kingdom when it comes to deciding what is acceptable proof of previous residency or a connection to that constituency. I ask the Minister or the hon. Member for Montgomeryshire to address the question of maintaining a consistent approach for electoral registration officers across the UK.

Many of the arguments for amendment 36 also apply to amendments 3 to 12, which carry the same goal as the one we have just discussed. They would put into the Bill the pre-existing guidance provided by the Government on declaration requirements, such as the need for a

national insurance number—that is now required for all domestic voters, so it should also be required for overseas voters—full name, passport details and of any criminal penalty for a false declaration. I hope that Government Members will consider these amendments as further developing and pragmatically amending the Bill in order to create better legislation that is less vulnerable to electoral fraud and abuse.

The amendments include additional requirements, such as providing a telephone number, an email address, a preferred means of contact, country of residence and potential proxy vote arrangements. That would provide electoral registration officers with greater accessibility to overseas electors, and provide more data so that we could understand the demographic make-up of overseas electors. That is relevant in this context particularly in the context of some of the consequential amendments.

As my hon. Friend the Member for Nottingham North said, whereas an ERO querying a domestic voter can visit the address stated on the register—by definition, that will be in their borough, so it will be close to them—that is not possible for an overseas voter, so such checks at the point of registration become more necessary. By including requirements for information such as a national insurance number and passport details, we aim to create a more consistent approach to voting across the UK. Importantly, it would also make the system clearer for EROs. It would require applicants who could not provide a national insurance number to supply a copy of their passport at the time of application. The provision in the policy statement outlining that it is at the ERO's discretion whether an original copy of the passport is required would be limited to cases in which there was extreme doubt as to the validity of an application and/or the passport; hence the ERO would have to request the original documentation only if they were not happy with the copy that they had received.

May I seek your guidance, Mr Robertson? Would you like me now to move amendments 19 to 27?

The Chair: You can speak to them. You do not need to move them now, but you are very welcome to speak to them.

Christian Matheson: Perhaps the hon. Member for Montgomeryshire or the Minister would prefer to respond to my first points before—

Chloe Smith: I am happy to deal with all the amendments together.

Christian Matheson: Then with your permission, Mr Robertson, I shall follow the Minister's lead and speak to amendments 19 to 27, which are in my name. They essentially repeat the amendments on declaration requirements, but relate to the renewal of an overseas voting registration. I believe that the Bill has a number of areas of weakness regarding renewal requirements. If an elector is renewing using a paper form or email declaration, the information already held by the ERO—except for date of birth, for security reasons—may be pre-populated. If the elector is renewing on gov.uk, they will be able to declare that the information pre-populated in the reminder sent to them by the ERO remains true, rather than re-entering their address, for

example. That will further reduce the information required for a renewal. It is an attempt by the Government to make the renewal process easier. However, they must be careful to update the online processes.

The policy statement indicates that overseas applications can be renewed online if a voter declares that the information pre-populated in the reminder remains true. However, at present, only a new overseas application can be made online, as the online service is not available for the renewal of overseas applications. Instead, a renewal application must be made on paper. Alternatively, the applicant is required to go through the whole process of applying online as a new overseas application. These amendments are consistent with our other amendments and would make the process of re-registration more secure.

Glyn Davies: I understand the points that Opposition Members have made. We all agree that the only people who should be entitled to register to vote are those who should be eligible. We have to have steps in place to ensure that registration is restricted to those people. The Bill includes a number of what I consider to be sensible and precautionary provisions to determine the identity of someone applying as an overseas voter for the first time or renewing their registration, which supplement existing the requirements of individual electoral registration and other provisions.

The proposals set out in these amendments go against the grain of the important change that the Bill aims to achieve. Our ambition is to make it not harder for British citizens to register or renew but more straightforward. The amendments would require all declarations from overseas electors to include two attestations. I submit that that is not proportionate. The Minister will give much more detail on these points, but I hope that on the basis of reassurances from me and from her, Opposition Members will feel able not to press their amendments.

Chloe Smith: I thank hon. Members who have taken part in this debate. It seems to me that this group of amendments is in large part about the difference between a “must” situation and a “may” situation. For example, the hon. Member for Nottingham North is proposing that a set of requirements must be fulfilled, as is the hon. Member for City of Chester. The opening position of the Bill is that those requirements may be fulfilled when registration officers require them. I think that is the key difference.

Two reasons have been offered for these amendments. First, the hon. Member for Nottingham North laid out that he believes there ought to be a higher burden of proof on overseas electors than on domestic electors. Secondly, the hon. Member for City of Chester said that he wishes to see consistency among registration officers’ work, rather than discretion. I disagree with both of those arguments.

First, the Government see overseas electors as equal to domestic electors and do not accept the principle that they ought to be treated differently—that is the principal point of the Bill. I will come on to the important points that have been raised about fraud. Secondly, as I said in the previous debate, we in this Committee want to convey great respect for the work that electoral registration officers do, which we do best by respecting

their professionalism and their ability to use discretion. From that position, we are proposing that they may—rather than must—ask for a set of requirements.

I will move on to the detail of the amendments—forgive me, Mr Robertson, but it may take me a while, as there is a fair amount in this group. First, let us deal with registration requirements. At the outset I can say that the Government are absolutely committed to maintaining the integrity of the electoral register and ensuring that only those who are entitled to register have an entry, which I hope is a common starting point for all of us.

As is the case under the current system, overseas electors will continue to be able to register using the digital service on gov.uk, as well as by using paper forms or, in some cases, by telephone. As a matter of status quo they are asked for their name, date of birth and national insurance number, and a range of other information. There is a separate attestation process for those who are unable to provide an NI number, but it is not a standard point. Again, that is a difference with the proposals made by the hon. Member for Nottingham North.

The Bill sets out that the declaration must

“contain any other prescribed information and satisfy any other prescribed requirements”.

That may include other information that is requested or a requirement for the declaration to be attested if necessary. Existing provisions, which date back to 2001, set out that information requested by administrators can include, but is not limited to, name and present address, previous name if that has changed since the last application, and passport number in some circumstances.

On the specifics of national insurance numbers, at present overseas applicants who cannot provide an NI number or who cannot be verified against existing Government records are asked to provide an attestation as proof of identity. Under new measures, if they cannot provide a national insurance number, they may be asked to provide a certified copy of their passport or other documentation. If that is not possible, they will still be able to have their identity verified by another British citizen who is registered to vote in the UK, through providing an attestation.

2.30 pm

As is the currently the case, those provisions will be contained in secondary legislation, and I can also confirm to the Committee that electors will be limited to providing attestations in support of a maximum of two applications. That is in itself an anti-fraud measure, and I think it is a proportionate measure.

The Government have committed to working with the Electoral Commission and administrators to provide greater clarity around the criteria for eligibility to be an attester, and we are also committed to looking at prompting those who cannot supply a national insurance number as part of their application to immediately send copies of documents directly to the relevant ERO, to avoid time being lost.

There will be a number of ways in which an applicant can have their previous address verified. They will include the use of the previous electoral register and local data that the ERO may have access to, and again we think that discretion is important as part of what an ERO is

able to do. Of course they will look for documentary evidence and, as I say, they will have attestations in their toolbox.

These provisions will be contained in secondary legislation, as are the current provisions on supporting evidence for registrations. I do not think it is a good argument to include that level of detail in the Bill, as I think the amendments propose, because that would make the Bill less flexible—that is obviously a classic primary and secondary legislation argument. We will of course work fully with the electoral community when we draft the secondary legislation, and naturally Parliament will provide final approval as it sees fit. The Government are clear that we should not be creating more barriers, and that we should respect the ability of EROs to use their toolkit to do their job.

I turn to telephone numbers and email addresses. Under the existing application process, overseas electors are required to provide their address or an address at which they may be contacted. They are also asked to provide an email address and a telephone number, but that is optional, for rather obvious reasons; not everybody has a telephone and/or an email address. If we were to make their provision a requirement, we would be at risk of disfranchising individuals because they did not have them. The argument that they should be requirements is not strong.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Does the Minister have any actual numbers to back up the suggestion that overseas electors may not have those things? I ask that because we could be talking about a relatively tiny proportion of the overseas electorate and, as my hon. Friend the Member for Nottingham North pointed out, the number of individuals who may be enfranchised under the Bill could run to the millions. Does she have some numbers that could put the flesh on the bones of that statement?

Chloe Smith: I thank the hon. Gentleman for asking for that information, but I do not have it, nor do I think it is relevant. We would not say to a category of domestic electors, “Don’t worry—if it’s only small numbers, you’re not coming in”, nor would we say, “If you don’t have an email address or a telephone number, you’re not going on the register.” No Member would dream of saying that to one of their constituents. We should use the same principle here. I do not think the numbers would help the hon. Gentleman’s argument, and in any case I can confirm that I do not have them with me in Committee.

One germane point, however, is that we have committed to encourage applicants to provide an email address, because it is rather obvious that when we are talking about sending communications around the globe, email may be one of the quickest ways. However, as I say, we recognise that not all applicants will have an email address, so it is not right to make that a legal requirement.

I will move on to country of residence. Currently, electors are not asked how long they have lived in their current country of residence, and I put it strongly to the Committee that again, that is irrelevant to one’s eligibility to register to vote. An individual could have moved from country to country very rapidly, but that would not reduce their Britishness—the key tenet of the Bill is that one is British however far one has gone. That does

not change whether someone has lived in a place for one day, 15 years or 15 years and one day, so I do not think it would serve a purpose for EROs to keep records of those periods of time in an elector’s life.

Moving on to voting offences, some of the amendments provide that the renewal declaration must require declarants to state that they are aware of voting offences under the RPA. I appreciate the basis on which those amendment have been tabled; as I said at the outset, we should all endeavour to reduce and indeed eliminate voter fraud and voting offences, but I am not sure that the renewal form is the right place to bring those offences to the attention of the elector. They are already brought to the attention of voters overseas, where they vote by post, in the postal voting pack that they receive. There is currently a requirement to include a statement on the initial application form that it is an offence to provide false information in the application and of the penalty for that offence, so we already have that. I do not think it is necessary to have more than that.

Furthermore, legislation currently prevents a person from having two declarations of the same date with different addresses and brings a declaration to an end if the same person seeks another declaration in a different constituency. That position will not change under the new proposals.

Christian Matheson: I am just seeking clarification: is there a mechanism by which the first constituency’s electoral registration officer is informed that the overseas voter has now registered in a second constituency and that the first constituency registration should therefore fall by the wayside?

Chloe Smith: It brings to an end the current or first declaration, as I say. I will be happy to confirm more precisely what that looks like from the position of the registration officer, which may be what the hon. Gentleman is asking for. The legal mechanism there is certainly that the first validity is brought to an end.

I come now to the absent voting arrangements proposed in amendments 12 and 27. I am not persuaded by what I see in those amendments that it is necessary to ask an elector whether they intend to make absent voting arrangements or to vote in person, because, like any other elector, they can change their mind. I am not in the business of trying to make arbitrary distinctions between overseas and domestic electors. Any elector is permitted to change their mind on that, so I am not persuaded of the purpose that would be served by those amendments.

Turning to renewal, there is no renewal process for electors with an overseas elector’s declaration. The declaration itself lasts for 12 months, so if somebody wishes to remain an overseas elector, they must make a fresh declaration every year. A renewal process is being introduced in the Bill, requiring less information, not more, from electors at the point of renewal. An applicant’s identity will have been established as part of their original registration, so there is no need for an elector to provide all the same information when doing it again.

We are allowing EROs to pre-populate forms with the relevant details, and the gov.uk site will allow electors to confirm that the information pre-populated in the reminder that has been sent to them remains true. We will introduce an online method of doing that, which is

a provision that does not currently exist but that we think will make re-registrations easier for voters. The Bill includes a power to make detailed provision on renewal declarations in secondary legislation; as with existing electoral legislation, I think that is the right place for the procedural details of applications.

The requirement for overseas electors to renew their registration annually is in close analogy to how we treat domestic electors, who have to reconfirm their details every year in order to appear on the electoral register. It helps to ensure that electoral registers remain accurate. As we all know, accuracy is one of the core measurements of the integrity of an election and of our democracy. As is currently the case, in the three months before a registration is due to expire, EROs will send two reminders to an elector that they need to re-register. The sending of those reminders will be made mandatory, and it will be possible to send them electronically.

Finally, I come back to attestations, which the hon. Member for Nottingham North began with. The amendments would require all declarations from overseas electors to provide two attestations—one from abroad and one from home. As I said at the outset, that is not the right approach, because it would create a fundamental difference between domestic and overseas electors. Currently, an attestation is needed only as a fall-back. The same may be the case for domestic voters, and comparisons could also be drawn with some of the more specialised processes that we use, for example for those who make anonymous registrations.

The key point is that to suggest that the fall-back position should be changed to a requirement of not only one attestation but two is quite unjust to an overseas voter. I return to my core point: these are voters and citizens like any other, and we should not seek to make that difference. It could be potentially fatally burdensome for a voter to have to find a person back at home to provide an attestation, as my hon. Friend the Member for Beckenham said.

I hope that my remarks have been helpful to the hon. Members who proposed the amendments. I thank them for their important probing of the Bill's details, but I hope they have been able to consider my response and will not press the amendments.

Alex Norris: I thank those who have contributed to the debate. I start with an apology; it has been brought to my attention that I referred to the hon. Member for Montgomeryshire as the hon. Member for Monmouthshire. He has been far too kind to correct me. As mitigation, I have been listening to the musical "Hamilton" more than is healthy, where the battle of Monmouth features, but I apologise.

I return to what the Minister said; I noted that she said overseas voters are equal to any of us and are citizens like any other. I do not dispute that at all. When we participate on election day we will be indistinguishable—we will all have the chance to contribute one vote. That is quite right and I do not think there was any suggestion of changing that.

However, the idea that they are citizens like any other does not reflect reality: they are not when it comes to verifying their eligibility at an address, because the electoral registration officer cannot go round their house. To be fair, if my electoral registration officer was offered the chance to go to the Bahamas to verify an overseas

voter, he may say yes to that. However, he is also the chief executive of our council so he does not have time. I do not think it is unreasonable to say that the challenges, and the potential for fraud, are different. Therefore, we might need to match our verification process to that situation in a different way. That is not unreasonable and I might want to press the amendment to a vote.

I was interested to hear the Minister say that we would not want people to fall out of the process because they do not have a telephone number or an email address. I have some sympathy for that argument. The direction of travel of voter ID pilots means that lots of people in communities such as mine who do not have passports, driving licences or any of the conventional ways to verify their address might be subject to the same rules. I hope that will not be the case.

Chloe Smith *indicated dissent.*

Alex Norris: The Minister shakes her head, which I am pleased to see. She is clearly passionate about equal access. As we follow the voter ID reforms that are being suggested, I will continue to remind her of that.

I will finish on localism. The Minister is not keen for amendment 36 to be in the Bill because she wants to leave the experts in the local community some leeway. I am a big fan of localism, but when it comes to our democracy and to the verification of voters, I do not think there is much of an argument for variation among communities. We ought to set a clear position in this place on the rules of the game, for everyone's benefit. If the voter ID pilots became standard across the board, would electoral registration officers be told, "We don't mind whether you want some sort of photo ID at a polling station."? I do not think they will have to be given leeway in that sense, so I do not see why there would be leeway in this sense. With that in mind, I will not contribute any further but I do intend to press for a vote.

2.45 pm

Christian Matheson: When I first read my hon. Friend's amendment 39, I confess I looked down the list of people of good standing in the community and got to "local government officer; medical professional; member, associate or fellow of a professional body",

but found no entry for Member of Parliament. I was obviously extremely concerned that my hon. Friend did not think that hon. Members were in good standing. Fortunately, further down the list, after "Post Office official", comes

"publicly-elected representative (such as MP, Councillor or MEP)". It was a matter of some relief to find that, Mr Robertson.

I thank the hon. Member for Montgomeryshire and the Minister for responding respectfully and fully to the amendments. The Minister started with the important point that overseas voters should be treated equally to domestic voters. In one crucial sense, that is absolutely true: their vote must be of equal value, wherever they are. That is the same across the United Kingdom. There are differences, however, in the current terms of registration. Within the framework of equality that the Minister talked about, the amendments seek to ensure that it is harder for malfeasance to take place.

[*Christian Matheson*]

My hon. Friend the Member for Nottingham North made a point about putting up barriers that I want to address to the Minister. The problem is that the Government are putting up barriers to people at the moment with voter ID projects, which they intend to roll out further next year. We await an announcement soon on which local authorities will undertake those pilots. The fact is that the Government are putting up barriers to people who vote domestically. Therefore, with great respect to the Minister, the claim that they wish to remove barriers rings rather hollow in this Committee Room.

I have a concern about attestations being provided on behalf of an overseas voter's registration, where that attestation is by somebody who perhaps was not in the constituency at the time that the overseas voter claimed they had a link with the constituency. There is the suggestion that under the Bill there is the possibility that we would simply have to take the word of the applicant that the attester had some knowledge that the applicant was in the constituency to which they lay claim. The amendments are about ensuring greater clarity and, I hope, greater rigour in the battle against fraud.

Finally, the Minister talked about consistency in electoral registration across the UK. I am grateful that she addressed that and that it was a question of "may" rather than "must". As my hon. Friend the Member for Nottingham North said, there is the question of not being able to check an individual. We should go for the highest standard in order to maintain the integrity of our registration process and our democracy. With that in mind, I ask that we put the amendments to the vote.

Question put, That the amendment be made.

The Committee proceeded to a Division.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): On a point of order, Mr Robertson. I apologise for being late. As you hopefully know, I was in another Committee, two Committee Rooms up. I understood that when a vote is called, it is normal practice to allow three minutes for it to proceed, and I therefore seek your leave as to whether I can participate in this vote.

The Chair: I thank the hon. Member. It is actually two minutes that we have to allow, unless both Front-Bench spokesmen agree that we should move straight to the vote, so I am afraid that you will not be able to vote on this occasion.

The Committee having divided: Ayes 6, Noes 7.

Division No. 2]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Norris, Alex
Lake, Ben	Snell, Gareth

NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	
Lopresti, Jack	Stewart, Bob

Question accordingly negated.

Alex Norris: I beg to move amendment 37, in clause 1, page 3, line 23, at end insert—

“(5A) An overseas elector's declaration shall be disregarded for the purposes of registration to vote in a particular parliamentary election if it received by the registration officer after 5pm on the nineteenth day before the date of the poll at that election.”

The Chair: With this it will be convenient to discuss new clause 12—*Closing date for electoral registration applications by overseas electors*—

“(1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(2) In regulation 56, after paragraph (7), insert—

‘(8) This regulation does not apply to applications by overseas electors.’

(3) After regulation 56 insert—

‘56A Closing date for electoral registration applications by overseas electors

(1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.

(2) An application by an overseas elector under paragraph 3(6) or (7) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at that election.

(3) An application under paragraph 3(1) or (2), or 6(7) or 7(4) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at that election.

(4) An application under paragraph 4(1) or (2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at the election for which it is made.

(5) An application under paragraph 7(7) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at the election for which it is made.

(6) An application under—

(a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or

(b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after—

(i) 5 p.m. on the eighteenth day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under paragraph 3(4) of Schedule 4, and

(ii) 5 p.m. on the thirteenth day before the date of the poll at that election in any other case.

(7) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 56.’

(4) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

- (5) In regulation 56, after paragraph (7), insert—
 ‘(8) This regulation does not apply to applications by overseas electors.’

- (6) After regulation 56 insert—

‘56A Closing date for electoral registration applications by overseas electors

- (1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.
- (2) An application by an overseas elector under paragraph 3(6) or (7) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at that election.
- (3) An application under paragraph 3(1) or (2), or 6(7) or 7(4) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at that election.
- (4) An application under paragraph 4(1) or (2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at the election for which it is made.
- (5) An application under paragraph 7(7) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at the election for which it is made.
- (6) An application under—
- paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
 - paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after—

- 5 p.m. on the eighteenth day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under paragraph 3(4) of Schedule 4, and
- 5 p.m. on the thirteenth day before the date of the poll at that election in any other case.

- (7) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 56.’

- (7) The Representation of the People (Northern Ireland) Regulations 2001 are amended as follows.

- (8) In regulation 57, after paragraph (6), insert—

‘(7) This regulation does not apply to applications by overseas electors.’

- (9) After regulation 57 insert—

‘57A Closing date for electoral registration applications by overseas electors

- (1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.
- (2) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the twenty-first day before the day of the poll at that election.

- (3) Subject to paragraph (4) below, an application under section 7(1) or (2), 8(7) or 9(7) or (8) of the 1985 Act shall be refused if it is received by the registration officer after 5 p.m. on the twenty-first day before the day of the poll at the election for which is made.

- (4) Paragraph (3) above shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 55 above; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the day of the poll at the election for which it is made.

- (5) An application under—

- section 6(4)(a) of the 1985 Act by an elector to be removed from the record kept under section 6(3) of that Act, or
- section 9(11)(a) of that Act by a proxy to be removed from the record kept under section 9(6) of that Act,

and a notice under section 8(9) of that Act by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the twenty-first day before the date of the poll at that election.

- (6) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 57.’”

Alex Norris: Hopefully, by now, the pattern of what the Opposition are trying to do is emerging. From the beginning of last week’s sitting, my angst has been that we will put a burden on electoral registration officers, who are already overburdened—as they have been telling us—and who will struggle to meet the requirements that we are putting on them. What we are doing will have unwitting consequences, and last week I started with an attempt to phase it in gently. Obviously, I was not successful. I have just tried to ask for the burden of proof to be put on the individual, rather than the electoral registration officer. I have not been successful there either, so I have now fallen back on my final line, which is about time limits. I really think this is important, and I hope I can secure support on it because, as I say, while what we are doing is important, it is going to have unintended consequences.

What would amendment 37 and new clause 12 do, taken together? Simply, they would push back the deadline to register by one week to allow electoral administrators more time to process applications. In my view, the current timescale of registration deadlines does not work, and the amendment seeks to improve it. There is already concern among those who administer our elections, and more widely, about the timetable for postal ballot papers to go out to overseas voters, which is not easy. As much as we think that overseas voters are citizens like any others—which of course they are—in practical terms, it is harder to get something to and from them than it is to get something to and from me.

If we do not make the timetable amendment, people will be glad that the Bill has become law and enthusiastic that they are going to have a chance to vote, but we will have marched those people up the hill only for them to miss out for practical and probably quite unavoidable reasons, and they will rightly be disappointed. We know that that already happens and the more we increase the volume of applications, the more we increase the likelihood that it will happen.

[Alex Norris]

At the moment, I do not think that there will be sufficient time for the EROs to process applications, certainly the later ones. Letting the deadline fall back by a week is a practical solution and, I think, a good idea. At the moment, registration is set at polling day minus 12. Amendment 37 and new clause 12 would set registration at polling day minus 19, with similar extensions for proxy and postal voting of 13 days and 18 days respectively. That makes sense, because otherwise the deadline is too tight, as experience shows. That difficulty will only be increased by the volume, as I say, and the work that we are going to ask EROs to do will make it challenging.

I hope that we are mindful of this point, because we have said throughout last week's sitting and this week's sitting how much we appreciate the work of our electoral administrators. We now need to heed the call to give them more time.

Christian Matheson: I do not intend to speak for long on this amendment, because my hon. Friend the Member for Nottingham North has introduced it very well. It makes sense. It is not about making things harder, but about bearing in mind the administrative burden on electoral registration officers at a critical time.

In the 2017 general election, certain constituencies and polling registration areas had severe problems with the rush of late domestic voter registrations, with voters turning up at the polling station thinking that they had registered but finding that they were apparently not on the register. Therefore, it is sensible to allow electoral registration officers more time to make the registration.

The amendment is the result of a close examination of the current overseas registration deadlines. There is widespread concern that there is insufficient time in the parliamentary elections timetable for postal ballot papers to be sent out and returned by overseas voters in time to be counted on polling day. Indeed, many overseas voters were faced with the disappointing scenario in which they registered too late for their postal vote to be received and returned in time to be included in the count.

In many cases, there is simply insufficient time for the ERO to process last-minute applications and check for previous revisions of registers. A practical solution is needed because that is a recurring issue. Proper consideration needs to be given to the election timetable to allow time for a significant volume of applications to be processed. People who make applications close to the deadline should still be able to cast their vote.

At the EU referendum in June 2016 and the UK parliamentary election in 2015, the processing and checking of overseas applications was a challenge. EROs tell us that they received a high volume of applications in an intense timeframe in the lead-up to each vote, due to the renewal laws.

As my hon. Friend the Member for Nottingham North said, the present registration deadline is polling day minus 12. His amendment seeks to add a week to that to make it polling day minus 19. Similar extensions are proposed for proxy voting and postal voting. The Bill will allow all eligible British citizens who have lived in the UK and who are now living overseas to be given a lifelong right to vote in parliamentary elections. In view

of the time limit being removed, consideration needs to be given to the deadline being brought forward for overseas electors to register, to allow sufficient time to process applications.

As we discussed in the debates about previous amendments, under the proposed legislation, EROs will carry out the complex tasks of checking previous revisions of registers, researching past residents—we have even heard of them having to go to the borough archivist to get verification—finding documentary evidence and verifying the residence of an overseas voter who may have lived abroad for decades. Subsequently, EROs must receive and verify the appropriate attestations.

In addition, sufficient time must be required for any absent voter arrangements to be fully put in place so that overseas electors can cast their vote at the election or referendum in time for it to be counted. My hon. Friend's amendment would provide EROs with an extra week within which to process the applications. I am sure that the Department's guidance would be that overseas electors should register as soon as possible rather than leave it to the last minute, but that problem is prevalent among domestic voters as well, as I have mentioned.

Once again, we ask the Committee to consider the wellbeing of our hard-working electoral registration officers and their staff. The Bill places a tremendous amount of pressure on civil servants at a local level. Government cuts are already pushing electoral registration officers to their limit, as I referenced in the Committee's proceedings last week. The amendment gives respect to our electoral registration officers. It is good common sense to provide officers with the time to do their job properly and uphold the integrity of the register. The difficulties that EROs currently experience in registering overseas voters under the 15-year rule will only increase.

3 pm

The general election in 2010 was a similar example. The Electoral Commission's report on the administration of the 2010 general election told us that some overseas voters who had registered for a postal vote complained that they did not receive their postal ballot packs in time to vote in the election or did not receive them at all. The election timetable meant that the postal ballot packs could only be issued after 20 April 2010 at the earliest, leaving two weeks for ballot packs to be received by electors based overseas.

I reference one of the points the Minister made earlier about trying to treat voters equally. I thought that was a fair point. Depending on where an overseas voter lives, there will be an inequality in their ability to vote, simply because the postal service to France, say, is a whole lot quicker than the postal service to South America.

Bob Stewart: I thank the hon. Gentleman, my friend, for giving way. When we talk about 19 days, are we talking about 19 consecutive days or 19 working days? There is quite a difference. If we said 20 or 15 working days, that would make sense because, as I understand it, most civil servants do not normally work on a Saturday or Sunday.

Christian Matheson: I am proud to call the hon. Gentleman my friend. I say to the Committee again that a number of constituents of mine in Chester still reference the hon. and gallant Gentleman from when he was their

commanding officer, and do so with pride and affection. My good friend was ever a man for detail. I suspect that we would simply go with whatever is the current practice.

In 2010, the election timetable meant that postal ballot packs could only be issued after 20 April 2010 at the earliest, leaving two weeks for ballot packs to be received by electors based overseas, completed and returned to returning officers in the UK before 10 pm on 6 May.

Chris Skidmore (Kingswood) (Con): As a former Minister for the constitution, when it came to the 2017 general election I was assiduous in ensuring that we had international business post put in place, first class, so that we had the best possible service. In comparison with 2010, we tried to limit the delay.

Coming back to the timetable, I seem to remember from my distant memory of receiving briefings that one of the problems with the question of 19 days or 12 days is that part of the reason for the timetable's being handicapped in the way it is and being so late in the day is that they have to wait for close of nominations to take place in order to print the physical ballots, which are then sent out. All these things relate to each other in some kind of electoral Jenga process, which needs to be taken into account when it comes to looking at 19 days rather than 12 days.

Christian Matheson: I am grateful for that; the hon. Gentleman speaks with experience as a former Minister in this area. In that respect, he is absolutely right. The one thing I will not do—not least because I have not tabled an amendment on it, but I do not think I would table an amendment even if I could—is to suggest that, as a consequence of this amendment, we should somehow change the rest of the electoral timetable and change the closing dates for nominations. That would certainly open up a can of worms for electoral registration officers. I am grateful for that point; it is something we would need to take on board.

I am also grateful for the idea that speedy business post is necessary. I do not put a cost on democracy. As soon as we start to count the cost of democracy, we call that democracy into question. I simply make the point again that I think the Government would be picking up the election costs of sending more expensive post. That would certainly be my hope, in the context of difficult times for local government finances.

The Opposition support the call of the Association of Electoral Administrators for the Government to consider whether the deadline for overseas voters to register should be brought forward, to allow sufficient time to process and check previous revisions of registers.

Glyn Davies: I think we would all agree that it is important to strike the right balance by providing a system that is both accessible to overseas voters and workable for electoral administrators. I believe that the Bill will do that.

The Government have committed to continue to work closely with electoral registration officers to understand how the process can best be supported. With that assurance, I hope the hon. Member for Nottingham North will withdraw the amendment.

Chloe Smith: I will keep this brief. The Government absolutely recognise the time constraints that can arise when dealing with last-minute applications to register to vote, particularly those from overseas electors because, as we have already discussed, there is more toing and froing involved. For example, the Cabinet Office has fully funded the additional costs faced by local authorities for processing overseas electors and, indeed, all new burdens resulting from the introduction of individual electoral registration in 2014.

We have also already amended the timetable for parliamentary elections in order to maximise the time available for postal vote packs to be printed, posted and returned. It is the standing position to encourage electors to register as early as possible ahead of the registration deadline. I briefly mentioned earlier that introducing online re-registration would help somewhat because that will reduce time elsewhere in the process.

Taken together, those measures seek to avoid a peak of last-minute applications. However, in response to the amendments, I return to an argument that I have used elsewhere. I do not think it would be right to create another difference between overseas electors and UK resident ones, which is what would happen if different registration deadlines are set for both groups. Consequent to that, the process would run into the challenges articulated by my predecessor, my hon. Friend the Member for Kingswood, which is that there are other parts of the electoral timetable. He called it “electoral Jenga” and I think I might use that phrase myself. It is correct to say that a change in one part of the timetable would affect other important parts of it. That is simply how our democracy has to fit together in those final weeks. I would not want that to be put in peril or for a different approach to overseas and domestic electors to put anybody at a disadvantage.

I will also briefly point out a technical error in the proposed new clause. I never like saying such things to a Back-Bench Member. I know that the hon. Member for Nottingham North will have worked late into the night to pull this together, and I cast no aspersion on him or his efforts, but I think he might have intended to refer to the Representation of the People (Northern Ireland) Regulations 2008, which revoked those made in 2001. Given that the proposed new clause is technically flawed, I urge the Committee not to support it.

Alex Norris: I thank everyone for their contributions. To answer the substantive point from the hon. Member for Beckenham, the amendment relates to working days, because that is the language of the timetable. If 19 working days became 17 because of a weekend, the proposal would still get my support.

With regard to the hon. Member for Kingswood, we are lucky to have two successive Ministers for the constitution who really take this issue seriously, because that is not a given. I can understand that for the vast majority of people this stuff might seem a bit dry, but it is exceptionally important. It is also exceptionally important that those who lead take it seriously, and that is greatly appreciated.

I slightly disagree, however, with the hon. Gentleman's point, despite his neat reference to “electoral Jenga”. The one thing we know about that tangle of wires, which is how I would characterise it, is that many

[Alex Norris]

processes are going on simultaneously. I do not think that the proposed change would impact on the strand relating to the nomination of candidates. The example has been given of an individual whose only reason for seeking registration is their enthusiasm for a candidate whose place on the ballot is not secure, but that is a tiny part of a vaster whole and it would not be good to let it injure the whole process.

All electoral administrators will appreciate the kind words of the hon. Member for Montgomeryshire. However, I gently express my fear that, although we have been keen to support them and their hard work, I do not think that the Bill reflects that support. We have looked continually at the reports of 2016 and 2017, and at the survey work done elsewhere, but we have not followed their suggestions.

I am grateful for the Minister's gentle point about my typo. For that reason, I will not press the new clause to a vote. However, I still think that it would have taken the Bill in the right direction, and I ask Committee members to reflect on it.

The Minister regularly says that she does not want a distinction to be made between overseas electors and those living in the UK. I understand that, but that would not be the case—and nobody has suggested that it should be—when it comes to the substantive issue of their participation in democracy. In practical terms, however, there is an obvious difference between the two groups—some thousands of miles' worth in some cases. If we stopped people in the square to ask them whether overseas electors should be given more time to make an application and to receive and return a voting pack, I think that most of them would think that a sensible idea.

I will not press the amendment to a vote, because of the very good reason that has been pointed out. However, I hope that colleagues will continue to reflect on it. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 3, in clause 1, page 3, line 34, after "name" insert "and date of birth".—(Christian Matheson.)

The Committee divided: Ayes 4, Noes 7.

Division No. 3]

AYES

Elmore, Chris	Matheson, Christian
Lake, Ben	Norris, Alex

NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob
Lopresti, Jack	

Question accordingly negatived.

Christian Matheson: On a point of order, Mr Robertson. In view of the result of the Division, I will not put the remaining amendments in that group to a vote.

Amendment proposed: 38, in clause 1, page 3, line 44, leave out from first "requirements" to end of paragraph and insert—

"(fa) contain a valid attestation of identity under section [Attestation of identity]."—(Alex Norris.)

The Committee divided: Ayes 3, Noes 7.

Division No. 4]

AYES

Elmore, Chris	Norris, Alex
Matheson, Christian	

NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob
Lopresti, Jack	

Question accordingly negatived.

3.15 pm

Question put: amendment 39, in clause 1, page 4, line 48, at end insert—

"ICA Attestation of identity"

(1) A valid attestation of identity must contain attestations from two attestors.

(2) The first attestor must be a registered elector resident in the constituency in which the declarant wishes to be registered.

(3) The second attestor must be a registered overseas elector.

(4) An attestor must not be the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant.

(5) An attestation must—

- be in writing and signed by the attestor,
- swear that, to the best of the attestor's knowledge, the declarant is the person named in the declaration,
- state the attestor's British passport number together with its date of issue,
- be dated on the date on which the attestation is made,
- confirm that the person attestor is aware of the offence, under section 13D of the Representation of the People Act 1983, of providing false information to a registration officer, and
- confirm that the attestor is a person of good standing in the community

(6) For the purposes of paragraph (5)(f), examples of a person of good standing in the community include, but are not limited to, the following or their local equivalents—

- accountant
- airline pilot
- articled clerk of a limited company
- assurance agent of recognised company
- bank or building society official
- barrister
- chiroprapist
- Commissioner of Oaths
- civil servant (permanent)
- dentist
- director, manager or personnel officer of a limited company
- director or manager of a VAT-registered charity
- director or manager or personnel officer of a VAT-registered company
- engineer (with professional qualifications)
- financial services intermediary (e.g. a stockbroker or insurance broker)
- fire service official
- funeral director
- insurance agent (full time) of a recognised company

journalist
 Justice of the Peace
 lecturer
 legal secretary (fellow or associate member of the Institute of Legal Secretaries and PAs)
 licensee of public house
 local government officer
 medical professional
 member, associate or fellow of a professional body
 Merchant Navy officer
 minister of a recognised religion (including Christian Science)
 nurse (Registered General Nurse or Mental Health Nurse)
 officer of the armed services
 optician
 paralegal (certified paralegal, qualified paralegal or associate member of the Institute of Paralegals)
 person with an honour (such as an OBE or MBE)
 pharmacist
 photographer (professional)
 police officer
 Post Office official
 publicly-elected representative (such as MP, Councillor or MEP)
 president or secretary of a recognised organisation
 Salvation Army officer
 social worker
 solicitor
 surveyor
 teacher
 trade union officer
 travel agent (qualified)
 valuer or auctioneer (fellows and associate members of the Incorporated Society of Valuers and Auctioneers)
 (none) warrant officers and chief petty officers.”—(*Alex Norris.*)

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 7.

Division No. 5]

AYES

Elmore, Chris
 Matheson, Christian

Norris, Alex

NOES

Davies, Glyn
 Dunne, Mr Philip
 Graham, Luke
 Lopresti, Jack

Skidmore, Chris
 Smith, Chloe
 Stewart, Bob

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Glyn Davies: Clause 1 removes the existing 15-year time limit on British citizens voting in parliamentary elections, which is a very important principle. It makes no change to the eligibility to vote in different types of elections, such as elections to the European Parliament, local elections, mayoral elections, and police and crime commissioner elections, or to British citizens living in the UK.

Christian Matheson: We thought to test the hon. Gentleman and the Minister on clause 1, which is the main part of the Bill. We have raised concerns about the

ability of overseas voters to register to ensure that registration is fair and honest. We have also raised concerns over the extra workload that will be placed on EROs. As things stand, the amendments have not been accepted and we accept the proposal of the hon. Member for Montgomeryshire that clause 1 stand part of the Bill.

Clause 1 ordered to stand part of the Bill.

Clause 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

That schedule 1 be the First schedule to the Bill.

That schedule 2 be the Second schedule to the Bill.

Glyn Davies: Clause 2 introduces schedule 1, which contains minor and consequential amendments, and schedule 2, which makes transitional provisions.

Christian Matheson: Much of the work of the Committee and the detail of the Bill is contained within clause 1. Clause 2 presents various minor and consequential amendments, as put forward by my good friend the hon. Member for Montgomeryshire—my hon. Friend the Member for Nottingham North has put this little worm in my ear that is stopping me from deciding whether it is Montgomeryshire or Monmouthshire, but it is Montgomeryshire. These are technical and consequential amendments and we see no reason why they should not stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3

EXTENT, COMMENCEMENT AND SHORT TITLE

Christian Matheson: I beg to move amendment 28, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on awareness of how to participate in elections as an overseas elector] has been laid before Parliament.”

The Chair: With this it will be convenient to discuss new clause 5—*Report on awareness of how to participate in elections as an overseas elector*—

“(1) The Minister for the Cabinet Office or the Secretary of State must publish a report on levels of awareness of how to participate in parliamentary elections as a UK elector among—

- (a) persons entitled to vote as an overseas elector under the provisions of this Act, and
- (b) overseas electors in general.

(2) The report shall consider awareness of—

- (a) the law governing entitlement to qualify and vote as an overseas elector,
- (b) the processes of registering and voting, and

(c) other matters as the Minister for the Cabinet Office or the Secretary of State sees fit.

(3) The report shall set out any steps the Minister for the Cabinet Office or the Secretary of State intends to take to increase awareness of—

- (a) how to participate in elections as an overseas elector, and
- (b) the provisions of this Act.”

Christian Matheson: Amendment 28 requests a report on the awareness of how to participate in elections as an overseas elector. We heard in the discussion of previous clauses about the dangers of overseas electors piling in as soon as an election is called. We discussed with the Minister the importance of electors participating early by registering as early as possible.

Based on the 2016 survey conducted by the Electoral Commission, it is clear that there remains widespread confusion about what it means to be an overseas voter and the eligibility criteria necessary to vote. This lack of awareness has the potential to create a significant barrier to casting a ballot. The survey found that there was widespread lack of awareness about eligibility requirements, with 31% believing that eligibility required receiving a UK state pension and 22% believing that it required owning a property in the UK.

Knowledge about voting eligibility is surely at the heart of our democratic society. The Government must act to inform British citizens about the eligibility of overseas voters. Indeed, the survey found that, among the overseas citizens eligible to participate in UK elections who responded to this survey, the overriding reason for not registering to vote or participating in UK elections is a lack of awareness of the process of both. Therefore, the amendment calls for a detailed report to be made on how to participate in elections as an overseas elector.

Glyn Davies: The amendment would delay the enfranchisement of many overseas citizens who are calling for the right to vote in our elections. On that basis, the amendment is unjustifiable, and I hope the hon. Gentleman feels able to withdraw it.

Chloe Smith: I echo what my hon. Friend says. The new clause makes the important point that we should work to raise awareness of voter registration and how people should take part in our democracy. However, it would be wrong to delay the implementation of the Bill while we conduct that assessment, which is what the amendment asks us to do. Too many British citizens overseas have been denied the right to vote for too long and it is not right to say that implementing the Bill must be contingent on a report and an exercise.

The Electoral Commission runs campaigns before elections to ensure that people are aware of when and how to register to vote and anything else they need to know. As part of its public awareness campaigns ahead of elections, it has noted that it will

“run activities overseas and work closely with the FCO and others to ensure that newly eligible British citizens understand what they need to do to register.”

The Government will work with the commission in communicating the new provisions. I hope billions of citizens around the world are following our proceedings from this Chamber as we speak, but if that is not the

case, we have also committed to improving messaging on gov.uk, where people can find the information when they need it.

Christian Matheson: Having not pressed previous amendments to a vote that would provide greater time limits for electoral registration officers or for overseas electors to vote, I am concerned there will still be too much pressure or too little time for overseas voters. As part of the programme, there is a role for the Government and perhaps one of its agencies to promote eligibility, perhaps on gov.uk. I accept that the Minister has confidence in gov.uk, and will have to consider whether to press the amendment to a vote.

The Chair: The vote on amendment 28 comes now.

Christian Matheson: In that case, taking into account the Minister’s response, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Christian Matheson: I beg to move amendment 29, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on effects of extension of the franchise] has been laid before Parliament.”

The Chair: With this it will be convenient to discuss the following:

New clause 1—*Report on the effects on the number of registered electors*—

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the number of overseas electors registered to vote in Parliamentary elections in each constituency, and
 - (b) the policy implications of any such changes.
- (2) The report must consider—
- (a) whether any differential effects on the electorates of constituencies necessitates a review of constituency boundaries, and
 - (b) the merits of creating one or more overseas constituencies.

(3) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”

New clause 6—*Report on effects of extension of franchise*—

“(1) The Minister for the Cabinet Office or the Secretary of State must publish a report assessing the likely effects of the extension of the franchise in Section 1 of this Act and any measures necessary in response to those effects.

(2) The report must contain assessments of—

- (a) how many British citizens currently resident overseas are eligible to register as overseas electors, and how many are likely to be eligible if the 15-year time limits under sections 1(3)(c) and 1(4)(a) of the Representation of the People Act 1985 were removed;
- (b) likely demand for online registration services and how this demand should be met;
- (c) the effects of removing the 15-year time limits on the workloads of local authorities, including demands on electoral registration officers, and how any consequent resourcing requirements should be met;

- (d) any possible increased risk of electoral fraud by those purporting to be overseas electors related to the provisions in this Act;
- (e) whether current election timetables are of sufficient duration to enable the full participation of any increased numbers of overseas electors;
- (f) how the electorates of existing UK constituencies will be affected;
- (g) how the electorates of new constituencies recommended by the most recent reports of the Boundary Commissions for England, Wales, Scotland and Northern Ireland will be affected.”

New clause 11—*Evaluation of the effects of the Act*—

“(1) The Minister for the Cabinet Office or the Secretary of State must, within 12 months of the provisions of this Act coming into force, lay before Parliament a report evaluating the effects of the Act and the extent to which it has met its objectives.

(2) That report must include assessments of the effects on numbers of overseas electors registered in each parliamentary constituency.”

New clause 15—*Report on electoral offences, overseas electors and the extension of the franchise*—

“(1) The Minister for the Cabinet Office or Secretary of State must publish a report on electoral offences, overseas electors and the extension of the franchise.

(2) The report must include assessments of—

- (a) the effects of the extension of the franchise under the provisions of this Act on the incidence of—
 - (i) reports of electoral offences under the Representation of the People Act 1983, and
 - (ii) prosecutions for such offences,
- (b) the capacity of appropriate authorities to investigate and prosecute such alleged offences,
- (c) the number of reports of electoral offences under the Representation of the People Act 1983 alleged to have been committed by overseas electors—
 - (i) in the period since the provisions of this Act came into force, and
 - (ii) in a comparable period before the provisions of this Act came into force,
- (d) the number of prosecutions for electoral offences under the Representation of the People Act 1983 alleged to have been committed by overseas electors—
 - (i) in the period since the provisions of this Act came into force, and
 - (ii) in a comparable period before the provisions of this Act came into force, and
- (e) any steps to be taken to reduce the incidence of such electoral offences.”

Christian Matheson: The amendment is similar to one that has been laid by the hon. Member for Oxford West and Abingdon, which is about a report on the effects on the number of registered electors. It is essential that there is appropriate evaluation and investigation of the effects of passing the Bill on the number of registered electors in each constituency. We must have a clear idea about the sheer volume of people we are enfranchising in order to establish the necessary procedure to register and deal with the inevitable administrative bedlam that will result from the change.

In my previous contribution, I referred to administrative effects. Furthermore, the potential introduction of millions of new voters will undoubtedly have consequences for constituency boundaries. Indeed, while the Government are attempting to reduce the number of MPs from 650

to 600, attention perhaps needs to be paid to the great swathes of potential new electors requiring representation across constituencies in the UK. How is it logical that the Government plan to reduce the number of MPs while potentially dramatically increasing the number of voters? Has the Minister considered the impact of enfranchising millions of new overseas voters for the current constituency boundary plans?

Under the 15-year rule, the number of registered overseas voters in the June 2017 general election reached just over 285,000, surpassing the December 2016 record. The Government have estimated that that is about 20% of eligible expats under the current 15-year limit, giving a potential electorate of around 1.4 million. Indeed, the figure has the potential to increase fivefold with the passing of the Bill.

The number of overseas voters registering to vote has risen exponentially over the last 10 years and continues to rise. That can be attributed to the general increase in awareness by overseas voters about voter registration. Until 2015, the number of overseas voters registered to vote had never risen above 35,000. The EU referendum in June 2016 surpassed that record, with nearly 264,000 registered overseas voters.

3.30 pm

Based on those statistics, there is no question but that overseas voters will have a great interest in casting their ballots once they are made aware of their ability to do so. It is therefore essential that the Government prepare for a scenario in which the majority of the newly enfranchised overseas voters resulting from the Bill register to vote. It is essential that they provide a report investigating the fall-out of that scenario on the volume of new electors required to be registered and the impact that that could have on our constituency boundaries.

Chair, I would appreciate your guidance at this stage. Shall I continue and discuss new clause 6 and beyond?

The Chair: They can all be discussed.

Christian Matheson: In that case, bearing in mind the time, I will plough on and try to get through it as quickly as possible.

Part of new clause 6 has already been covered. New clause 6 makes it clear that it is essential that a report is provided that details

“how many British citizens currently resident overseas are eligible to register as overseas electors, and how many are likely to be eligible”

if the 15-year time limit is removed following the successful passage of the Bill.

Subsection (2)(b) considers the impact of extending the franchise on the

“likely demand for online registration services and how this demand should be met”.

The Minister has touched on online registration briefly before. It currently acts as a central tool for registering overseas voters and takes part of the burden away from EROs. Overseas electors can now register online and no longer require another British passport holder to countersign the registration form, which reduces administrative work at a local level.

[*Christian Matheson*]

Paragraph 10 of the Government's policy statement says:

"Applicants will continue to be able to make applications using the register to vote service on GOV.UK, as well as by using paper forms or (in some cases) by telephone."

However, the Association of Electoral Administrators has outlined several practical issues with sustaining the online system after the 15-year rule is removed. The online platform struggles to stay up to date with new addresses as a result of frequent new housing developments. That problem will be exacerbated with the proposed removal of the 15-year restriction on overseas electors, as previous addresses from many years ago may no longer exist. If the proposed removal of the 15-year application restriction for overseas electors is enacted, the gov.uk online registration service will need to be adapted and improved to allow overseas applications to be made online even though the previous property may have been demolished and/or redeveloped.

I will try to canter through the rest, because I am concerned about the time. Subsection 2(c) considers

"the effects of removing the 15-year time limits on the workloads of local authorities, including demands on electoral registration officers, and how any consequent resourcing...should be met".

I touched on that in the Committee's meeting last week, especially the wellbeing of electoral registration staff and the integrity of our local system when staff are overburdened and either cannot process applications quickly enough or give scant regard to the credibility or integrity of an application because there are simply so many to deal with.

Electoral registration officers are valuable, skilled members of our civil service at a local level and provide the vital administrative work behind our elections. Increasing the number of British citizens overseas who are eligible to register to vote will add strain to the already stretched resources of electoral administrators. The Minister has previously indicated that additional resources will be given to meet those extra strains, and I hope that that pledge will continue. Before continuing with the Bill, the Government must consider in detail the effects of removing the 15-year time limit on the workloads of local authorities.

Subsection (2)(d) asks that proper consideration be given to the possibility of increased opportunities for electoral fraud as a result of the Bill. The Government have claimed a strict stance on electoral fraud in the UK, as we discussed earlier, by saying that they are committed to boosting confidence in our democratic process and to safeguarding elections against fraud. That is clearly evidenced by their plans to extend the requirement to show ID when voting. Some Opposition Members worry that that is more about voter suppression, but we have already had that discussion. It is a little absurd that the Government are trying to make it harder for people living in this country to vote by requiring them to show ID, while they are creating a system of overseas voters that is potentially wide open to abuse.

We previously discussed attestation rules. A sworn statement is not sufficient security to prevent fraudulent applications when legal proceedings are very unlikely to be taken forward, given that both applicant and attester are living abroad—that is something I discussed earlier

with my hon. Friend the Member for Nottingham North. Considering the strict rules enforced by the Government in UK voter ID programmes, we question how they can take such a hard-line stance on domestic voters but allow more lax rules for overseas voters. That goes back to the point that the Minister made earlier about treating voters equally.

Moving on to paragraph (e), relating to the previous discussion, it is also important that we consider

"whether current election timetables are of sufficient duration to enable the full participation of any increased numbers of overseas electors".

We have discussed polling day minus 12 being the present registration deadline. We therefore need a proper investigation to see how that works. Forgive me if I am going a little too quickly, but I am keen that we make progress with our consideration.

Paragraph (f) relates to

"how the electorates of existing UK constituencies will be affected".

That is perhaps the most important part of the new clause. With an estimated 5 million new voters being enfranchised, detailed provision must be put in place regarding how those voters will affect current UK constituencies. As the Minister knows well, the Opposition want a fair boundary system that benefits our democracy, not just the electoral interests of the Conservative party. Cutting the number of MPs by 50 while planning to enfranchise 5 million new voters is beyond illogical. Clearly the political context has changed significantly since the flawed proposals were first floated under the prime ministership of David Cameron, but the spread of new voters across the constituencies, and how they will be allocated, is crucial. There must be detailed consideration to prepare for that.

I would like the hon. Member for Oxford West and Abingdon to be able to speak as well. With your permission, Mr Robertson, I will sit down and return to new clause 11 shortly.

Layla Moran (Oxford West and Abingdon) (LD): Thank you, Mr Robertson, for allowing me to speak specifically on new clause 1. Many of the issues that I am trying to raise with it have been well described, not just today but in our session last week.

The new clause would require the Secretary of State to publish a report about the number of electors. We very much hope that many millions, if possible, of electors register. My concern is that we do not know where they will register, although we can guess. Many young people in particular may have last been in London before they got a job that allowed them to go abroad, so there is a chance that some constituencies could be artificially inflated in numbers and then have to be artificially made smaller geographically by the Boundary Commission to sort that out.

My worry about the Boundary Commission is that, as we all know, we should have had boundary changes already. It should have happened three years ago and it has not. The reason for having a report is not to pre-empt what it might say; we have to ensure that the issue of where overseas electors go is looked at promptly after the first possible point at which they are likely to register, which, let us face it, will be at the next general election.

Bob Stewart: I have a constituent living overseas who would be completely confused, because in the last nine years she would have had three constituencies. Assuming the boundary review goes through, she will not know where the hell she started from.

Layla Moran: I very much welcome that intervention because that is one of the many reasons the Electoral Commission proposes a solution—a solution that is in the Liberal Democrat manifesto.

The number of people who have registered to vote has inflated since the referendum, as it should. What is happening with the UK and Brexit has galvanised people's interest in having a say in what it means to be British, and the effect it is going to have on them abroad. In particular, those Britons who live in the EU, such as my parents, now have very specific issues. If Brexit happens, they will continue to have those issues. I hope that the negotiated settlement will sort out all of the issues with British citizens living in the EU and European citizens living here, but let us imagine that there will be things to iron out.

So the proposal is that the Government go away and, at this point, now that the political wind has changed, look at the possibility of overseas constituencies. New clause 1 does not suggest that we say now that that should happen; it simply asks the Government to make sure they come back to this House after the likely date of the next general election, having considered how many overseas electors are registered, where they are and what kinds of issues they have, so that as early as possible, this House has a proper chance to sort out what are likely to be a number of major kinks resulting from this very welcome Bill.

I will finish by raising my other concern, which is about the effect of large numbers of constituents coming into small numbers of constituencies, which then go through a Boundary Commission process that artificially shrinks the geographical size of those constituencies. Let us imagine that 70,000 people enter Oxford West and Abingdon. That is fine—I very much welcome them—but it means that my constituency, geographically, decreases by a third or two thirds. *[Interruption.]* Or whatever it may be. However, the current boundaries also take into account local authority boundaries and ward boundaries. There is a geographical link that matters to the people who live in the constituency. They have different needs from overseas electors. It is not just about having MPs who can specifically address the issues of those overseas electors, but making sure that MPs who are here can properly serve—in the geographical sense—the constituents who live on this land, in our communities.

Christian Matheson: One of my concerns about the Bill as it stands is that there is a lack of clarity as to which constituency an overseas voter might seek to join, and might be added to. That might artificially inflate the number of overseas voters in a particular constituency. Does the hon. Lady share my concerns?

Layla Moran: I absolutely share the hon. Gentleman's concerns. I also share concerns about increased workloads in certain parts of the country, should it be the case that overseas voters are not evenly distributed. We can probably assume—it is more likely than not—that they will not be evenly distributed.

To reiterate, all that new clause 1 does is ask the Government to ensure that, at the first available opportunity after the next general election, they come back and commit to considering all those points. It is not enough just to allow the Boundary Commission to do that, because these two things must be considered together. The Boundary Commission cannot say whether it wants overseas constituencies; that is a matter for this House to consider, and it should be a matter for the Government to consider, in conjunction with the change to the number of constituencies.

Glyn Davies: I must say that I do not appreciate it when Opposition Members say things that I agree with, as that makes my position a little bit difficult, but I want to emphasise that—as has been a trend today—the points that are being made by Members on the Opposition Benches are all reasonable. Our aim in resisting them is that we want to maintain the credibility of the Bill—it is a Bill that will achieve wide support—and make sure that it goes through.

As with amendment 28, which was tabled by the hon. Member for City of Chester, these provisions would postpone the enfranchisement of many overseas citizens who rightly want to vote in our elections. I stress that the Bill is a single-issue Bill, and I think the amendments are a distraction from that. I hope that hon. Members will not press their proposals.

3.45 pm

Chloe Smith: The first point that I want to make in relation to this pair of amendments—which goes more to the arguments made by the hon. Member for City of Chester—is that the Government have already produced an extensive impact assessment on the Bill, as would be expected. That report has, I am sure, been essential bedtime reading for all members of the Committee and many others. It is not necessary to carry out a second assessment of the kind of material that is already in the impact assessment, and I join to that a general point: it would be wrong to delay the enfranchisement of British citizens overseas through the publication of further reports. I see a common thread in a number of amendments, and I am not persuaded that we should hold on that enfranchisement until we have a library shelf full of reports.

Let me address some of the more specific details that have been raised. First, I stress again the Government's commitment to funding additional costs that arise from the proposed measures—I said that last week and I say it again. I send that message of reassurance out.

The hon. Member for City of Chester addressed the workload and concerns of administrators. We are addressing the costs, and I am very sympathetic to the arguments about their work. I work closely with the Association of Electoral Administrators, as well as other bodies, and I listen to administrators. I will carry on doing that as a matter of course. I do not need a report tied up with a bow to tell me to do it—I will do it week in, week out, because it is my role. None the less, let it be taken that I take that part of the proposal very seriously. I hope that has addressed that point.

On the issue of boundaries, discussed by the hon. Member for Oxford West and Abingdon, as she and all hon. Members know, boundary reviews are run by the

[Chloe Smith]

Boundary Commissions and take into account overarching electorate numbers—they make no distinction between overseas voters and domestic voters, and the way that the hon. Lady explained new clause 1 makes it very clear that that is the starting point we are all going from. It is also the case that the legislation that we work to requires that they are taken from a set point in time and that that will happen regularly into the future.

That legislation is absolutely supported by the Government. Whether we are or are not having arguments in other Committee Rooms at other points in our Wednesdays, we support regular reviews in the future that take into account overarching electorate numbers and, therefore, we do not need a further report that checks on those electorate numbers. The Boundary Commissions' work can properly take into account where overseas electors are and apportion them.

I very much understand the geographical point made by the hon. Lady. Were what she described to happen, I certainly would expect that to be a matter of discussion with the Boundary Commission. Independent as it is, I imagine that it would observe that phenomenon and wish to highlight it. I would be happy to look into the practicalities of that further if that work were to give rise to results that were surprising or undesirable. The Boundary Commissions are scrupulously independent, and quite rightly so, so I do not at all wish it to be heard from me today that I am suggesting that I would change their work—I am absolutely not—but I am saying that their work exists and does the data job that new clause 1 is asking for. I would be very happy to look into any further issues should they arise in the future.

Let me move on to the hon. Lady's other fundamental question, which was about the creation of overseas constituencies. She and I have discussed the matter before, and we are probably all aware that there are several ways in which it could theoretically be arranged. There is some variation around the world: some countries take the constituency approach, but generally other democracies that allow overseas voting use the connection principle, as we do. Our policy in the Bill is to continue with that principle, which requires electors to have a connection to the part of the country in which they last resided. That is a bedrock of British democracy and it is important to maintain it. I understand and respect the argument for a different configuration of voters, but I am not persuaded by it personally, and nor will the Government support it. Nor is it what my hon. Friend the Member for Montgomeryshire advocates in his Bill.

Several points were raised about new clause 6, which would require a report on voter fraud, and new clause 15, which would require a report on issues relating to offences committed as a result of the changes made by the Bill. Again, it is worth stating the general principle: the Government are absolutely committed to strengthening our electoral processes and enhancing public confidence in the rigour of democratic processes. I described earlier

how measures in the Bill will help to achieve that, such as the limit on the number of attestations per attestor for overseas electors, which will guard against fraud.

Hon. Members can be confident that I am committed to maintaining and reinforcing our democracy and strengthening electoral integrity. There are certainly other measures now or soon to be before the House that relate to achieving that across our democracy. Do we need an extra report under the Bill to help us to do that? I do not think so. First, the Electoral Commission already publishes annual reports on electoral fraud in UK elections. That is an important safeguard, and it is the Electoral Commission's role to oversee it, rather than the Government preparing an extra report. Secondly, I do not believe that there is a body of evidence to suggest that fraud is a problem that relates specifically to overseas electors. The hon. Member for Nottingham North touched on that argument earlier today, but at this point I do not think there is an evidence base for pointing the finger at that issue.

There is no question of the Government or the Electoral Commission ceasing to keep voter fraud under review. We are vigilant about it, as indeed are the registration officers and local authority staff who manage these things—it is their role as much as anybody else's. All parts of the system are vigilant about voter fraud. We will keep all arrangements under consideration and make improvements where we see that they are needed. However, I do not accept that a report is necessary for that, as the new clauses argue. We would seek to do it anyway.

I hope that I have been helpful to the Committee by drawing out themes common to the amendment and new clauses. The key point is that I will continue to observe the practical implications for fraud and for the hard work of administrators, and the effect on our national data sets, of the distribution of voters across the country. I ask the Committee to agree that a report is not necessary.

Christian Matheson: I do not wish to detain the Committee. I am grateful to the Minister for her detailed response, and I have no problem with finding myself agreeing with the hon. Member for Montgomeryshire, whom I consider a friend. He is showing great patience as we test and probe the details of his Bill.

I remain concerned about the Bill's effect on constituencies, which the hon. Member for Oxford West and Abingdon raised, and about the lack of clarity about how voters might join a constituency. However, we have made decent progress today, and I thank hon. Members for their contributions. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.
—(Glyn Davies.)

3.56 pm

Adjourned till Wednesday 31 October at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS ELECTORS BILL

Third Sitting

Wednesday 31 October 2018

CONTENTS

CLAUSE 3 agreed to.

New clauses considered.

NEW CLAUSE 3 under consideration when the Committee adjourned till
Wednesday 14 November at half-past Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 4 November 2018

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The Committee consisted of the following Members:

Chairs: † SIOBHAIN McDONAGH, MR LAURENCE ROBERTSON

- | | |
|--|---|
| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Moran, Layla (<i>Oxford West and Abingdon</i>) (LD) |
| † Clifton-Brown, Sir Geoffrey (<i>The Cotswolds</i>) (Con) | † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | Snell, Gareth (<i>Stoke-on-Trent Central</i>) (Lab/Co-op) |
| † Gapes, Mike (<i>Ilford South</i>) (Lab/Co-op) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Lake, Ben (<i>Ceredigion</i>) (PC) | |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 31 October 2018

[SIOBHAIN McDONAGH *in the Chair*]

Overseas Electors Bill

2 pm

The Chair: Welcome back to the Overseas Electors Bill Committee. Before we return to line-by-line consideration, let me do a bit of nagging and make some preliminary announcements. Please switch off or silence electronic devices. Tea and coffee are not allowed during our sittings.

The selection list for today's sitting, which is available in the Committee Room and on the Bill website, shows how selected amendments—generally on the same or similar issues—have been grouped for debate. At the end of a debate on a group of amendments, new clauses and schedules, I shall again call the Member who moved the lead amendment or new clause. Before they sit down, they will need to indicate whether they wish to withdraw the amendment or new clause, or seek a decision. Any Member who wishes to press to a vote any other amendment, new clause or schedule in a group needs to let me know.

Clause 3

EXTENT, COMMENCEMENT AND SHORT TITLE

Christian Matheson (City of Chester) (Lab): I beg to move amendment 30, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [*Review of absent vote arrangements*] has been laid before Parliament.”

The Chair: With this it will be convenient to discuss the following:

Amendment 31, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [*Report on postal voting arrangements for overseas electors*] has been laid before Parliament.”

New clause 8—*Review of absent vote arrangements*—

“(1) The Minister for the Cabinet Office or the Secretary of State shall—

- (a) review absent voting arrangements to consider whether they allow sufficient time for overseas electors to participate adequately in parliamentary elections, taking into account the likely effects of the provisions of this Act;
- (b) consult the Electoral Commission, local authorities and the Association of Electoral Administrators as part of the review; and
- (c) lay before Parliament a report on the review and any steps to be taken as a result.”

New clause 9—*Report on postal voting arrangements for overseas electors*—

“(1) The Minister for the Cabinet Office or the Secretary of State shall publish a report on postal voting arrangements for overseas electors.

(2) The report shall set out—

- (a) any barriers to the participation of overseas electors in parliamentary elections, including in—

- (i) the availability of pre-paid postal services for returning ballot papers,
 - (ii) the financial resources of returning officers, and
 - (iii) capacity in the specialist print and production markets to meet absent vote and ballot paper requirements;
- (b) whether any such barriers are likely to become more significant or widespread as a result of the extension of the franchise in the provisions of this Act, including in particular countries and regions;
- (c) any steps to be taken to make it easier for overseas electors to participate in parliamentary elections.

(3) The report shall, in particular, consider the effectiveness and cost of the International Business Response Licence for postal votes and any associated implications of the provisions of this Act.”

Christian Matheson: What a great pleasure it is to see you in the Chair, Ms McDonagh. I may be incorrect, but I think this is the first time that I have served under your chairmanship in my three and a half years in this place, in which I still consider myself richly privileged to serve.

My amendments and new clauses would require a detailed review of absent voting arrangements. I have some problems with the Bill in principle, including an objection to the idea of people continuing to have a vote when they have lived overseas for many years and have no direct connection with this country. However, these amendments reflect concerns not about the principle of the Bill, but about how its proposals will be administered.

My staff and I have sought the advice of local electoral administrators and the Association of Electoral Administrators to understand the administrative burdens and pressures that the Bill would place on them. Local administrators are charged with upholding our democracy by maintaining the integrity of electoral registrations; they need to ensure that everybody who should be allowed to register can do so, but that those who seek to exploit the register for nefarious reasons are exposed, caught out and dealt with. As with previous amendments, I have sought a response at least from the Minister and from the Member in charge, my good friend the hon. Member for Montgomeryshire.

The amendments would request consideration for the administrative burdens that might fall on local electoral registration officers, often at a time when the pressure on them is at a maximum—we know from past practice in election years that most people seek to register as voters only when an election is called. Given the current state of confusion surrounding absent voting arrangements for overseas voters, the Government need to carry out proper investigations into the reasons for that patchy record. Sufficient time is required for any absent voter arrangements to be put in place, so that overseas electors can cast their vote at the election or referendum in time for it to be counted.

The hon. Member for Kingswood, who is a former Minister, made a very helpful contribution last week, explaining that the timing issue is central to the way the timetable is worked out. It is worked back from polling day, and there are other considerations such as the close of nominations and laying out a suitable period for postal votes. As we already have that timetable in place, reviewing how it might be affected by a large increase in absent voting and postal voting might be a useful exercise

to undertake before the Bill becomes law so that electoral registration officers are fully prepared for the arduous task that they may well face.

I am requesting a review to consider whether the current voting arrangements grant sufficient time for overseas electors to participate adequately in parliamentary elections. Furthermore, I share the concerns of the Association of Electoral Administrators that there needs to be greater emphasis on encouraging overseas electors to establish clear absent voting arrangements and to do so in good time. Failure to prepare absent voting arrangements serves to further burden our already overworked and dedicated electoral staff.

Currently the deadline to apply as an overseas elector and for absent voting arrangements is polling day minus 12—I think this is getting to the point that the hon. Member for Kingswood alluded to last week. Absent voting arrangements refer to any form of voting not carried out at the polling station, with proxy voting and postal voting being the two principal mechanisms. In order to vote, overseas electors have three options; they can vote by post, by proxy or in person if they happen to be in the UK on election day. It is vital that those three options function efficiently in the run-up to elections. A review of the current system of absent voting for overseas voters is necessary before the Government consider enfranchising millions of new overseas voters. Indeed, a number of significant faults have been exposed in recent elections that need to be reviewed and resolved before we are ready to take the next step of expanding the franchise as significantly as is proposed.

At both the EU referendum in 2016 and the UK parliamentary elections in 2015, the processing of absent voting applications for overseas voters was a real challenge for EROs. The AEA has outlined a number of areas of concern relating to absent voting arrangements. It fears that difficulties experienced between 2015 and 2017 will only be exacerbated with the removal of the 15-year rule. One significant issue relates to the failure of many overseas voters to provide absent voting information. In what has become a commonplace occurrence, a significant number of overseas electors did not request absent voting facilities when originally applying to register. That resulted in administrators spending significant time contacting, or attempting to contact, those individuals to seek their instructions, and in numerous situations whereby overseas electors were registered but were unable to participate without returning to their polling station.

I will dwell on that point for a moment. The Association of Electoral Administrators talks about its members making a proactive attempt to contact overseas voters to encourage them to make suitable arrangements. That electoral registration officers will do that speaks not only to their dedication, but to the additional workload that will need to be supported, particularly if we increase the franchise as greatly as is proposed.

Bob Stewart (Beckenham) (Con): I presume that British embassies have some sort of form or instructions for overseas voters. An overseas voter who wants to find out what is going on could go to the embassy if perhaps they did not have a computer or were not on the internet, for example.

Christian Matheson: I have to say that I do not know the answer to that question. The hon. and gallant Gentleman is probably better versed in international

affairs than I am. That is precisely the kind of question that could be asked as part of such a review. The Cabinet Office Minister who will be responsible for implementing the Bill could well speak to their counterparts in the Foreign Office to find out what support and information is and, perhaps more importantly, should be available via British embassies and our network of high commissions and, in larger countries, consulates. That is a very interesting suggestion, which deserves deeper consideration. That is the intention behind the amendment.

Following the Bill's passage, EROs will inevitably be overburdened by the intense administrative cost of registering the influx of new overseas voters. Given that extra workload, it seems only fair to grant EROs more time to process absent vote forms. At the very least, a review of the procedure is required.

At previous elections, there were issues with electors having limited understanding or unrealistic expectations of the process. Many applied for postal votes when they were unlikely to receive and return them in time. The significant spike in applications for postal votes in the lead-up to a general election inevitably places EROs under stress, as they are overburdened with applications in the short period before the election. That is despite the fact, which I have already referred to, that some go out of their way to try to resolve proactively the problems that electors face, in addition to dealing with complaints or queries from domestically resident voters on the register.

Many overseas voters who applied for postal voting expected to be sent a postal vote immediately. That is simply unrealistic and puts too much strain on EROs in the lead-up to a general election. In addition, some overseas voters appointed a proxy who themselves lived a distance from the local authority area in which the overseas elector was registered. Again, that led to many votes remaining uncast, simply because the proxy could not attend the relevant polling station.

Electoral administrators faced unnecessary and unreasonable criticism as a result of those issues. The process of applying for an absentee vote is convoluted and difficult. The AEA has raised that issue on many occasions, especially in view of the Government's proposal to remove the 15-year registration period for overseas electors. Will the Minister consider whether her Department has responded to the AEA's concerns? What consideration has it given to those issues?

Have the Government considered reviewing the proxy voting process for newly eligible overseas voters if the Bill passes? It may be difficult for voters who have lived abroad for decades even to find a proxy. They may lack any personal connection to their old constituency. Will regulations be put in place to require the proxy to live in the constituency? I do not believe that is the case at the moment, but I am interested to know whether this is necessary.

The AEA's position on that matter is unequivocal. It stated:

"In view of this time limit being removed, consideration needs to be given to the deadline being brought forward for overseas electors to register so that it allows sufficient time to process and check previous revisions of registers, followed by documentary evidence or attestations being provided, if necessary. In addition, sufficient time is required to arrange for any absent vote arrangements to be put in place so that the overseas elector can cast their vote at the election or referendum in time for it to be counted."

[*Christian Matheson*]

In moving other amendments, other hon. Members and I have suggested that people should have a greater responsibility, or be required to provide greater proof, to demonstrate a connection to a particular constituency. That may have seemed onerous, particularly when we were considering previous clauses. However, there is an argument that doing that earlier and making those applications much more robust would mean that less work would need to be done closer to the deadline for people who have already been through the process and registered.

2.15 pm

My fear is that, with the removal of the 15-year rule, the fears expressed by the Association of Electoral Administrators will only increase. In its 2016 report, the AEA made the following recommendation:

“The UK Government should consider ways in which overseas electors are encouraged, or indeed required, to make suitable absent vote arrangements at the time they register to vote.”

I also draw the Committee’s attention to the issues experienced by overseas voters in recent elections through online platforms. In the lead-up to the general election, vital information about deadlines for absent voting arrangements was inconsistent across the official websites; key information was lacking. To clarify, two websites—gov.uk and the Electoral Commission’s www.yourvotematters.co.uk—are used to disseminate information about voting registration and to facilitate the registration of overseas voters. In the run-up to the general election, several issues were raised in relation to the messaging on both those websites.

Updating of the messaging on the Government’s website was inconsistent. Although some pages were changed, not all pages were automatically updated in line with deadlines. For example, across numerous Government pages, it was not announced that the deadline to register for absent voting arrangements had passed and it was too late to register. That meant that numerous overseas voters thought that they had registered but in fact had missed the deadline, causing them understandable frustration. And who might people take that frustration out on? It would very possibly be the electoral registration officers, who are simply following the rules, but who then have to deal with queries from abroad, from people who cannot understand why they have missed the deadline when they have not been told about it. That means further work for the already overburdened electoral registration officers.

Let me give a specific example. The gov.uk website directed users to a postal vote application form after the deadline for applications for the general election had passed. There was no message to alert applicants that the deadline had passed. Similar issues were experienced in relation to proxy applications and the need to apply for an emergency proxy after the proxy deadline. Other forms, such as that to enable a proxy to apply to vote by post, were simply not available.

In many cases, updates were made only when errors were brought to the Cabinet Office’s attention by the AEA, but of course electoral administrators are at their busiest in the period that we are discussing. They should not have to worry about alerting the maintainers of the

website, or Ministers and officials in that Department, when they are at their point of peak work. I was surprised to discover that the Cabinet Office does not own all such pages and is limited in what it can do to make important changes at short notice. Can the Minister tell the Committee who owns the websites and what can be done to ensure that greater power is given to officials in the Cabinet Office to make vital updates when necessary?

In addition, the Electoral Commission’s page originally stated that 16-year-olds could act as proxies in Scotland, which is not the case for United Kingdom parliamentary general elections. The commission did correct that error immediately it was advised of it, but errors of that sort just add to the cumbersome process of applying to be an overseas voter, and the frustrations at that cumbersome process are taken out on—well, I was going to suggest that the frustrations are taken out on the electoral registration officers, but as I am talking, I have a vision of the frustrations being taken out on a computer, with a keyboard being bashed in horror as someone is unable to register to vote.

The election timetable and rules need to be made universally accessible, across all Government websites, before the provisions of this Bill come into force. We cannot leave it late yet again and overburden local registration officers, or leave them in a situation in which there is a lack of clarity or consistency across different areas as to how the rules might apply. There will be millions more users. These websites need to function with the most up-to-date information. It is rather shocking that better plans were not in place to ensure the automatic updating of all relevant webpages.

The Association of Electoral Administrators makes a sensible and common-sense point on this matter. As a result of the confusion and mixed messaging on this occasion, it queried why information relating to absent voting is duplicated on the two websites. It considers that it would be better for gov.uk to deal solely with applications to register to vote and to redirect those wishing to apply for an absent vote to the Electoral Commission’s website. Has the Minister considered that suggestion?

Given the diversity of issues experienced by overseas voters when attempting to apply for an absent vote, it is necessary for the Government to reconsider these arrangements. They must thoroughly understand and consider the implications of the Bill on absentee voting before it gets on to the statute book and the gates are opened for the many thousands of voters—or potentially more—who will take advantage of its provisions.

Alex Norris (Nottingham North) (Lab/Co-op): Since I was first elected last June, my hon. Friend the Member for City of Chester (*Christian Matheson*) has been very supportive and has guided me well, which I have always appreciated. We have seen more of that today.

Virtually the final thing we talked about last week was my amendment that would have changed the registration deadline for overseas voters to polling day minus 19 days. This amendment follows a similar principle but is perhaps a bit more temperately put, shall I say, and a better way of achieving what I sought to achieve. My amendment also had a minor technical problem, so I was happy to withdraw it. I actually think that this amendment is much better.

All Members who have contributed have at some point mentioned the high regard in which we hold our electoral administrators. It is really important that the general public know—we in this room already know—that they are not people who live in a cupboard and come out at election time. They do normal jobs that touch our lives every day, whether they are a chief executive of a council or work in leisure services or social care. They then put on a different hat—I characterised it as like becoming an international football team at election time—when they come out to do these jobs. We all respect and revere their work. As part of that, we have to listen to them when they talk to us. As I mentioned last week, my anxiety is that we have not really paid heed to much of what they have said.

Christian Matheson: I thank my hon. Friend for his kind words. Does he share my concern that we too often pay lip service to the public servants who work with us, saying how much we respect and value them, but do not practise that when it comes to the crunch?

Alex Norris: That is my anxiety. One of my core political values is doing unto others as you would have done to yourself. If I were in their shoes, I am sure that I would be grateful for the warm wishes, but what I would most want from parliamentarians is that they listen to me. I say that as a preface to the AEA's saying that:

“In view of this time limit being removed”—

the time limit being the 15-year rule—

“consideration needs to be given to the deadline being brought forward for overseas electors to register so that it allows sufficient time to process and check previous revisions of registers”—

we have talked about that—

“followed by documentary evidence or attestations being provided, if necessary. In addition, sufficient time is required to arrange for any absent vote arrangements to be put in place so that the overseas elector can cast their vote at the election or referendum in time for it to be counted.”

That is moderately put, but the message is clear. We ought to look at this idea. I am willing to concede, as a headstrong and a relatively new Member, that I perhaps pushed on too quickly in saying that we should definitely move the time limit—the evidence is perhaps not yet clear enough. However, through this review, the evidence would become clear, and it would soon become obvious whether there is a problem that needs to be solved. I hope we would listen because there is fundamental merit in understanding that.

As always after a day here, I reflected on what Opposition Members—sorry, Government Members; I have fast-forwarded a year or so—

Christian Matheson: Six months.

Alex Norris: Now I am being a smartypants, so I will stop.

I always reflect on what Government Members say to ensure that I understand things the way that I thought I did, or that the point I was trying to get over was the right one. In particular, I reflected on two things from last week. First, I reflected on what the hon. Member for Kingswood said about electoral Jenga and whether there was an unintended consequence of pulling that lever and extending that polling day minus 12 to polling

day minus 19. I am still not persuaded that that would have a knock-on impact. The only thing I found was that there is a chance, which the hon. Gentleman raised, that individuals would not know the candidates at that point. That would be important at the time of casting a ballot—

The Parliamentary Secretary, Cabinet Office (Chloe Smith): It is an important consideration.

Alex Norris: It is a very important consideration when choosing whether to cast a ballot, but I do not think it is a material consideration when choosing whether to register to vote. We certainly would not tolerate that at home. There are significant penalties attached to not registering, so we would not be persuaded if a person had a knock on the door and their answer for why they had not registered was, “I don't fancy the candidates very much.” The Minister has made the important assertion multiple times that she sees no difference between an overseas and a domestic elector, so I am not persuaded of that point.

Secondly, I reflected on the point made by the hon. Member for Beckenham that an extra seven working days, with a weekend in there too, was maybe too long. Again, the review would get to the bottom of that. Electoral administrators will know for how many days after an election they are still getting votes by post—I bet they hate that, but it must happen, and I bet there are some hilarious stories about votes coming in six months after too. In general, they will get votes coming in the day after polling day, and I am sure they look at them in great frustration. How many days is that true for? It probably has a half-life and diminishes by whatever the inverse of exponential is.

Layla Moran (Oxford West and Abingdon) (LD): Logarithm.

Alex Norris: I thank the hon. Lady, who clearly gave more consideration to her mathematics studies than I did. I do have a maths A-level, and my hon. Friend the Member for City of Chester will be amazed to learn that I got an A grade. I am very proud of it.

A relatively quick conversation with electoral administrators will determine whether we need a couple of days or three days and whether an extra week would be superfluous. That lends more weight to the case for a review.

When I moved previous amendments, the hon. Member for Montgomeryshire and other hon. Members said that what I was suggesting might have halted the Bill's progress, which was undesirable, but this proposal would not halt the Bill's progress. It would set in train an entirely separate process and would strengthen the Bill because we would have a true understanding of how we might need to improve our system. I reiterate the point that we should listen to our electoral administrators, who are really good and who know about this issue. They have said that consideration needs to be given to it, so we should back them and do it.

Glyn Davies (Montgomeryshire) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. It is the first time that it has been my pleasure to do so and I

[Glyn Davies]

am looking forward to it. In this case, as in several others, Opposition Members make interesting points, but their underlying purpose is simply to delay the enfranchisement of the many overseas citizens who, in my view, should be entitled to vote in our elections.

The Government have made many improvements in this area, and I am sure they will make many more. They will take into account all the comments that have been made in the debate. On that basis, the amendments are unjustifiable, and I hope the hon. Member for City of Chester feels able to withdraw them.

2.30 pm

Chloe Smith: It is a pleasure to serve under your chairmanship, Ms McDonagh, as it is for the whole Committee. I thank the hon. Member for City of Chester for tabling these proposals. I also thank the hon. Member for Nottingham North for, as ever, his very considered approach.

The hon. Member for Nottingham North made the argument that we should think again about the timetable. I listened very carefully to what he said and I am certainly sympathetic to the arguments about how we best support administrators—I hope the Committee has heard that from me through a series of debates on amendments. However, I also understand, for example, the distinction that he just drew between candidates affecting one's registration desire as opposed to affecting how one might go and vote.

Nevertheless, the hon. Gentleman concluded with the argument that none of that should halt progress and the raw point before us is that these amendments do halt progress. That is why I join my hon. Friend the Member for Montgomeryshire, whose Bill this is, in arguing that they are not the right amendments. They would mean that the provisions in the Bill could not come into force until the Government had prepared and laid before Parliament a report on the absent voting arrangements and a report on postal voting arrangements for overseas electors. Like my hon. Friend, I see a risk of delaying enfranchisement for the sake of a report.

Let me deal in detail with a few points, which I hope will benefit the Committee. It is obviously the case that British citizens overseas can vote by post or appoint a proxy to vote on their behalf. As has been noted, that does not exclude the possibility or the option of their coming to the polling station in person if they wish to and if they are in the country on the day.

The Government took action in the last Parliament to make it easier for overseas electors to vote by post by lengthening the timetable and removing the restriction on issuing postal votes ahead of the postal vote application deadline. That means that postal votes can be sent out up to eight working days earlier than before and as soon as possible after the close of candidate nominations, which is 19 working days before the day of poll, subject to the need to print the ballot papers at that stage. As hon. Members may know, administrators prioritise the printing and dispatch of postal votes to overseas electors in accordance with Electoral Commission guidance.

In the 2016 EU referendum and the 2017 general election, the Royal Mail's international reply mail system was used to support the effective return of completed

postal votes from abroad. That system enables receipt of letters in other cases, and in this case votes from customers in over 200 countries worldwide. In the case of votes, the costs are paid for by the relevant returning officer and reimbursed to them from the Consolidated Fund. I take the opportunity to remind the Committee that all new burdens under the Bill will be paid for by central Government.

The Royal Mail provides a service on its website that identifies any issues with the service from a particular country, such as a storm affecting transport, or a postal or other strike. Its success rate is there in the numbers. For 2016, Royal Mail has records to show that more than 98,000 items were returned from abroad using this system and the figure for 2017 was more than 80,000. The system is working and I do not see the need for a report to improve what Royal Mail does. Nevertheless, we keep electoral arrangements under consideration and will be happy to make improvements where it is right to do so.

I am happy to confirm that I have a meeting tomorrow with the Association of Electoral Administrators—I have such meetings regularly and as a matter of course—when we will discuss the Bill and any other issues. We do not need a report to work sensibly in that way—the Government and stakeholders such as the AEA already do it and will continue doing it.

Christian Matheson: My hon. Friend the Member for Nottingham North referred to this. The report is necessary because it is one matter meeting the AEA and listening to what it has to say, but it is another matter to respond to, take into account and act upon that advice. Would a formally published report not demonstrate that the advice had been properly taken into account?

Chloe Smith: I am grateful to the hon. Gentleman for making that argument. He and the hon. Member for Nottingham North earlier asked what “lip service” consisted of. Lip service consists of delaying work for the sake of it until a report is produced when the work could carry on in the meantime. That is how I do my role and I think it is the right approach.

In any case, I confirm that the Government and the Electoral Commission have committed to improving their messaging on gov.uk—for instance, highlighting more clearly how absent voter arrangements need to be made. As I may have mentioned in a previous debate, the commission has said on record that it will help citizens to understand how to register in response to the Bill. That is what the Electoral Commission does, and that is what the Government do. I also make clear to the Committee that it is simply the case that legal responsibility for registration is split between organisations. A segment sits with Government, a segment sits with the Electoral Commission—for example, public awareness—and fundamentally, the basic legal responsibility sits with electoral administration officers.

I put my hands up. It is true that the Government do not own all the relevant web pages because of that split. There are good reasons for that split—going into that topic might take more hours than we want to give it today—but the fundamental need is for us to work together. We should do so in the service of the citizen,

ensuring that they have good information. That is what I do, and will work with others to do, as a matter of course.

As I have argued, we do not need a report to bring that about, and I certainly do not think we need a pause. We need to get on and ensure that the arrangements work as a matter of course. On that basis, I hope the hon. Member for City of Chester feels able to reconsider his arguments and withdraw his amendments.

Christian Matheson: I thank hon. Members for their contributions during this section of the Committee's considerations, and in particular I thank the Minister for her detailed response. I reassure both the Minister and the hon. Member for Montgomeryshire, for whom I and other hon. Members have both respect and affection, that it is not our intention to delay the implementation of the Bill. I must say rather cheekily that if the hon. Gentleman wants advice on how to delay the implementation of a Bill, he should perhaps seek the Minister's advice on not moving money resolutions for other private Members' Bills. That is an argument for another Committee on another day in another Committee Room.

I say to my friend the hon. Member for Montgomeryshire, that Opposition Members—both in my party and in others—support the aims of the Bill and are keen to see it go through. My right hon. Friend the Member for Exeter is very keen to see it go through, and has been for many years.

Mr Ben Bradshaw (Exeter) (Lab): Better late than never.

Christian Matheson: Again, I respect my friend the hon. Member for Montgomeryshire immensely and there is no intention to delay the Bill. However, it is the role of the Committee to test the legislation, taking into account detailed evidence from parties such as the Association of Electoral Administrators. I am pleased that the Minister slightly tripped over that name because I have been doing that in rehearsals all week. I speak in jest, of course.

Chloe Smith: We do nothing all week but prepare for Wednesday.

Christian Matheson: Exactly.

It is the role of the Committee to test the legislation and probe the Government, or the Member in charge, to ensure that all angles have been considered. To an extent, it is also the role of the Committee to represent those who have an interest in this legislation and ensure that their voices are heard. There is concern among the Association of Electoral Administrators that these matters have not been taken into account, and as I have said previously, several of our amendments have sought to represent those concerns. Those amendments are not about a philosophical objection to the Bill, but about implementation. The Minister talked about getting on with it and addressing those concerns, but concerns were raised a couple of years ago, and the AEA says that it has not seen much progress. With that in mind, and with your permission, Ms McDonagh, I would like to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 6]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

Amendment proposed: 31, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on postal voting arrangements for overseas electors] has been laid before Parliament.”—*(Christian Matheson.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 7]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

Clause 3 ordered to stand part of the Bill.

New Clause 1

REPORT ON THE EFFECTS ON THE NUMBER OF REGISTERED ELECTORS

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the number of overseas electors registered to vote in Parliamentary elections in each constituency, and
 - (b) the policy implications of any such changes.
- (2) The report must consider—
- (a) whether any differential effects on the electorates of constituencies necessitates a review of constituency boundaries, and
 - (b) the merits of creating one or more overseas constituencies.

(3) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”—*(Layla Moran.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 8]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

2.45 pm

New Clause 2

REPORT ON THE EFFECTS ON PROCESSES FOR CONTROLLING POLITICAL PARTY DONATIONS

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the ability of political parties and campaigners to determine the permissibility of donations from persons resident overseas, and
- (b) the ability of the Electoral Commission to take enforcement action where the rules on such donations have been breached.

(2) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”—(*Layla Moran.*)

Brought up, and read the First time.

Layla Moran: I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Ms McDonagh. Now I have the right clause in my head. The other one was about overseas constituencies, and I am partly sad that that did not pass, but this is the clause that I feel passionately about. New clause 2 tackles, or tries to start to tackle, some of the issues around donations that will arise as a result of this Bill. I prepared the clause with the Electoral Commission and we have had many conversations about its concerns regarding donations to do with this Bill. I strongly urge hon. Members from across the House to bear some of these things in mind.

The issue arises because by removing the 15-year time limit we will by definition have many people who were not at some point in the past on the electoral register. The way that political parties are currently allowed to accept donations is that it is quite easy to look up whether someone has previously been on the electoral register at some point in the past 15 years. Let us face it, we probably have the data from the lists that we have kept over the years. Even if someone came to us and said, “Right, I’ve been living in Belgium”—or Cambodia, or whatever—“and I would like to make a donation. I was on the electoral register at this address at this time,” it would be very easy for us to check.

The problem with this Bill arises because there will now be a large number of people who are absolutely—as is right—British citizens and allowed to vote, who will now be allowed to make political donations but will not have been on the register at any point in the last 15 years. What the Electoral Commission would like, which is not what I have proposed, is clarification in law that someone has to be on the register now in order to make a political donation, so that that grey area is completely removed.

We could say, “Well, you could just make sure they are registered,” and a political party could just ensure they are on the register. The problem arises because there is a Supreme Court judgment from 2010 that said that political parties, and anyone accepting a donation,

must bear in mind the permissibility of being on the electoral register. They do not have to be on the electoral register; they just have to be allowed to be on the register by the current law.

This Bill thus opens up a large number of people who could possibly donate into the UK and puts a huge onus on political parties to decide whether to accept the donation. In this new clause we are simply asking for a report. I know that reports are all the rage in all these new clauses, but the report would come after the Bill was enacted and would not stop anything, but would ask the Government to look carefully at the specific matter of donations to do with this Bill.

I know that the Minister has said in other arguments that the Government want this to be a very closely defined Bill, and I understand that. However, the problem I am raising arises only because of the Bill, so it is right to make a provision to assuage the Electoral Commission’s concerns about the issues that it will bring up. We are asking for a simple report on, first, whether political parties have faced situations where they could not tell whether donations coming in were from permissible donors. Incidentally, the flip side of that is that British citizens who are now within their rights to vote and want to be able to donate to political parties will have trouble doing so. We need to ensure that that is as easy as possible. Secondly—this is critical—the Electoral Commission is worried about its ability to enforce whether donors are permissible.

Mr Bradshaw: The hon. Lady may or may not be aware that the biggest donation to the Democratic Unionist party in political history was made during the referendum campaign and we still do not know whether the donor was permissible. The Government’s refusal to backdate the change in the rules to make donations in Northern Ireland transparent means that we do not know, and possibly never will know, the source of that money. She will be aware that that is of great concern to many parliamentarians and the Electoral Commission, as well as to investigative journalists and the people of Northern Ireland. They have been trying to get to the truth of whether that money, which bought hundreds of thousands of pounds of advertising in the rest of the UK—it was not spent in Northern Ireland, and some of it was spent on Cambridge Analytica—in effect helped to buy the referendum.

Layla Moran: I thank the right hon. Gentleman for his helpful intervention. In fact, I asked the question in Northern Ireland questions today. We can leave aside what is going on with the referendum, the investigation into Vote Leave and all the rest of it, but also we cannot. The public are keenly aware, now more than ever, that there is a potential problem with political donations and interference from abroad. This new clause would allow a mechanism to say to the public, “We understand your concerns and we promise to take them into account.”

I credit the Minister. I think she does a fantastic job, and I have said that to her. She said that during the course of her normal working life she will talk to the Electoral Commission as issues arise and all the rest of it, and I absolutely agree, but I think we need to send a strong signal to the public that we are taking the issue seriously. The new clause is an opportunity to do that,

as a direct consequence of how electors will be allowed to enter registers in this country. I urge everyone to support the new clause, partly because it is the right thing to do, partly because the Electoral Commission has specifically asked for it and partly because it would send a strong signal to the public that we take foreign donations seriously and that this Government will ensure that if there are any shenanigans, they will be caught comprehensively—not as we go—and dealt with.

Christian Matheson: I congratulate the hon. Lady on bringing forward the clause and her introduction to it. It was very welcome and had great clarity. She touched, as did my right hon. Friend the Member for Exeter, on some of the more unpleasant and unpalatable reasons why the new clause is necessary. Despite overseas donations from overseas citizens or citizens based outside the UK being prohibited, there are still mechanisms whereby Russian money, for example—it is in the news at the moment—might find its way into a campaign or political party to try to distort UK democracy. We need to be clamping down on that. That is not simply the case of some Russian billionaire who happens to have somehow mysteriously been given a British passport having a tennis match with two leading politicians. There are more discreet channels for siphoning money into British politics and distorting it.

The hon. Member for Oxford West and Abingdon makes a clear point. The hon. Member for Montgomeryshire—he is in charge of the Bill—said earlier that the new clause would be a delaying mechanism, but it would not delay the Bill and it would give a sense of certainty and clarity. More importantly, it would focus people's minds on the importance of being wary of dirty foreign donations—I use that word with consideration—and forces that would malignly seek to intervene in our democracy. As such, the new clause is most welcome, and I pay tribute to the hon. Lady for introducing it.

The new clause requests that the Secretary of State “prepare and publish a report on the effects of the provisions of this Act on...the ability of political parties and campaigners to determine the permissibility of donations from persons resident overseas, and...the ability of the Electoral Commission to take enforcement action where the rules on such donations have been breached.”

I have previously mentioned concerns about registration. It is more difficult to take enforcement action against persons living overseas. Again, that is why the consideration given by this new clause is important.

The Association of Electoral Administrators has expressed significant concern about the consequences of the Bill for the integrity of UK election campaigns, leaving the door wide open to unchecked foreign donations to UK election campaigns. There is widespread fear that, without proper preparation, the Bill could open floodgates to wealthy overseas donors having undue financial influence over our elections.

Our democratic system must continue to prevent elections from being influenced by wealth. At a time when public trust in politicians is pretty much at an all-time low, due to revelations about, for example, overspending by the Vote Leave and BeLeave campaigns—my right hon. Friend the Member for Exeter alluded to some of that in his intervention—it is important and is in the Government's interests to put in place robust legislation to prevent foreign money from unfairly

influencing our elections. We must avoid developing an American-style system, in which the voices of the most wealthy are elevated above all the rest.

An influx of unfair and illegitimate foreign donations could have a detrimental impact on the integrity of our democracy. Our reason for supporting the new clause is that one perhaps unwitting and unintended consequence of extending the franchise—along with all the difficulties that we have discussed in debates on previous amendments, such as the pressures on electoral registration officers or the investigatory ability of the Electoral Commission—could be to make it easier for dodgy foreign donations to get through and to taint and contaminate our democracy.

I will make a point that is perhaps a little party political, but I will make it anyway. Not always, but most of the time, those donations tend to go in one direction when they reach the UK. I ask Ministers to think carefully about whether there are any unintended consequences from the Bill.

The Government should intend to clarify in legislation that a person must be included in an UK electoral register at the point when the donation is made in order to be a permissible donor. According to the Electoral Commission, changes to the eligibility of overseas voters will prevent practical difficulties for political parties and campaigners to determine the permissibility of donations.

The complexity of overseas registration, as discussed in previous sittings, will cause practical difficulties when it comes to verifying campaign donations. In the case, for example, of a one-off referendum—we have seen it; my right hon. Friend the Member for Exeter alluded to this—someone can make the donation and it can have its effect and change the nature of a campaign. Yet by the time the permissibility or otherwise is established, the decision has been taken one way or another and that donation has had its desired effect. It may well be, as with the case of dodgy dealings in the referendum, that somebody gets a slapped wrist and pays a fine. These are very rich people, by the way, who can afford to pay those kind of fines. There has to be some kind of enforcement or verification at the time that the donation is made.

The Government are yet to clarify if a person must be included in a UK electoral register at the point when a donation is made in order to be a permissible donor. The precedent was set by the Supreme Court, and the Opposition feel it is important that that provision should be set out in legislation. The Supreme Court judgment of 2010 ruled that a donor's eligibility to be registered was a significant factor in deciding permissibility. The 2010 judgment related to a donation made by a UK citizen and a UK Independence party member, who was eligible to register as an overseas voter but who, at the time that some of the donations were made to UKIP, was not actually registered. UKIP did not forfeit any of the money that it had received and was taken to court by the Electoral Commission.

3 pm

Section 54 of the Political Parties, Elections and Referendums Act 2000 provides that a donation must not be accepted by a political party if the donor is not a permissible donor at the time of receipt. A permissible donor is defined in section 54(2)(a) as “an individual registered in an electoral register”.

A political party that receives a donation must take all reasonable steps to verify the identity of the donor and whether he or she is a permissible donor. Under the terms of the statute, if a party is not satisfied that the donation is made by a permissible donor, it can return the donation within 30 days.

The hon. Member for Oxford West and Abingdon referred to the onus that that would place on the political parties themselves. Again, that is an unintended consequence: that political parties, not just electoral registration officers, would be put in quite a difficult bind in trying to establish whether the donor were permissible. In addition to political parties, the onus would also be on official or unofficial campaigns in referendums to investigate whether the donor is permissible or not. Of course, as we have seen in the past, that is not always an action that has been followed with vigour and ardour.

Sections 58 to 60 of PPERA provide for forfeiture in relation to donations made by impermissible donors. In particular, section 58(2) provides that where a political party has accepted a donation that it is prohibited from accepting, the Electoral Commission may apply to a magistrates court for an order of

“forfeiture by the party of an amount equal to the value of the donation”.

That is exactly what happened in the 2010 case. A member of UKIP was entitled to be registered as an elector but, for the period 1 December 2004 to 2 February 2006, that gentleman’s name was not on any electoral register. UKIP did not return any of the donations within 30 days, or at all.

On 16 March 2007, the Electoral Commission applied to the City of Westminster magistrates court for an order of forfeiture for an amount equal to the donations. Initially, the judge ordered the forfeiture of only £14,481, which was the value of donations received by UKIP after the date of a meeting between the Electoral Commission and the party, at which point UKIP could be demonstrated to have been aware that the gentleman in question was not on the electoral roll. Following judicial review, the Court of Appeal held that the magistrates court had erred in its construction of the Political Parties, Elections and Referendums Act 2000 and had not made a valid exercise of discretion under section 58(2). The court held that an order for forfeiture of an unlawful donation must reflect the full sum of the donation. UKIP appealed to the Supreme Court but was unsuccessful.

The primary object of forfeiture was the direct prevention of the mischief that the legislation is designed to prevent—in other words, to prevent unfair foreign funding to political parties. Furthermore, fully forfeiting the donation serves to deter against failure to comply with the requirements of the Act that are designed to ensure that donations are not received from an impermissible donor. The law provides that a donation must not be accepted by a political party if the donor is not a permissible donor at the time of receipt and, therefore, none of the donation total is permissible and should be forfeited in full.

I will add to what the hon. Member for Oxford West and Abingdon said, so as to direct the Committee a bit. A donation is a sum of money, goods or services with a value over £500. Parties must ensure that those are from permissible sources. All permissible donations over £7,500 to a central party, or a cumulative total during the year

that exceeds £7,500, or £1,500 to constituency parties, must be reported to the Electoral Commission. I am sure that Government Members have a lot of experience of having to deal with donations of that size.

There is no data relating to the amount of money donated by overseas voters, but given the drastic increase in the franchise that will result from the Bill, we can fairly assume that the amount will be significant enough to warrant a detailed report. Under current laws, overseas voters are permitted to make party donations if they are registered to vote in the UK, as set out in the Political Parties, Elections and Referendums Act 2000. Although the Bill will make millions of new overseas voters eligible to vote, it is critical that they can donate only while they are registered. The Electoral Commission is asking for clarity that someone must be included on a UK electoral register at the point when the donation is made.

I go back to the point that my hon. Friend the Member for Nottingham North and I talked about, and to which the Minister responded. We can seek the guidance from those tasked with undertaking the provisions in this Bill or others, and we can seek their advice and we can consult them, but when those people—the experts who will be carrying out these measures—make suggestions, it is surely best to listen to what they say and to undertake to do that. If the Electoral Commission has requested that we undertake these measures, let us give it the respect that its officers and its expertise deserve and build those measures into the Bill.

The commission wants a clearer stating of the 2000 Act, so that parties must forfeit all money received from donors who are not registered to vote, even if they are eligible but unregistered because of an administrative oversight. All that the new clause does, therefore, is bring the proposed legislation up to date. We considered consequential amendments to schedule 1 last week, and the Opposition did not seek to amend those consequential amendments because they were simply that, but this is surely a consequential amendment too. Expanding the franchise and responding to the changes that have been made also require changes that have been brought about by experience and practice.

Mr Bradshaw: Does my hon. Friend share my concern that this fits into a worrying pattern from the Government? The Electoral Commission made several specific requests, including in connection with making the new rules in Northern Ireland retrospective, which the Government refused to honour. In the Minister’s statement to the House after the Electoral Commission found evidence of illegality by the leave campaign, she said that she would look to ensure that it had all the powers it needs. Once again, however, the Government are not willing to follow its advice and its clear request. Many of us feel that its powers are feeble and weak anyway, so for heaven’s sake, let us give it the powers for the things that it wants to do.

The Chair: Order. I ask leave of the Committee to suspend the sitting for five minutes for personal reasons.

Christian Matheson: May I take advantage of those personal reasons too?

The Chair: Anybody may take advantage of those personal reasons, and then we will return to hear more of the contribution of my hon. Friend the Member for City of Chester. We will resume at 3.15 pm.

3.8 pm

Sitting suspended.

3.15 pm

On resuming—

Christian Matheson: Before we suspended, my right hon. Friend the Member for Exeter asked whether I see a worrying trend of the Government being given advice by the Electoral Commission but not taking it into account. I seem to remember that in the run-up to the 2015 general election—probably in November or December 2014—the Electoral Commission proposed limiting the national spend on an election to £25 million or £30 million. Conservative Ministers in David Cameron’s coalition Government said, “Thank you, but we’ll ignore that,” and set the budget for the total national spend at about £78 million, which was conveniently close to what was in the Conservative party’s war chest at the time. The answer to my right hon. Friend’s question is yes, I do see a worrying trend.

If we are going to have an independent Electoral Commission as the guardian of the integrity of our electoral system, we should follow its recommendations. If it recommends x, we should not ignore it and proceed with y; we should show it a bit of respect. I say to Government Members that, having established an independent Electoral Commission, we should put its views before individual party considerations.

I have utter admiration for my right hon. Friend: he was in the House during the passage of the Political Parties, Elections and Referendums Act 2000, so he has direct experience of the discussions that went on at the time and he knows exactly what we are talking about. More than that, he has direct knowledge of how things were before the Act and of the reason for having an Electoral Commission in the first place. I urge Committee members to take careful note of what he has to say on the matter. There was a reason for passing the Act and for banning foreign donations, and there is a reason that today, as part of that lineage, we seek clarification on the effect on overseas donors of expanding the franchise under the Bill.

Earlier, I mentioned enforcement. A critical question that the UK Government must consider is how electoral donation laws will be upheld when the rules are broken by a British person abroad. What preparations has the Minister made to enforce donation laws when they are breached by British individuals overseas? We have heard from the hon. Member for Oxford West and Abingdon about the onus placed on political parties, but what about individuals abroad? Will they be considered culpable or liable under those circumstances?

We believe that better investigation is needed of how best to control political party donations to avoid illegal donations from overseas. I am speaking in favour of the hon. Lady’s new clause, and welcoming it warmly, because there is a real question mark over whether we are opening ourselves and our democracy up to further abuse, at a time when there is increasing evidence of meddling in our democracy from abroad by certain state actors, and through the use of foreign money. We

all know who and what I am talking about, and we should not be blind to the dangers. In giving my support to the new the clause, I ask hon. Members, without being overly dramatic, to bear it in mind that our democracy is once again at stake. We need to be very careful that the Bill has no unintended consequences that allow malign foreign state influences greater access to meddle in and distort our democracy.

Alex Norris: We said at the outset that the integrity of our democracy is paramount, and during these sittings we have had to be mindful of unintended consequences and risks that could be created by the Bill, and this issue certainly falls into that category. I commend the work done by the hon. Member for Oxford West and Abingdon. This is the second time today that she has raised a significant point, and her leadership on this matter is very much valued across the House.

At no point have we said that the goal of the legislation is to expand the pool of eligible donors. That is its impact, though, so it is right that we should ensure that it does not create a weakness in our democracy and a vulnerability. The 2010 Supreme Court judgment said that eligibility to be registered was a significant factor in deciding permissibility, so we operate in that world. However, we do not have clarity from the Government—it would be great to get it at the earliest opportunity—on whether their position is that a person must be on the register at the point of donation. I was looking for that, but I do not think that the Government have ever showed their hand on it. It would be really valuable if they did so.

It is important to stress, as the hon. Lady did, that the new clause would not delay the Bill in the slightest; it would create a parallel process. I understood, heard and reflected on what the Minister said about normal business, and I took some reassurance from that, but on something so important there are two reasons that it will not suffice for the matter to be left to normal ministerial business.

First, this matter above all requires genuine transparency. We understand and respect the work that Ministers do, but it is important for everybody in the country who does not have insight into that to understand, and to have confidence in, that element of our democracy. That is why transparency is uppermost, and sunlight would be very much the best disinfectant when it comes to money in politics.

Secondly, Ministers change. A wise colleague told me early on to try to get good relationships with Ministers because they have such an important say over what happens in our communities, but not to get attached to those relationships because they change. That is why getting things written down and having something public that we can work with is so important. That would not delay the Bill, but it would, I hope, help to contain an unintended consequence of it and, as a result, give us all a bit more confidence in the very murky world around party donations.

Glyn Davies: I always listen to the hon. Member for Oxford West and Abingdon with great interest. She raised a lot of interesting points, and I do not think for one second that the new clause would delay the Bill; the points made by those on the Opposition Benches about that are right.

[Glyn Davies]

However, I think the new clause would extend the Bill. My intention in introducing the Bill is just to extend the franchise, and going into a complex, controversial area might well be a job for another Bill. I did not intend that to be part of this Bill. I hope, on that basis, that the hon. Lady will not press the new clause to a vote.

Chloe Smith: I fundamentally recognise the seriousness of the issues we are talking about today, and I thank the hon. Member for Oxford West and Abingdon for highlighting them in the new clause. This is a very important debate, and I am glad we have had it in Committee. I am glad, too, that she has, in her customary way, gone to the lengths of understanding the issue at hand and of making sure that it is drawn to the attention of the Committee.

I am also aware, of course, of the specific arguments that are advanced and the solution that is proposed by the Electoral Commission, but I note that, as the hon. Lady herself said, the new clause would not actually provide that solution. It would do a slightly different thing.

There are two points I want to make in response. The first is an argument specifically about the new clause and the Bill. As I said in response to other amendments, I am not convinced that an evaluation and a report are in themselves necessary. The Government do, of course, keep the processes and regulations that underpin political donations under review.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): The Bill provides a lot of flexibility in regulations and guidelines. While I take with absolute sincerity what the Opposition spokesperson said, particularly in relation to the activities of certain sovereign powers, I am sure he would agree that those activities are constantly changing. What we want is a Government who monitor what is going on very carefully, through whatever agencies they can, and respond in relation to the latest threats. My worry about the new clause is that if we enshrined it in statute, everybody would forget about it and the matter would not be given the currency it deserves. I recommend that the Minister keep it flexible, keep reviewing the situation and, if necessary, amend the Bill by guidelines or regulations.

Chloe Smith: I am grateful to my hon. Friend, who reminds us that when we seek to regulate we aim to have a combination of legislation—primary and secondary—backed up by guidance from regulators. It is absolutely right that we need that blend, which has already been referred to here and in other debates in Committee. It is also right that we keep looking at enforcement in practice as a matter of course. That is the end of the point that I want to make, which has been augmented by my hon. Friend.

Mr Bradshaw: My point relates to the earlier intervention. I cannot speak for the hon. Member for Oxford West and Abingdon, but I suspect she might be less inclined to press the new clause were she to hear some assurance from the Minister that, rather than just keeping these

things under review, the Government will commit legislative time—it is not as if we have a very heavy legislative programme at the moment—to implement the very specific requests that the Electoral Commission made following its investigations into law-breaking by the Leave campaign. She knows exactly what those recommendations and requests are. All we need is a commitment from the Government that they will use this vast expanse of legislative time with nothing else going on here to actually do it, rather than simply saying, “We will keep all these things under review.”

Chloe Smith: The right hon. Gentleman’s sarcasm may have run away with him a little there. As he knows, we are not rich in legislative time at the moment. That is due to one of the issues that I know is extremely close to his heart, and sits behind his question, which is Brexit and the legislative changes needed. I take the broader point that there is a broader set of considerations here, and I was just going to come to those.

Christian Matheson: I genuinely do not think my right hon. Friend was being sarcastic. He is both well informed and also very passionate about—

Mr Bradshaw: Will my hon. Friend give way?

Christian Matheson: No, I cannot, because the Minister is giving way to me. May I ask the Minister to reconsider that one point? My right hon. Friend made a fair point and she might have misheard amidst the hubbub of the Committee.

3.30 pm

Chloe Smith: If the right hon. Gentleman would like to confirm that he genuinely thinks we are not short of legislative time, he is welcome to do so, but that is the truth of the matter. However, that is not even the nub of my response to the hon. Member for Oxford West and Abingdon; the nub is about where is best to have that consideration.

First, as a result of listening to this Committee—as you would expect me to do, Ms McDonagh—but also as a matter of the regular work that I would have done anyway, I have asked my officials to work with the Electoral Commission to understand the pressure points around donations in so far as they might relate to the Bill. We will want to work together on any further guidance that the commission would produce on donations. That is a reference to the regular work that the Executive and the Electoral Commission would do together anyway, which I mentioned earlier. That work is part of the combination of legislation and guidance that has to work together to produce a workable system.

I note that the basic rules on donations are not changed by the Bill. Those rules—some of which the hon. Member for City of Chester has made sure to read out for us this afternoon—state that donations over £500 to registered political parties must be from permissible donors, which includes individuals on the UK electoral register, political parties registered in Great Britain and companies and organisations registered and active in the UK. Those rules are effective at root because they prevent non-UK nationals living abroad from making large donations to political parties here.

Secondly—this is the heart of the matter—the topic that the hon. Lady has raised in her new clause has implications that are wider than the Bill. My hon. Friend the Member for Montgomeryshire, as he has pointed out, feels that his Bill is not the right vehicle for this serious and wide-ranging topic, and I agree.

All the broader arguments have to come together, whether they are about the ability of the Electoral Commission to take enforcement action, the arguments it made in its June 2018 report on digital campaigning, for example, or reports that have been produced elsewhere—reports that are in themselves in need of serious consideration and response. That may well add up to the point that the right hon. Member for Exeter was making. What I can say to him is what I have said to the House, and will happily say again: the Government are rightly taking the time to reflect on those things together in a considered way. I hope that makes it clear to the Committee that the vehicle for such consideration is not my hon. Friend's Bill.

Indeed, to return to my first point, the new clause would not necessarily take us forward to those broader arguments. It would do something slightly different, and it is not the right amendment to meet the Electoral Commission's request or a good use of the vehicle that is the Bill. The topic is much broader and needs to be looked at properly.

However, I am happy to make a commitment that I and my officials will work closely with the Electoral Commission to ensure that we understand the pressure points around donations, in so far as the Bill may freshly introduce any. The Electoral Commission will be producing guidance and will want to work with the Government to do that. It is in all our interests to ensure that the aims and objectives of this legislation interlock with the right guidance. That is what we will do, and I am happy to make that commitment, but I suggest that we need to return to those broader issues in a different place and time.

Christian Matheson: Before the hon. Member for Oxford West and Abingdon winds up the debate, I want once again to thank the Minister for her response. It is her view, and that of the hon. Member for Montgomeryshire—the Member in charge—that this specific Bill is not the right vehicle for addressing the concerns that I and other hon. Members have expressed.

My one concern—it was hinted at by my right hon. Friend the Member for Exeter, and I hope I am not misquoting him—is, “If not in this Bill, then when?” How many times will the advice of the Electoral Commission be sought and then not acted upon? I take the point that she is consulting on these matters, but the longer this goes on, the more frustrated hon. Members get—a familiar argument for those of us who sit on other Bill Committees at the moment.

It is a serious point in this case. At what point does the Minister plan to bring forward the consolidated proposals for this and other matters? I do not expect her to reply now, because she has already replied very fully to the new clause, but there is a concern that once again the matter is being paid lip service—perhaps that phrase is disrespectful to the Minister, which is not my intention. It is perhaps being kicked into the long grass or, more respectfully, not given the urgency it needs. The implications of widening the franchise are not given the urgency needed.

In thanking the Minister for her response to the hon. Lady and the Committee, I ask her to realise that the more cumulative the effects of the different recommendations by the Electoral Commission, the greater the need for action rather than further consideration.

Layla Moran: I would like to thank everyone who has contributed to this debate, particularly the hon. Member for City of Chester, who put flesh on the bones of what I was talking about, particularly with regard to the Supreme Court judgment.

The point to make about guidance is that the guidance has always been there. The problem was that the judgment made it okay for those donations to be acceptable. Until such time as that loophole is closed, that is the problem and that Supreme Court judgment therefore allows it.

We would love to think that it would never be our parties that do it. In that case, it was UKIP, which does not have an MP any more. It could be a smaller, banana republic-style party that comes out of the woodwork. With the shifting sands of politics as they are, I have major concerns that this could well end up as a loophole that emerges quite soon after the introduction of this legislation.

As to the scope, this is answering specific concerns raised by the Electoral Commission as a result of this legislation. The reason I did not go for doing exactly as they say is because there may well be unintended consequences beyond that single issue worth taking into account, as a result of this legislation.

That is why I believe that a clause saying that a report would come back with actions for what the Government will do to close those loopholes is the right thing for this legislation. I would love to think that another Bill would then come along to tidy it all up. The Minister rightly points out that, on the one hand, we have very uncertain business and there are many days when we do not have a lot of things to do. However, should Brexit happen, we know that we will then be facing 10 years of a very fraught legislative process, while we go through all the changes that will be needed.

I am seriously concerned that, unless we send a signal now to the electorate that we are taking this absolutely seriously, guidance is not going to work. We had guidance and it did not work, because it still allowed that donation to be accepted. We need to send a strong signal and the proposed new clause would do exactly that.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 8.

Division No. 9]

AYES

Bradshaw, rh Mr Ben	Moran, Layla
Elmore, Chris	
Matheson, Christian	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negatived.

New Clause 3

PROMPT TO REGISTER AS AN OVERSEAS ELECTOR

“(1) If the registration officer receives information that leads him or her to believe that a registered elector has moved, or is going to move, outside the United Kingdom, the registration officer shall contact that elector to prompt him or her to register as an overseas elector.

(2) The Electoral Commission may issue guidance for contact under subsection (1).”—(*Christian Matheson.*)

Brought up, and read the First time.

Christian Matheson: I beg to move, That the clause be read a Second time.

Once again, I refer the Committee to our previous discussions about the administrative burden on electoral registration officers and the spikes in applications for electoral registration that always occur close to elections and when elections are announced. The new clause would introduce a provision to prompt UK citizens who are considering moving abroad or are in the process of moving to register as an overseas voter.

The Labour party is committed to taking radical steps to increase voter registration and turnout. We feel that it is important to use the Bill to encourage overseas voters to register in the early stages of moving abroad. That would not only reduce the workload of EROs, who must send out reminders to encourage new overseas voters to register, but strengthen our democratic culture by encouraging voter registration. If new overseas voters register early, they will be more likely to remain invested and engaged in British politics in the long term. Of course, the purpose behind the Bill is to get people who have perhaps lived abroad for more than 15 years involved and give them a stake in the electoral process.

The basic structure of electoral registration has remained unchanged for many years. Under the current structure, it is electoral registration officers' duty to ensure that the voting register is as accurate and complete as possible, to conduct an annual household canvass, and to issue and chase inquiry forms. Household inquiry forms are sent to every household to confirm the details of those living at the property. Although the forms do not directly generate new registrations, they are critical to producing information about voters across the country.

Under the new clause, any information suggesting that a British person is moving or has moved abroad would trigger a prompt from the ERO to encourage them to put themselves on the voter register abroad.

Bob Stewart: On the practicalities of sending out a form to someone abroad every year, presumably that would be quite an expense to the electoral system. I presume that the people abroad who want to stay on the roll will have to send a letter back, and will have to pay for the postage.

Christian Matheson: I thank the hon. and gallant Gentleman for his intervention. That is the current situation. The purpose behind the new clause is to ensure that people register at the outset so that we avoid spikes in registration in the immediate lead-up to an election period when, given everything else that is going on, electoral registration officers are at their busiest, their work is at its most hectic and they are under the

most careful of examinations. As we saw in constituencies across the UK at the previous general election, there was not just a flurry of late registrations, but in certain constituencies there were complaints afterwards that people had not been allowed to vote, even though they felt they had registered in time. In some circumstances, they had confirmation that they had been registered, but they were not on the register. The new clause is intended to avoid that. The problem that the hon. and gallant Gentleman mentions would not necessarily have been avoided anyway.

3.45 pm

The new clause is intended primarily to ensure that those eligible to vote take the opportunity to register. The Opposition are committed to strengthening our democracy through increasing voter turnout among those who are eligible. The Minister knows that in the past we have had criticisms that barriers are being put in place to prevent people from registering or voting. The Government have told us that they are committed to increasing the turnout, and we take them at their word.

It is important that newly eligible overseas voters are prompted to register from an early stage of living abroad. Not only will that make life easier for our EROs by allowing them easily to find documentation to verify voters who recently resided in the UK, but it will make it more likely that overseas voters will remain engaged and active in UK politics through an awareness of their ability to vote. Indeed, if new overseas voters were prompted to register from an early stage of their residency abroad, it would make the administrative task of EROs less difficult, as they would have up-to-date residency information about overseas electors.

I hasten to add that the Bill is, of course, about voters who have been outside the UK for more than 15 years. By getting on the register at the moment that they go abroad, there will already be an accurate register of the fact that they were resident in the UK when they pass the 15-year mark. It will make it much easier for long-term overseas voters to legitimately re-register, because there will be a continuation of their position on the register.

Secondly, I propose the amendment in order to reduce the work of the EROs in the lead-up to elections. There is no doubt that the administration of overseas applications is far more resource intensive than that for UK-based registrations, and the removal of the 15-year deadline will only serve to exacerbate matters. EROs from my area are anxious about the true extent of the administrative work that will result from this change; they have been given no guidance or information from the Government to prepare them.

EROs are extremely concerned that the traditional spikes of increased electoral registration that occur before a general election will become increasingly difficult to manage, as the validation work to be done by EROs will inevitably take longer, with paper copies of the registers, rather than online copies, needing to be checked through the use of historical electoral archives. Nevertheless, the Committee must remember that there will still be immense difficulties when it comes to verifying British overseas residents who have failed to register to vote, perhaps for decades. EROs do not have the necessary training, resources or money to be responsible for carrying out the in-depth, time-consuming research that is necessary to register overseas voters who have never been present

on a British voting register. Prompting new overseas voters to register might mitigate this issue in the long term, but it is important that Ministers remain conscious of this central issue, which would result from passing the Bill in its unamended form.

The Labour party seeks to encourage wider voter registration among those eligible to vote. If this legislation is passed, we believe it is important that new voters are encouraged to register to vote, and that they are made aware of their rights to vote overseas. Indeed, it is a well-known trend that overseas voters generally lack an awareness of their rights to cast a ballot. The amendment could provide EROs with the opportunity to make voters conscious of their political rights while overseas.

The 2016 survey conducted by the Electoral Commission makes it clear that there remains widespread confusion about what it means to be an overseas voter and about the criteria for eligibility. The survey found that 31% of British expats believe that receiving a UK state pension makes someone eligible to vote, and 22% believe that owning a property in the UK makes someone eligible—I winced a bit when I saw that, because I thought that somehow we were going back to a property qualification for the suffrage, but clearly that is not the case. Of those who did not vote, a lack of awareness was a common reason. Roughly one in five, or 21%, said that they did not know how to register, and 21% said that they did not know how to vote. Only 50% of respondents were aware that they can register to vote online.

In its report on the 2017 general election, the AEA noted that many overseas voters mistakenly believed that they could vote online or have their ballot papers emailed to them. Knowledge about voting eligibility is surely at the heart of our democratic society. The Government must act to inform British citizens living abroad, and in the country, about the eligibility of overseas voters. The lack of awareness certainly has the potential to create a significant barrier to casting a ballot.

My friend the hon. Member for Montgomeryshire has expressed concern about delays to the Bill, but I am also keen that we make the best of it if it goes through. Hon. Members are keen to maximise the number of overseas voters and, through this new clause, to ensure that the system works well and that as many overseas voters as possible take advantage of it.

We believe that, by prompting newly eligible overseas voters to register, ideally before they have left the UK, we can increase awareness and engagement among newly eligible overseas voters. If the overseas voter has not yet moved and is in the process of doing so but is still in the UK, it is a lot easier to resolve any queries that the electoral registration officer might have.

Once overseas voters are made aware of their eligibility, they are much more likely to engage in voting. For example, the Electoral Commission's overseas voter day demonstrates the power of voting education, which speaks to a point made by the hon. and gallant Member for Beckenham. The overseas awareness day took place on 10 May 2016 and was supported by embassies and consulates around the world. It aimed to encourage British citizens who were eligible to vote to register as overseas voters so that they could vote in the EU referendum. The Electoral Commission ran a public awareness campaign for overseas voters from 17 March to 9 June 2016. More than 139,000 overseas voters

registered in that period. The new clause could go some way towards making overseas voters aware of their voting rights at an early stage—Members will agree that voter awareness is critical to strengthening our democracy.

Let me float a potential solution that could be trialled to improve the situation. There are many problems with the current individual electoral registration scheme. It has been costly—it is estimated by some to cost £120 million or so—yet remains ineffective and inefficient. Many thousands of voters have dropped off since it was introduced. Fifty-eight per cent. of respondents to an Electoral Commission survey supported automatic registration when a person receives their national insurance number, while 34% said people should be able to register at a polling station on the day of the poll. I am not sure I necessarily support that—it might be a little bit too late for verification—but 34% disagree with me.

Automatic registration would remove a host of administrative hurdles that currently complicate the task of registering an overseas elector. Individual electoral registration is undoubtedly problematic. At the 2015 general election, 12,800 people were turned away from polling stations, unable to vote, because they were not on the register. At the 2017 general election, that figure was more than 10,000. One of my concerns about the introduction of mandatory ID checks for people wanting to vote is that more people will be turned away or will not turn up at the polling station at all because they do not have that ID—that is probably an argument for a different day.

Many non-governmental organisations and charities, such as Bite the Ballot and Hope not Hate, regularly undertake voter registration drives, but voter registration should not be their responsibility—it should be the responsibility of the state, which should do everything it can to ensure as complete an electoral register as possible. The more complete an electoral register, the stronger and sounder our democracy.

Most people are aware that registering to vote is compulsory and that they risk being fined for not doing so, but we still have enormous gaps in the register because putting the onus for a complex system on citizens and underfunding local authorities is clearly not the most efficient or cost-effective way to ensure its completeness. The Government are prioritising anti-fraud and security measures and, in doing so, using datasets from different public bodies. For example, when we now register to vote, I think I am correct in saying that we have to put our national insurance number on the form. In the age of big data and digital by default, it is time the Government adopted those principles for electoral registration.

This is clearly a pressing issue and there is widespread support for modernising our electoral registration system, including from the Electoral Commission, the Association of Electoral Administrators and the Electoral Reform Society. The cross-party Select Committee on Political and Constitutional Reform, which was a predecessor to the Select Committee on Public Administration and Constitutional Affairs, supported automatic electoral registration in its 2015 report on voter engagement in the UK.

There are examples in many countries across the world of the successful implementation of automatic voter registration systems. In Canada, for example, electoral information is continually updated with

information from other Government sources such as the Canada Revenue Agency, immigration and citizenship services and driving licence agencies. It is also possible for electors to continue proactively to update their information with electoral registration administrators.

Closer to home, Denmark, Germany, Italy and Sweden add to their electoral registers automatically using various different Government-held datasets. A database that would hold the UK-wide register was proposed by the previous Labour Government. The co-ordinated online record of electors—the CORE system—would have linked up with existing information to keep the register up to date.

When that was scrapped in 2011, the coalition Government claimed that it was not cost-effective, yet the switch to IER has cost £120 million and we still have an incomplete register. Building the CORE system and running it annually from 2011 to today would have cost just over £20 million according to the estimated figures, and we would have a much more complete register of electors.

The Welsh Labour Government are currently consulting on electoral reform in Wales following the devolution of powers in the Wales Act 2017. The consultation includes options on data sharing and the possibility of moving to a more automated system. We hope that voters in Wales will shortly be added automatically to a national electoral register and be able to vote from age 16 onwards.

With recent general elections hanging on such tight margins, it is obvious why a full and complete register is essential. Mere handfuls of votes swung constituency results in the general elections of 2015 and 2017, so it is clear that every vote makes a difference. As I have said, having more complete registers would assist voters as they are going overseas, because it would make it a lot easier for them to verify their residency and right to vote in the UK, and to do so in a particular constituency.

One of my concerns about the Bill in general is the lack of clarity in allocating the voter to a constituency. Having the most complete register possible is not simply about improving the credibility of the election as a whole. It would aid overseas voters by giving them that anchor within the UK for when they finally leave. I commend the proposed new clause to the Committee.

Alex Norris: On 28 November last year, I led a debate in Westminster Hall about voter registration in my constituency. The reply for the Government came from the hon. Member for Kingswood. I appreciated the spirit in which he replied, but I was unable to draw something from him that I hope to draw from the Minister. We want an accurate record and do not want anybody there who should not be, but I have never been clear whether it is a Government priority for it to be the fullest record possible. We want to reach people who are

not on it and encourage them to do so. I believe it should be the fullest record possible and the amendment supports that aim.

4 pm

Chris Skidmore (Kingswood) (Con): May I give a quick plug to the Government's democratic engagement strategy, which was published in December 2017 after the hon. Gentleman's debate? It sets out in detail how we wanted to look at registration for the future.

Alex Norris: I appreciate that and I encourage colleagues to look at that document. I was clear in that debate, and I will be clear now, that my instinctive enthusiasm is for automatic registration. I do not want anyone to think that I am not arguing for it or that I am trying to bring it in by the back door. That is where my enthusiasm lies, and I ought to be honest about it.

According to the Government's impact assessment, the best estimate of the Bill's cost is £8.8 million. However, I was disappointed to read paragraph 40 on page 10, which states:

“There is currently no planned expenditure for communications to raise awareness amongst overseas electors of their existing right to vote from central government. Some work may be expected from the Electoral Commission prior to polls.”

I would like people to be reminded and prompted. Page 13 gives an estimate that 25% of the newly enfranchised will register, so I wonder whether we can do better. Prompting people would be one way of achieving that. As we have discussed, the desire behind the Bill is to extend the franchise and give people a chance to vote, but that is not ambitious enough. We are glad the Government have committed to spending money—clearly there will be a cost—but I wonder whether we have the chance to go a little further.

My hon. Friend the Member for City of Chester has squeezed my speech—I was going to rely on the same Electoral Commission survey. However, at a basic level, this is about ensuring that people understand the system, never mind prompting or positively encouraging them to register. Only 29% of those surveyed thought that they had to renew annually, while 38% thought that that was a falsehood and 34% did not know. Come what may, we have a job to do to make people understand not only whether they can register but how to do it. I will leave it at that, but I commend my hon. Friend's new clause and hope Committee members consider it kindly.

Ordered, That the debate be now adjourned.—
(*Glyn Davies.*)

4.2 pm

Adjourned till Wednesday 14 November at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS ELECTORS BILL

Fourth Sitting

Wednesday 14 November 2018

CONTENTS

New clauses considered.
SCHEDULES 1 AND 2 agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 18 November 2018

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The Committee consisted of the following Members:

Chairs: † MR LAURENCE ROBERTSON, SIOBHAIN McDONAGH

Bradshaw, Mr Ben (*Exeter*) (Lab)

† Clifton-Brown, Sir Geoffrey (*The Cotswolds*) (Con)

† Davies, Glyn (*Montgomeryshire*) (Con)

† Dunne, Mr Philip (*Ludlow*) (Con)

† Elmore, Chris (*Ogmore*) (Lab)

Gapes, Mike (*Ilford South*) (Lab/Co-op)

† Graham, Luke (*Ochil and South Perthshire*) (Con)

† Lake, Ben (*Ceredigion*) (PC)

† Lopresti, Jack (*Filton and Bradley Stoke*) (Con)

† Matheson, Christian (*City of Chester*) (Lab)

Moran, Layla (*Oxford West and Abingdon*) (LD)

† Norris, Alex (*Nottingham North*) (Lab/Co-op)

† Skidmore, Chris (*Kingswood*) (Con)

† Smith, Chloe (*Parliamentary Secretary, Cabinet Office*)

† Snell, Gareth (*Stoke-on-Trent Central*) (Lab/Co-op)

† Stewart, Bob (*Beckenham*) (Con)

Adam Mellows-Facer, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Wednesday 14 November 2018

[MR LAURENCE ROBERTSON *in the Chair*]

Overseas Electors Bill

New Clause 3

PROMPT TO REGISTER AS AN OVERSEAS ELECTOR

“(1) If the registration officer receives information that leads him or her to believe that a registered elector has moved, or is going to move, outside the United Kingdom, the registration officer shall contact that elector to prompt him or her to register as an overseas elector.

(2) The Electoral Commission may issue guidance for contact under subsection (1).”—(*Christian Matheson.*)

Brought up, read the First time, and Question proposed (31 October), That the clause be read a Second time.

2 pm

Question again proposed.

Glyn Davies (Montgomeryshire) (Con): Thank you, Mr Robertson. I shall miss our weekly meetings when they come to an end. I have little to say about the proposed new clause. The Bill is quite clearly defined and I do not believe that the new clause is necessary. We do not want to put in complications that make it more difficult for the electoral community and electoral registration officers. I hope, in the spirit of having a Bill that will help overseas electors to be able to vote, that the Opposition withdraw the new clause.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): Thank you for the chance, once again, to serve under your chairmanship, Mr Robertson. I will be brief. Can we believe that it was Halloween when we last gathered? Let us hope this is a more auspicious afternoon.

I will just repeat some themes that I raised in response to a previous group, particularly amendment 37, namely that the Government do recognise the time constraints on administrators when dealing with those last-minute applications to register to vote. That is true domestically, but it is true for overseas voters in particular. As I have said, we have already amended the timetable for parliamentary elections to maximise the time available. I certainly agree that overseas voters should be encouraged to register as early as possible, and I certainly hope that bringing in online renewals, which the Bill does, will assist in that.

Perhaps the message will go out from this Bill Committee and voters will in due course take inspiration and get ready to register to vote. Crucially, major organisations such as the Electoral Commission will, as part of their duties, ensure that people know what they have to do to register. Such organisations run those campaigns before elections to ensure that people are aware of when and how to register to vote.

I endorse the position of my hon. Friend the Member for Montgomeryshire. I do not think the proposed new clause is necessary. It raises important themes, but I think they can be considered in other ways.

Christian Matheson (City of Chester) (Lab): It is indeed a pleasure to serve under your chairmanship, Mr Robertson. I express gratitude to the Member in charge and the Minister for their responses. It is not our intention to push the new clause to a vote. I therefore beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 7

REPORT ON THE REPRESENTATION OF OVERSEAS ELECTORS

“(1) The Minister for the Cabinet Office or the Secretary of State shall, within 12 months of this section coming into force, lay before Parliament a report on the representation of overseas electors.

(2) That report shall include—

- (a) consideration of how well overseas electors are represented by their MPs and any related consequences of the provisions of this Act,
- (b) an assessment of any additional demands that may be placed on MPs and their resources as a consequence of the provisions of this Act,
- (c) any plans the Government has to monitor the representation of overseas electors, and
- (d) an assessment of alternative models of representation of overseas electors, including the creation of overseas constituencies.”—(*Christian Matheson.*)

Brought up, and read the First time.

Christian Matheson: I beg to move, That the clause be read a Second time.

New clause 7 is about the nature of the representation of overseas voters. I understand what the hon. Member for Montgomeryshire has said about this being a simple Bill, but this proposal goes to the heart of some of our more serious concerns. Given the issues about the definitions of residence and local connection, there is a lack of clarity about where new overseas voters will register.

The proposed new clause requests a detailed report on the representation of overseas voters, including how they might be “represented by their MPs” and

“any additional demands that may be placed on MPs and their resources as a consequence of the provisions of this Act”.

The current guidance provided to MPs regarding constituency correspondence with expatriates is vague at best, perhaps because there are not many expatriate constituents at the moment. In its unamended form, the Bill does not define the responsibilities of Members of Parliament towards their overseas voters. We assume that the current precedents and position will be maintained.

The code of conduct for Members of Parliament simply states that Members have

“a special duty to their constituents.”

I am pretty sure that each and every one of us holds dear that individual link between ourselves and our constituents, with one Member representing a single constituency. Of course, conventions to preserve that special relationship—one with which other Members do not interfere—have developed over time. However, those precedents are not the subject of formal parliamentary rules, and it is therefore important that the Bill considers how individual Members can best represent the views of overseas voters registered in their constituency.

Given the Minister's insistence, which I respect, on treating overseas voters with the same importance as UK-based, domestic voters, there needs to be a detailed discussion about how best to achieve democratic representation before we open the floodgates, potentially to millions of new voters. What assessment have the Government made of the representation of overseas voters by Members of this House? This issue is particularly significant as the Government are continuing with their plans to reduce the number of Members by 50, while at the same time increasing the number of voters by several hundred thousand or more. How would such an exponential increase in the number of overseas voters affect the resources given to individual Members of Parliament? I also ask the Minister whether the Government have any plans to monitor the representation of overseas voters by Members to ensure that their voices have equal value to the voices of domestic constituents, which is an aim that I respect.

The Minister has talked about extra resources for electoral registration officers. Have the Government considered whether any extra resources may be required to handle the growth in the number of overseas voters swelling the size of our constituencies, and will any representations be made to the Independent Parliamentary Standards Authority on that point? Have the Government considered whether, as a consequence of the Bill, they need to clarify if hon. Members are required to act fairly and equally in representing domestic and overseas constituents?

This probing amendment is designed to encourage consideration of the effect that the growth in the franchise will have on how we in this House operate, and whether sufficient resources are available. It is not my intention to delay the Committee too much this afternoon, but I would be grateful to hear other Members' views.

Glyn Davies: I understand what has led the hon. Member for City of Chester to table the proposed new clause. I have a considerable understanding of why the Opposition have tabled many of their amendments throughout our consideration of the Bill. I have resisted a lot of those amendments because they have sought to extend the Bill into areas that I did not want it extended to. The purpose of the Bill is to extend the franchise, and I want to stick to that. That is my position on this new clause as well. I hope that the hon. Gentleman will not press it to a vote, because we need to stick to the purpose of the Bill.

Chloe Smith: I have two arguments on the treatment of new clause 7. First, I have a preliminary argument, if Members will bear with me. My comments in response to previous amendments that would have required reports on various matters and delayed the legislation until their publication stand true for new clause 7. Like my hon. Friend the Member for Montgomeryshire, whose arguments I endorse, I am sceptical about whether the proposed new clause would add value to the Bill.

I have two additional comments about the substance of the new clause. First, it asks for an assessment of the demands placed on MPs and of their performance in representing their constituents. That is not a matter for the Government in respect of constituents at home or overseas, and I do not accept that it should be. It is not for the Government to monitor or report on MPs' performance of their duties. This is a clear case of the

difference between the Executive and the legislature, and it is important that that difference stands. The code of conduct for Members of Parliament describes their responsibilities as Members of the House, and I think that is how this is best done. The application of the code is a matter for the House of Commons, and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards.

Bob Stewart (Beckenham) (Con): I am slightly concerned, but I hope that the Minister will be able to answer my question. In a general election, our electoral communications are sent out by the Post Office. Am I right to assume that they will be sent to all overseas voters? Will the Post Office and the Government pay for every single overseas voter on the electoral roll to receive an electoral communication from all parties campaigning in the general election?

Chloe Smith: My hon. Friend will have to forgive me, because I do not have any detail to hand about how the Bill will change that situation. However, I would be happy to come back to him and to my hon. Friend the Member for Montgomeryshire on that point, which is important and well made, although it may not necessarily relate to new clause 7—I suspect it is more general.

Certainly, whether as candidates at an election or as Members of Parliament, with the privilege of being elected, we would all wish to perform that role to the best of our abilities, and to communicate with our constituents whether at home or abroad. My point, in the context of new clause 7, is that that is not a matter for the Government.

The hon. Member for City of Chester said that we should look at how constituencies may be swollen—I think that was his choice of word—by the number of overseas electors. I think he asked that the question of whether more resources may be needed to deal with that be directed to IPSA. I would point out that the Boundary Commission, using the concept of a quota, already serves that function by conducting regular reviews. I do not think that an additional function is needed. The fundamental concept of a quota will not be changed as a result of any of the current debates in the House about boundaries.

I hope that those two points are helpful to the Committee and that the hon. Gentleman accordingly feels able to withdraw his new clause.

Christian Matheson: I thank the Member in charge and the Minister for their responses, in view of which I do not intend to divide the Committee. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 13

OFFENCE OF REGISTERING TO VOTE AS OVERSEAS ELECTOR IN MORE THAN ONE CONSTITUENCY

“(1) A person commits an offence if he or she is an overseas elector and is simultaneously registered to vote in more than one constituency.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”—(*Alex Norris.*)

Brought up, and read the First time.

Alex Norris (Nottingham North) (Lab/Co-op): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 14—*Consolidated register of overseas electors*—

“(1) The Minister for the Cabinet Office or the Secretary of State to compile a single, consolidated register of overseas electors for UK parliamentary elections.

(2) The Minister for the Cabinet Office or the Secretary of State may, by regulations, specify requirements for the publication, availability for inspection and sale of information in that register.”

Alex Norris: New clause 13 is my last stab at allaying the concerns that electoral administrators have expressed following the publication of the “votes for life” document and the Bill. In this case, their concerns relate to double registration. The principle is that when electoral registration officers use address data to verify someone’s eligibility to register, they will establish whether someone has lived in that place. However, they will not try to establish whether that is the last place where the person lived, or whether they have lived in multiple places and are having the same conversation with multiple electoral registration officers around the country, and possibly voting in two or more places. That seems to be a specific, live danger that might merit an individual sanction, which is what the proposed new clause suggests.

2.15 pm

Since we tabled the new clause, we have talked about this issue in Committee, and a lot of water has flowed under the bridge. The message has obviously come out very clearly—from Members on both sides, to be fair—that there is no desire or appetite to treat an overseas elector any differently from a domestic elector. We all cast a single, indivisible ballot, and that seems perfectly sensible.

On reflection, however, that is not the same as saying that we will always be treated the same. I register at my home address, as does my wife. We are both registered to vote in Nottingham, but I am also registered somewhere else. I am registered here in London—I suspect that every member of the Committee might be in the same situation—so my wife and I are slightly different. It does not mean that I can vote in both places in the same election, which would be breaking the law, but I am treated differently by the system.

I do not think that this new clause is radically out of line with saying that when the circumstances change, sometimes so should the approach. We think there is a clear danger of people registering more than once. We are perhaps at risk of creating a bit of a market in where people choose to vote, because they will choose to go where their vote might have the most impact. My hon. Friend the Member for City of Chester knows that sometimes elections can be decided by fewer than a hundred votes.

Christian Matheson: Indeed.

Alex Norris: The next time, he won by 9,000, which is 100 times as many. They have got to know him, and he cleaned up.

Christian Matheson: Indeed, again.

Alex Norris: It might create a bit of a perverse incentive for people to do things that they should not.

Bob Stewart: The hon. Gentleman referred to the hon. Member for City of Chester, who is extremely popular with my old soldiers. That will give him quite an advantage, despite the fact that he is from that accursed Opposition party. I want to reassure him that he is extremely popular with old soldiers, and they will probably—despite my instructions to the contrary—vote for him.

Alex Norris: I thank the hon. Gentleman for his contribution. I think he might have made my hon. Friend blush, which is certainly a first in the time that I have known him.

I think that I have dealt with new clause 13 adequately. I am pushing new clause 14 with a little trepidation. It is not that it is not party policy, but more that we do not have a policy in this area and I am not sure how much the party would welcome my writing one. However, I thought I would just test this, because it is a matter of interest.

It follows from new clause 13 that having a codified place would be one tool for ensuring that we do not have double or treble registration. Members might say, and they are probably right, that my view is perhaps that we could have a single register for the whole of the country, and I probably do think that. We could certainly start with overseas electors, which would offer a chance to eradicate any fraudulent activity. In France, they do it at municipality level, so it is certainly technically possible. I wanted to probe and test the waters to find out whether it is seen as desirable, and I would be very interested to hear from the Minister as well as the hon. Member for Montgomeryshire. I will not say any more, because I think the new clauses are relatively self-explanatory.

Christian Matheson: I rise briefly to thank the hon. and gallant Member for Beckenham for his generous words.

My hon. Friend the Member for Nottingham North has tabled an interesting proposal in new clause 13, and makes the point that registration in more than one constituency is not the norm, although it is not unusual. As he suggested, many hon. Members are registered in more than one constituency, myself included. That certainly is not something that we seek to prohibit because there are legitimate reasons for it; for example working in two places, being a student, or—dare I say it—being a multimillionaire and having more than one residence. There are legitimate reasons for doing so; the offence is in voting twice in the same election. I do not wish to put words in the Minister’s mouth, but I know that she is very keen to clamp down on electoral fraud.

My main concern relates to overseas registration. As there is no direct physical link—for example, a property where the voter is registered—it is slightly easier to register in more than one constituency for the same election.

New clause 14 is intriguing, as it targets an issue of concern that needs to be considered, and I would be interested to hear the responses from the Minister and the Bill’s promoter, the hon. Member for Montgomeryshire. The proposal of a national centralised register is an interesting idea. Now that voters are asked to provide their national insurance number when they register, it would be easier to make a national register of voters.

We in Her Majesty's official Opposition do not currently have a position on that, but I would be interested to hear the views of other members of the Committee. I thank my hon. Friend for his new clauses.

Glyn Davies: I can only, almost parrot-like, repeat the comments that I have made on so many amendments. I understand the thought process behind the proposed new clauses, but I feel that they are unnecessary. Voting in two places is against the law and I do not see any point in creating a huge new database, because that is unnecessary to achieving the Bill's objectives.

I was impressed to hear my hon. Friend the Member for Beckenham make such complimentary remarks about the hon. Member for City of Chester. A number of people just over the border in Wales may well have the same positive view of the hon. Gentleman. It sticks in the back of my mind that a Welshman seen in Chester at certain times of day can be shot, legally, under medieval law.

Christian Matheson: After dark.

Glyn Davies: That might lead some people to have a pretty negative view of Chester, but I do not share that view. I like Chester, have been there quite often and always feel very safe.

I do not think that the proposed new clauses are necessary. The issues are already covered and I hope that the hon. Member for Nottingham North will withdraw the motion.

Chloe Smith: I am almost inclined to break up this Chester love-in and invite people to Norwich, an equally fine medieval city—some would say finer, but we will have to take that up in another Committee at another time.

The hon. Member for City of Chester is correct: the Government are 100% committed to maintaining the integrity of the register and guarding against electoral fraud. There are, however, already provisions in place to address the circumstances that new clause 13 seeks to address. I will briefly go through those for the Committee's information.

Under the new system, all overseas applicants will be required to prove their identity and establish a verifiable connection to an address in the UK before they can be added to the register. That address must be the last one at which they were registered or resident. The Bill does not allow for cherry-picking, so that concern is unwarranted.

As I said in response to amendments tabled by the hon. Member for Nottingham North for an earlier sitting, the Bill sets out that the declaration made by the applicant must contain any of the prescribed information and satisfy any other prescribed requirement, which may include other information to be requested or a requirement for it to be attested. The Bill already contains tools to address some of the issues in new clause 13.

I turn to what electoral law already does before the Bill's provisions come into force. As the hon. Gentleman has said, it is an offence to vote at more than one location in the same election—in this case, a general election. Conviction for such a practice carries a financial penalty, which is an unlimited fine in England and Wales, and up to £5,000 in Scotland.

The law already provides that a British citizen may register to vote as an overseas voter only in relation to one constituency. That will remain the position under the Bill's provisions. If they were registered to vote in more than one constituency at the same time, it could be because false information was provided to an electoral registration officer. It is, therefore, already an offence under section 12 of the Representation of the People Act 1985 to provide false information to an ERO in relation to an overseas elector's declaration. A person found guilty may face a fine, which is an unlimited fine in England and Wales, and up to £5,000 in Scotland.

Furthermore, it is an offence under section 13D of the Representation of the People Act 1983 to provide false information to an electoral registration officer for any purpose connected with the registration of electors. A person found guilty of that offence may face a custodial sentence of up to 51 weeks in prison, or a fine, or both. There is a separate offence of providing false information when making a postal vote application, under section 62A(2)(b) of the 1983 Act, and that is clearly stated on the postal vote application form. A range of offences are already covered in law, so proposed new clause 13 is unnecessary.

The changes proposed by new clause 14 are also unnecessary. It is already possible to obtain information about overseas electors. At present, each ERO maintains the register for their local area. Those officers will mark on that register those electors who are registered to vote as an overseas elector, and they will also produce a list of overseas electors for their area. Parties and candidates are entitled to be supplied with copies of the register and lists of overseas electors. EROs also produce electorate figures for the Office of National Statistics, which will then show separate figures for the number of overseas electors registered.

If I have read it correctly, proposed new clause 14 also argues for a single register of overseas electors. I hear the slightly broader argument made by the hon. Member for Nottingham North about whether there should be a single register of everyone in this country. The constituency link remains our guide in this case, as it does in all aspects of registration. The constituency link is very important to the way in which our electoral system has developed over decades, and it is also important in this regard. A single register for overseas electors would result in them being treated differently from domestic voters. The proposal is unnecessary.

I hope that those are helpful points of fact and argument. On that basis, I hope that the hon. Member for City of Chester, who is clearly beloved, will reconsider the matter, and that the hon. Member for Nottingham North will withdraw the motion.

Bob Stewart: No love-in this time, but I am worried about two things connected to the proposed new clauses. The first is how difficult it would be for an electoral registration officer to ascertain someone's home 50 years ago. That would be extremely difficult. I know there will be records, but as time goes by people's memories will obviously recede and blocks of flats and houses will be knocked down. I just think it is quite difficult that that is the sole criterion for having a vote.

By the way, I am totally supportive of the Government—please do not think I am against them—and I think Her Majesty's Opposition will support them,

[Bob Stewart]

too, so if there are any problems from you, see me later—[*Interruption.*] I am sorry: if there are problems from the hon. Member for Nottingham North, he can see me afterwards in the corridor.

Secondly, I am slightly queasy at the idea of someone leaving this country at a relatively young age, going abroad and staying there for 50 years, to the relatively old age of 70, which is around my age—or older; perhaps another 20 years—and, despite not having contributed or paid tax to this country, still having the right to decide how we govern ourselves. I know it is the only way—we cannot suddenly make it an arbitrary 15 or 30 years—but I nevertheless remain slightly queasy because I would like all who vote in our general elections to have a stake in the country, and that normally means by being present at some stage.

2.30 pm

Luke Graham (Ochil and South Perthshire) (Con): My hon. Friend might not know that I lived abroad for a number years, in Asia and the United States. Although I have not reached those advanced years yet, the more years I spent away did not take away how British I felt. In fact, with regard to the level of engagement with a country and its political discourse, I became more, not less engaged. Furthermore, overseas residents can make voluntary contributions through national insurance. They can still contribute both politically and financially to our country.

The Chair: Order. Before the hon. Member for Beckenham resumes, I remind the Committee that we are discussing new clauses 13 and 14, not the general principles of the Bill.

Bob Stewart: Forgive me, I thought I was on new clause 14. I will shut up in that case, having been admonished by you, Mr Robertson. I totally agree with my hon. Friend the Member for Ochil and South Perthshire, but he had a stake in the country while he was away. My queasy thought is that, while they may be very small in number, some people might not. That is my point and now, Mr Robertson, I am quashed.

Alex Norris: I appreciate all the comments that have been made. In the spirit of what the hon. and gallant Member for Beckenham has said, it is important to be sure of the implications of these matters and to monitor them over time. I hope we will all keep an eye on that.

I am grateful to the Minister for clarifying the measures in the 1983 and 1985 Acts. That goes quite a way to reassuring me, so I will not push proposed new clause 13 to the vote. On cherry-picking, I did not miss the point about last registration, but I still do not know how on earth an electoral registration officer would know it was the last one. They would know it was a valid one, but they would not know what the person did next, if they had left the local authority area. That is perhaps something to consider as we go along, but probably not this afternoon.

That covers proposed new clause 13. I have served the purpose of proposed new clause 14 by giving it a run out, so I will not push that to a vote, either. On that basis, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Schedules 1 and 2 agreed to.

Question proposed, That the Chair do report the Bill to the House.

Glyn Davies: This may be traditional but it is not just a tradition: I really do want to thank everybody who has played a part in the Committee stage. There has been a huge amount of detail. I have been resistant to a lot of the amendments tabled, but I have tried to listen carefully to everything that has been said about them. A lot of good points have been made. It has certainly expanded hugely my knowledge of the issue and of private Members' Bills. When I put my name in the ballot, I had not anticipated the commitment required. It will be interesting whether I will be inspired to accept a Whip's instruction to put my name in the ballot next year. I thank everybody involved in our long consideration of the Bill, including you, Mr Robertson, for chairing the Committee so ably and in such a friendly manner, and all the officials.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): May I pay tribute to my hon. Friend the Member for Montgomeryshire? He has handled this Bill in exemplary fashion. I persuaded David Cameron to put this measure in our 2015 manifesto, and I persuaded the Prime Minister to put it in our 2017 manifesto. I have had a very long interest in this matter and I am delighted that it has got through this stage.

I pay tribute to the Minister for all the work she has done. Long before she became the responsible Minister, she was a strong supporter of the matter. I also pay tribute to the Opposition, in a genuine sense. I have been a Member of Parliament for 26 years and I cannot remember how many of these Committees I have served on over that time, but I do not remember any that have been handled in such good-mannered fashion. I pay sincere tribute to the hon. Member for City of Chester and his team. With that sense of goodwill, I hope he will persuade his party to give the Bill a fair wind, when it comes to Third Reading and in the House of Lords, because that is the right thing to do and we need to get this on the statute book.

Mr Philip Dunne (Ludlow) (Con): Mr Robertson, will you advise me on how to get on the record my tribute to my parliamentary neighbour, my hon. Friend the Member for Montgomeryshire, who has been tireless in his efforts to achieve justice for those British citizens around the world who are disenfranchised?

Like my hon. Friend the Member for Ochil and South Perthshire, I lived in both the United States and Asia—though I suspect not quite at the same time—and saw many people who had lived outside of the UK for more than 15 years but who had every intention of returning in their retirement and felt completely disenfranchised. That is why, just before my hon. Friend the Member for The Cotswolds was involved with the international office of the Conservative party while we were in opposition, I had a role as the parliamentary chair for international voters and visited a number of our members around the world. It is a pleasure to see

them so ably represented in the Public Gallery today. I met many people who expressed their frustration at this clear injustice.

I add my commendation to Opposition Members, who have taken such a constructive view in Committee to righting this wrong, for their own reasons, not least—as we have heard from my hon. Friend the Member for The Cotswolds—those elderly Labour voters who are as disenfranchised as those elderly Conservative, Liberal Democrat and, I dare say, Green and Plaid Cymru voters in other countries who cannot vote at present. If the Bill passes Report and Third Reading and gets through the House of Lords, as I sincerely hope it will, we will all be able to take some credit for playing our part in restoring natural human rights to people around the world.

The Chair: I think Mr Dunne has put on record his admiration for the promoter of the Bill.

Christian Matheson: During this process, the Opposition have sought, as is our role, to probe, test, check and pause for thought. We hope that we have done that in a constructive manner that reflects some of the concerns about the practicalities of the Bill, including those of the Association of Electoral Administrators and the Electoral Commission about its implementation.

I am most grateful to Government Members for their kind comments. It is easy to be constructive when we have constructive engagement on the other side as well—it is a two-way process—so I thank and pay tribute to them. I also pay tribute to the Minister and her team for the way in which they have engaged with us, and thank my fellow Opposition Members, who have engaged carefully in the discussions. Most of all, I pay tribute to the hon. Member for Montgomeryshire. I know this issue means a lot to him and he has put the effort in. We shall return to further issues on Report and Third Reading, because it is absolutely right that we continue scrutiny of the Bill. I pay tribute to and thank the hon. Gentleman for taking the Bill through. Finally, I thank you, Mr Robertson, and your co-Chair, Ms McDonagh, for the way in which you have gone about the business of the Committee.

The Chair: From the Chair, I thank all hon. Members for the good humour that they have displayed during the passage of the Bill.

Bill accordingly to be reported, without amendment.

2.40 pm

Committee rose.

