

Research Briefing

16 January 2024

By Neil Johnston

## Overseas voters



### Summary

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## Summary

British citizens living overseas are entitled to be registered to vote in elections to the UK Parliament. They are known as overseas voters or overseas electors. They cannot vote in local elections or elections to the Scottish and Welsh Parliaments or the Northern Ireland Assembly.

## Votes for life from 2024

From 16 January 2024 the [rules on eligibility](#) to register as an overseas voter changed. The previous rule that someone could only register for 15 years after they left the UK was abolished.

This was a manifesto commitment from the Conservative Party under their ‘votes for life’ policy. The Labour Party favoured [keeping the 15-year rule](#).

## Eligibility to vote from overseas

From 16 January 2024 any British citizen living overseas can register to vote as an overseas voter if they meet one of two conditions:

- They were previously registered to vote in UK elections, including as an overseas voter, or
- They were previously resident in the UK before moving to an address abroad.

Overseas voters must apply to register in the local authority of the last address they were registered to vote or were resident.

[Voters registering in England, Wales and Scotland can apply to vote online](#) or with a paper form in the usual way; overseas voters registering in Northern Ireland must fill in a paper form.

Applications must be verified, and electoral registration officers can ask for additional documentary evidence to confirm a connection with a previous address.

Providing false information is an offence.

Registration is valid for three years and overseas voter will be sent a reminder that their registration needs renewing. Previously Before 16 January 2024

registration lasted a year before overseas voters had to reapply. Transitional arrangements will be in place to cover the change to the renewal cycle from every 12 months to every three years for existing overseas electors.

## How many overseas voters are there?

Until 2015 the number of overseas voters registered to vote had never risen above 35,000. However, the number increased after 2015, when there was an overseas voter registration campaign in the run up to the 2015 General Election and interest in the 2016 referendum on the UK's membership of the EU.

At the UK General Election of 2017, a record 285,000 registered overseas voters were registered (see section 3). At the time, the Government estimated that this was about 20% of eligible expats under the 15-year limit.

At the December 2019 General Election 233,000 overseas voters were registered. This has since declined to 105,000 in December 2021 as overseas numbers tend to decline between elections. Many do not renew their registrations in years when no election is expected.

The Government [estimates \(PDF\)](#) the changes, ending the 15-year limit and allowing all British citizens previously resident to be eligible, will mean around 3.5 million British nationals living overseas would be eligible to register to vote.

## 1

## Current rules

### Summary of rules for overseas voting

Overseas voters, also known as overseas electors, are British citizens who are living outside the UK but who are eligible [to register to vote](#).

To qualify they must have previously been registered to vote in UK elections, or previously been resident in the UK before they left.

They must register in the last constituency they were registered or resident.

From 16 January 2023 new registrations or new renewals are valid for three years. If an overseas voter does not renew their registration it will expire on the third 1 November following the date they were added to the register.

Overseas voters can only vote in elections for the UK Parliament or in referendums using the UK parliamentary franchise. They cannot vote in local elections or elections to the devolved legislatures.

## Eligibility to vote from overseas

Overseas voters are a type of special category elector. Most voters are registered at their normal home address. Special category electors are people who are entitled to register but cannot fulfil the normal residence requirements.<sup>1</sup>

The eligibility to register as an overseas voter is set out in legislation, the [Representation of the People Act 1985](#), as amended. The most recent amendment was the ending of the 15-year rule.

Before 16 January 2024 overseas voters could only register for up to 15 years after they left and must have been registered to vote before they left, unless they were too young to be registered before they left.

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<sup>1</sup> Commons Library briefing CPB 8985, [Who can vote in UK elections?](#) explains the basics of registering to vote

Eligible British citizens can now register to vote as an overseas voter if they are living abroad and if they fulfil one of two conditions:

- They were previously registered to vote in the UK before they left or
- They had never registered to vote in the UK but were previously resident in the UK, which includes those who were not old enough to register to vote when they left.

The eligibility includes citizens of Crown Dependencies if they meet one of the conditions.

Someone who was previously registered, known as the ‘previously registered condition’, includes:

- Someone registered to vote as an ordinary voter at an address in the UK
- Someone who was previously registered as an overseas voter but whose registration expired, either because they had not renewed it or because of the old 15-year rule
- Someone registered as another type of special category elector using a declaration of local connections, such as a service voter.

People who were not previously registered can vote from overseas if they used to be resident in the UK, known as the ‘previously resident condition’. This will include a person who was of no fixed abode but who would have been entitled to register to vote.

## Service voters

If someone is serving overseas in the armed forces, or is a Crown servant, there are different provisions for registering to vote. These are known as ‘service voters’.

Briefly, members of HM Armed Forces and their spouses can register using a service voter declaration. A service declaration is valid for five years and then must be renewed.

Further information on this can be found in the Library briefing [Armed Forces Voting](#).

Crown servants and British Council employees employed in posts outside the UK, together with their spouses, are also entitled to be registered for all elections and have to submit a Crown Servant or British Council declaration with their application to register.

## Overseas Irish citizens voting in Northern Ireland

Irish citizens residing in the UK can register to vote in all UK elections.<sup>2</sup> Some Irish citizens can register to vote as overseas voters if they meet conditions set out in the 1985 Act as amended.

The Belfast Agreement of 1998, also known as the Good Friday Agreement, recognises “the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose.”<sup>3</sup>

The 1985 Act was amended so an eligible Irish citizen for overseas voting denotes:

a person who is an Irish citizen under Irish law, who was born in Northern Ireland and who also qualifies as a British citizen under UK law.<sup>4</sup>

## Registering for an overseas vote

Overseas voters must apply to register in the local authority of the last address they were registered to vote or were resident, depending on which condition they are registering under.

An applicant who has been previously registered at more than one address must apply to the local authority of the address they were most recently registered at. If they are registering under the previously resident condition it must be at the last address they were resident before they left the UK.

Some applicants applying under the previously registered condition may have been registered in two places at the same time before they left.<sup>5</sup> The elector must choose which one of those addresses to register in connection with.

It is an offence to provide false information to an electoral registration officer.

## How to apply to register for an overseas vote

Overseas voters registering in connection with an address in Great Britain can apply to register using the online [register to vote website](#). They may also apply by [downloading a form](#) and sending it to the relevant electoral registration officer. Some registration officers may also accept an application over the phone.

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<sup>2</sup> As above, [Who can vote in UK elections?](#), section 6.1

<sup>3</sup> [Belfast Agreement](#), April 1998

<sup>4</sup> Northern Ireland (Miscellaneous Provisions) Act 2014, [Explanatory notes to section 15](#)

<sup>5</sup> Commons Library briefing CPB 8985, [Who can vote in UK elections?](#) Section 4.1 Residence and second homes



Overseas voters registering in connection with an address in Northern Ireland must use the appropriate paper form and cannot apply online.

The Electoral Commission's website gives further details about the [registration of overseas voters](#) and a link to the relevant registration forms.

Applicants must provide a National Insurance number or the reason they cannot provide one. This is to verify their identity, in line with domestic voters, and there is an exceptions process for those without a National Insurance number.

An overseas voter application must include certain information. This includes:

- a declaration that provides a correspondence address
- a statement that the applicant is a British citizen (or Irish citizen under the special provisions available in Northern Ireland)
- if they have a British (or Irish) passport, the number, date, and place of issue of that passport even if it is expired.

If the applicant is using the previously registered qualifying condition, their declaration must include details of their previous registration.

If the applicant is using the previously resident qualifying condition, they must provide details of the address and when they were last resident.

Overseas voters can also apply as anonymous overseas electors. Anonymous registration is available to voters who may be at risk if their address is included on the electoral register. Certain conditions must be met to register anonymously.<sup>6</sup>

## Evidence required for overseas voting applications

An electoral registration officer will have to verify applications meet the condition of being previously registered or previously resident at the address provided.

For previously registered applicants this will involve checking old versions of the electoral register. If older registers are no longer available other information can be used, such as Department of Work and Pensions data, other local records, or documentary evidence supplied by the applicant.

Applicants can also include documentary evidence with their application. If an electoral registration officer needs further evidence of eligibility under either the previously registered qualifying condition or the previously resident qualifying condition they may ask for additional documentary evidence.

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<sup>6</sup> Commons Library research briefing CBP 8202, [Anonymous electoral registration](#), provides more information

Additional evidence can include old driving licences, court documents, council tax bills, rent books, a solicitor's letter confirming a property sale, or utility bills.

Applicants who left before they had turned 18 may be asked to provide the full name of a parent or guardian who was resident at the relevant address.

### Address attestation

An applicant may also be asked to provide an address attestation if additional evidence is required. Attestation is where another registered voter vouches that what the applicant says about when and where they were resident at the relevant address is true. An attestation must include an explanation that the qualifying attester is able to confirm the applicant met the relevant requirement.

An attester cannot be the spouse, civil partner, parent, grandparent, brother, sister, child, or grandchild of the applicant.

Where an attester is a domestic elector, a voter registered in the UK rather than another overseas voter, they must be "a person of good standing in the community".<sup>7</sup> This is not defined in legislation.

Attestors are limited to signing address attestations for no more than two individuals in any one electoral year (normally from 1 December to 30 November).

## Renewing an overseas vote

The renewal process for overseas voters has changed. To remain registered, an overseas voter must complete a renewal declaration before their existing registration expires. This can be in writing by letter, email or paper application. There is no set form for a renewal but must include the required information. Overseas voters cannot use the online application service to renew their declaration.

New applications made after 16 January 2024 will be valid for three years. Previously overseas voters had to reapply annually. Transitional arrangements will be in place to cover the change to the renewal cycle from every 12 months to every three years for existing overseas electors.

An electoral registration officer must remind overseas electors of the need to make a renewal declaration in the four months before an overseas registration is due to expire. The registration officer can choose the method of sending the reminder and it should explain the requirements of a renewal

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<sup>7</sup> Regulation 26(3)(d) of the Representation of the People Regulations (England and Wales) 2001 (as amended), and equivalent rules for Scotland and Northern Ireland

declaration and include a paper renewal declaration for the overseas elector to complete.

A renewal declaration will confirm that the details held on the electoral register are accurate and will also provide an opportunity for overseas electors to provide updated correspondence details.

## How do overseas voters cast their vote?

Overseas voters registered in constituencies in Great Britain can vote by post or proxy. Applications can be made online using the '[Apply for a postal vote](#)' and '[Apply for a proxy vote](#)' services on GOV.UK.

Overseas voters can also vote in person at their allotted polling station if they are in the UK at the time of the election and have not applied for a postal vote. If they have appointed a proxy and the proxy has already voted then they cannot then vote in person.

Overseas voters registered in constituencies in Northern Ireland can only vote by proxy and cannot use the online application process for proxy votes. They must apply in writing, including via email, to the electoral registration officer in Northern Ireland.

The Electoral Commission recommends that overseas voters should consider appointing a proxy to vote on their behalf because of the limited period available for ballots to be sent and returned from overseas during an election (see section 4).<sup>8</sup>

The Government agreed and in its response to the Electoral Commission's report on the 2017 UK Parliamentary election stated:

We agree that overseas electors should be encouraged to register as early as possible ahead of the registration deadline and will look to further improve the messaging on GOV.UK to more clearly highlight the need to make an absent vote application and the choices open to people living abroad.<sup>9</sup>

There are transitional arrangements for absent votes for overseas voters depending on whether they applied before or after the 16 January 2024 date when the new eligibility and applications processes started.

Proxy vote arrangements made before 31 October 2023 for all overseas voters will be revoked on 31 January 2024. All electors will need to reapply for a proxy voting arrangement before this date.

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<sup>8</sup> Electoral Commission guidance, [Absent vote timetable](#)

<sup>9</sup> Cabinet Office, [The UK Government's Response to the Electoral Commission's reports on the 2017 UK Parliamentary General Election Incorporating a response to the Association of Electoral Administrators' report on the 2017 UK Parliamentary General Election](#), November 2018, p8

Postal voting arrangements in place for overseas voters made before the date of the new arrangements, 16 January 2024, may need updating as a postal vote may only be granted for remaining length of time of their original 12-month overseas elector registration. New applications after 16 January 2024 will be valid for three years before needing renewal.

Voters should contact the relevant electoral registration officer if they are unsure whether they have absent voting arrangements in place, or if they are concerned their absent vote may expire before the next general election.

## Rules for political donations

Electors whose name appear on the electoral register are allowed to donate to political parties, candidates, and other political campaigners.

Those receiving the donations must check the source of those making donations. Permissible sources of donations are set out in the legislation covering political donations, principally the [Political Parties, Elections and Referendums Act 2000](#). This is aimed at preventing foreign donations being made to political parties and others.

As registered electors are a permissible source, it means overseas electors who appear on an electoral register are allowed to donate money to political parties, candidates, and other regulated political campaigners. The recipient must ensure that the overseas elector is correctly registered at the time the donation is received.

## 2

# Brief history of overseas voters

### Summary

Before 1985 British citizens were unable to register to vote in UK elections if they moved abroad unless they were service voters.

The [Representation of the People Act 1985](#) extended the Parliamentary franchise to British citizens resident overseas and enabled them to register as ‘overseas voters’ in the constituency for which they were last registered.

This was initially for a period of five years but was later extended to 20 years by the [Representation of the People Act 1989](#), and then reduced to 15 years by [section 141](#) of the Political Parties, Elections and Referendums Act 2000.

The [Elections Act 2022](#) scrapped the 15-year limit and from 16 January 2024 eligible British citizens will be able to register regardless of how long they have been away from the UK.

## 2.1

### The Representation of the People Act 1985

During the 1970s there was pressure to extend the franchise to British citizens living and working abroad. Submissions were made to the Speaker’s Conference on Electoral Law in 1973-4, but the Conference did not make any specific recommendations on overseas voters. A previous Speaker’s Conference, in 1965-68 specifically rejected overseas voting.<sup>10</sup>

The Home Affairs Select Committee recommended in 1983 that all UK citizens resident in the then European Economic Community (EEC) countries should have the right to vote in British parliamentary elections.<sup>11</sup>

The Committee considered the issue of allowing overseas voters to also vote in local elections. However, some witnesses disagreed. The Committee concluded that local elections should not be included:

Our own feeling is that it is the lack of an opportunity to express a view on government policy at a national level which provides the most legitimate

<sup>10</sup> Common Library briefing paper SN 4426, [Speakers’ Conferences](#), section 2

<sup>11</sup> Home Affairs Select Committee: Representation of the People Act 1949. First Report, HC 32 1982-3, para 27

ground for complaint, and that the argument is less strong when applied to local issues. The Home Office thought that there was “little demand” to vote at local elections, and we do not imagine that, even if such a right were available, it would be very generally exercised.<sup>12</sup>

The Government response to the Committee’s report recommended a seven-year limit, noting that “in the Government’s view a person’s links with the United Kingdom are likely to have weakened significantly if he has lived outside it for as long as ten years.”<sup>13</sup>

The Government also recommended that the right be extended to British citizens living in non-EEC countries, saying that it would find it hard to defend provisions giving British citizens the right to vote in Paris, but not in New York.

On whether overseas voters should be able to vote in local elections, the Government agreed with the Committee, saying:

It accepts the Select Committee’s view that electors resident abroad should not have the right to vote at local elections.<sup>14</sup>

There was a period of consultation before legislative proposals were brought forward. The Representation of the People Act 1985 subsequently made provision for British citizens who were resident overseas to remain on the electoral register in the UK for a period of five years.

The Bill, as introduced, had a time limit of seven years. During the first session of the Committee of the whole House this was amended on division (382 votes to 21) to a 5-year limit.<sup>15</sup>

The House of Commons accepted an Opposition amendment to the Bill, at report stage, that an overseas application must include a statement from the applicant that they did not intend to reside permanently outside the United Kingdom.<sup>16</sup>

As well as placing a time limit on how long overseas voters could register, eligibility was restricted to only those who had previously registered to vote before leaving. Anyone who had not been registered to vote anywhere in the UK was not eligible to be an overseas voter. This general restriction remained in place until the provisions of the Elections Act 2022 were implemented. An exception was added for children who would have been too young to register in the 1989 Act (see below).

The Bill that became the 1985 Act originally included provisions for children who left the UK before the age of 18 to register as an overseas voter once they

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<sup>12</sup> Home Affairs Select Committee: Representation of the People Act 1949. First Report, HC 32 1982-3, paragraphs 51 and 52

<sup>13</sup> The government reply to the first report from the Home Affairs Committee. Session 1982-83. HC32-1 Representation of the People Acts, Cmnd 9140 January 1984

<sup>14</sup> Cmnd 9140 January 1984, p10

<sup>15</sup> [HC Deb 29 January 1985 \[Extension Of Parliamentary Franchise\], c181-240](#)

<sup>16</sup> [HC Deb 27 February 1985 \[Registration Of British Citizens Overseas\], c415](#)

came of age, by virtue of a residential address of a parent or guardian. This was removed by an amendment moved by the Labour Party that was accepted by the Government.

David Mellor MP, the Home Office minister, spoke of the practical difficulties of determining which constituency they should be registered in. He recommended that the House should accept the amendment on the basis of “the importance which the Opposition attach to this amendment” and in seeking to reach “an accommodation over matters of constitutional significance like the Representation of the People Bill”.<sup>17</sup>

The Commencement Order implementing the provisions of the 1985 Act relating to registration of overseas voters took effect in July 1986.<sup>18</sup>

Take up by those eligible was initially low. In the first year, just over 11,000 overseas were registered (February 1987 figures). The figures dropped to 2,092 in February 1988 and in the two subsequent years dropped further, to below 2,000 (see section 3 for information on the numbers of overseas voters).

## 2.2

## The Representation of the People Act 1989

The [Representation of the People Act 1989](#) (as passed) extended the time limit on being able to register to vote after leaving the UK to 20 years.

The Government had committed to keep the new arrangements introduced by the 1985 Act under review. The level of overseas registration under the 1985 Act was far lower than expected despite overseas publicity. Some of the apparent lack of enthusiasm for the new scheme was attributable to its practical operation, including the need for the elector to re-register without reminders.

The Conservative manifesto for the 1987 general election promised to extend the period of eligibility but was not specific about a new time limit.<sup>19</sup> A consultation paper was issued in April 1988.<sup>20</sup> This suggested a new time limit of between seven and 20 years, or even an unlimited qualification.

In the parliamentary session 1988-89, a Bill was introduced to extend and simplify the scheme.<sup>21</sup> The Bill, as introduced, proposed a 25-year period (clause 1).

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<sup>17</sup> [HC Deb 29 January 1985 \[Extension Of Parliamentary Franchise\], c225-6](#)

<sup>18</sup> [Representation of the People Act 1985 \(Commencement No. 3\) Order 1986](#)

<sup>19</sup> The Next Steps Forward 1987

<sup>20</sup> Dep NS 3902 see [HC Deb 29 April 1988 c 285-6W](#)

<sup>21</sup> Representation of The People Bill 1988-89 [Bill 162]

Clauses 2 and 3 enabled children who had left the UK before being on the electoral register to apply for an overseas vote at their parent or guardian's previous registration address.

Clause 4 abolished the requirement for an overseas elector to make a statutory declaration that they did not have any intention to reside permanently outside the UK and clause 5 allowed for reminder notices to be sent to existing overseas voters.<sup>22</sup>

At the committee stage the Labour Party tabled an amendment that the time limit should be increased to 20 years instead of the 25 years proposed in the Bill. The amendment was moved by Alistair Darling, who said:

We see that there is an argument for extending the time after which a voter may vote in elections in the country, but we do not believe that 25 years is justified.

We believe that a period of five years was unduly restrictive, especially as it is now clear that a number of people will leave this country perhaps to take up work in Europe or in other parts of the world but will still maintain a lively interest in the affairs of this country.<sup>23</sup>

Jeremy Corbyn (Labour) tabled an amendment that specified a time limit of 10 years saying that it was “nonsense to enfranchise people who have lived abroad for 25 years”.<sup>24</sup>

Gary Waller (Conservative) proposed an amendment that 15 years should be the time limit saying there was no objective way of determining how long the period should be. He went on to say, “if 25 years is considered right to denote a continuing link with this country...one might consider 15 years appropriate to denote a link with a certain constituency. For those reasons, I have opted for 15 years.”

In winding up the debate on which time limit to select, the Home Office minister Douglas Hogg concluded that the Government was prepared to accept Alistair Darling's amendment on the basis of seeking consensus:

Judged against the general proposition which I have set out, the amendments proposing 10 and 15 years are too short. Neither 10 nor 15 years would be appropriate, bearing in mind that the general principle must be that British citizens have the vote unless there is some jolly good reason to the contrary. That leaves a choice between 20 and 25 years. I am perfectly willing to concede that, in a sense, we are plucking figures out of the air, and it is difficult to say that there is a distinction of principle between 20 and 25 years. The hon. Member for Edinburgh, Central (Mr. Darling) has described his amendment No. 4, which proposes 20 years, as a sensible compromise. In electoral matters, there is much to be said for attracting as much support as

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<sup>22</sup> [HC Deb 29 June 1989 \[Representation Of The People Bill\], c1140-64](#)

<sup>23</sup> [HC Deb 5 July 1989 \[Extension Of Permitted Period Of Overseas residence\], c411-2](#)

<sup>24</sup> As above, c413



possible around a particular proposal for change, and because of that I recommend to the Committee that amendment No. 4 be accepted.<sup>25</sup>

The amendment for 20 years was accepted by 144 votes to 27.<sup>26</sup>

The provisions that extended the time limit to 20 years, modifications to the declaration and the extension of the ability to register to those who were children when they left the UK were commenced on the 1 April 1990.<sup>27</sup>

Subsequently, the number of overseas voters registering increased to over 34,000 by February 1991. However, after the initial surge numbers fell back to between 10,000 to 20,000. They did not rise above 30,000 again until 2010.

## 2.3 Home Affairs Select Committee report October 1998

The Home Affairs Select Committee published a report in October 1998, [Electoral Law and Administration](#).<sup>28</sup> The Committee considered the provisions of the Representation of the People Act 1985 relating to overseas voters.

Some witnesses considered that it was unreasonable for people who have been away for so long to retain the right to vote. They argued that someone voting in a constituency many years after they had left would have little knowledge of contemporary local issues.

Electoral administrators pointed out that there were costs attached to registering overseas citizens and that reducing the time limit would make the overseas voter registration system cheaper and easier to operate.

In evidence to the Committee, the Labour Party, and the Liberal Democrats both argued that 20 years was perhaps too long a period. The Home Office reported that most of the correspondence it had received on the issue was not from people calling for the 20-year period to be lowered but from people resident abroad for more than 20 years arguing for it to be increased.

The Committee took the view that the 20-year period within which a British citizen living overseas could retain the right to vote was excessive and recommended that the earlier limit of five years should be restored.<sup>29</sup>

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<sup>25</sup> As above, c422

<sup>26</sup> [HC Deb 5 July 1989 \[Extension Of Permitted Period Of Overseas residence\] Division No. 282](#)

<sup>27</sup> [Representation of the People Act 1989 \(Commencement No. 2\) Order 1990](#)

<sup>28</sup> Home Affairs Select Committee, [Electoral law and administration](#), HC 768 1997-98

<sup>29</sup> As above, [Section F: The Franchise](#)

## 2.4

## The Political Parties, Elections and Referendums Act 2000

The Political Parties, Elections and Referendums Bill 1999-2000 as introduced initially included a provision to reduce the overseas voter time limit to 10 years.<sup>30</sup>

During the passage of the Bill amendments were proposed to review this new limit and in the House of Lords at committee stage, the Government suggested increasing the proposed limit from 10 years to 15 years. This meant a reduction of five years on the existing limit of 20 years.

An amendment to create a 15-year limit was subsequently passed unopposed.<sup>31</sup> This provision, in [section 141](#) of the Political Parties, Elections and Referendums Act 2000, took effect from 1 April 2002 and it is this time limit that was in place until the provisions of the Elections Act 2022 were activated.

There were calls to increase the registration rate amongst British citizens living abroad. The Electoral Commission launched campaigns to encourage British citizens abroad to register to vote in UK elections.

In 2009 the Commission issued a [press release describing its overseas registration campaign](#) before the forthcoming general election:

British citizens living abroad can register as overseas voters if they have been registered to vote in the UK at any time within the past 15 years. Yet of the estimated 5.5 million British citizens living abroad, less than 13,000 overseas voters are currently on a UK electoral register.

Brits living overseas can vote by post or arrange for a proxy to vote for them in a UK Parliamentary election and the Commission has launched a campaign to encourage British citizens abroad to register to vote ahead of the next general election.

Jenny Watson, Chair of the Electoral Commission, said:

“British citizens living abroad come from a wide variety of backgrounds, but we know that most maintain strong links with the UK. It is easier than ever before for British citizens abroad to keep in touch with friends, family and colleagues back home and many will also want to have their say in elections.<sup>32</sup>

Other awareness campaigns were run in advance of the 2015 General Election and the 2016 referendum on the UK’s membership of the EU. The number of registered overseas voters reached over 250,000 during this time (see section 3).

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<sup>30</sup> [Clause 30](#) of the Bill, as introduced

<sup>31</sup> HL Deb 22 November 2000 c924

<sup>32</sup> [Electoral Commission press release](#), 22 September 2009

## 2.5

## Elections Act 2022

The [Elections Act 2022](#) received Royal Assent in April 2022. It contained provisions to abolish the 15-year limit.

These were not brought into force immediately. Additional secondary legislation was required to set out the application process and how electoral registration officers would process applications.

The secondary legislation was approved in the autumn of 2023 and took effect from 16 January 2024.<sup>33</sup>

The change fulfilled the Conservative Party manifesto commitment to end the 15-year limit on overseas voter registration, its ‘votes for life’ policy. The Conservative Party had been committed to removing the 15-year limit on overseas voter registration in each election since 2015.<sup>34</sup>

The Labour Party wanted to maintain the 15-year limit. Its 2019 manifesto instead committed to extending the franchise to 16-year-olds and 17-year-olds.<sup>35</sup> The Liberal Democrats 2019 manifesto committed to allowing all British citizens living abroad to vote in separate overseas constituencies covering areas of the world that would elect MPs to sit in Westminster.<sup>36</sup>

### Consultation on abolishing the 15-year limit

The Government published a policy statement, [A democracy that works for everyone: British citizens overseas, in October 2016](#).<sup>37</sup>

The statement confirmed the Government’s intention to abolish the 15-year limit on overseas voter registration. It also confirmed that eligibility would be extended to all eligible British citizens living overseas not just those who were previously registered.

To qualify, someone who was not previously registered to vote would need to provide evidence of residence at a UK address. It would also allow an option for someone without documentary evidence to get another voter to vouch for them in the form of an attestation.

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<sup>33</sup> [Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023](#) and the Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2023

<sup>34</sup> Conservative Party Manifesto 2015, p49, Conservative Party Manifesto 2017, p42 and [Conservative Party Manifesto 2019](#) (PDF) p48

<sup>35</sup> Labour Party, [It’s Time for Real Change: For the many not the few](#) (PDF), p82

<sup>36</sup> Liberal Democrats, [2019 Manifesto](#), Fair Votes

<sup>37</sup> [A democracy that works for everyone: British citizens overseas: policy statement](#) (PDF), Cabinet Office, October 2016

The [responses to the policy statement](#) were published in February 2018.<sup>38</sup> Although generally positive there were some concerns raised about aspects of the proposals. Some of these were about how readily available documentary evidence will be for verifying identity or previous residence for those who had been away from the UK for a long time. Others noted it would be difficult to enforce penalties for supplying false information when people were based overseas, and it would be difficult for electoral registration officers to check the validity of data.

## Overseas Electors Bill 2017-19

The 2016 consultation formed the basis of the [Overseas Electors Bill 2017-19](#). The was introduced by Glyn Davies (Conservative) as a Private Member's Bill (a ballot bill) on 19 July 2017. It was given a [second reading on 23 February 2018](#) without a division. Although it was a Private Member's Bill, the Bill and its explanatory notes were prepared with the assistance of the Government and would have fulfilled the Government commitments to introduce votes for life.

The [Overseas Electors Bill 2017-19](#) did not complete its stages and did not become law. Commons Library briefing, [Overseas Electors Bill 2017-19](#) (CBP 8823), details the provisions in the Bill and outlines the stages of the Bill in more detail.

## Elections Bill 2021-22

The [Elections Bill 2021-22](#) (Bill 138 of 2021-22) was introduced in the House of Commons on 5 July 2021. It was this Bill that went on to be the Elections Act 2022.

Details of the passage of the Bill, including Library briefings on the Bill, can be viewed on the [Elections Bill 2021-22 pages](#) on the Parliament website.

[The Government released a further policy statement](#) in February 2022. It provided additional information on how the 'votes for life' policy would be implemented once the provisions in the Elections Act 2022 were implemented.

The key elements of the Act and the secondary legislation passed in 2023 were:

- Ending the 15-year limit
- Extending eligibility to British citizens who were previously resident in the UK but not registered to vote
- Allowing overseas voters to continue to be verified in the same way as that of domestic electors (using their name, date of birth and National

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<sup>38</sup> Cabinet Office, [A democracy that works for everyone: British citizens overseas Response to feedback to policy proposals \(PDF\)](#), February 2018

Insurance (NI) number). Voters without an NI number will continue to be able use other routes to verify their identity.

- Simplifying renewals and requiring them every three years instead of annually
- Requiring overseas voters to provide an overseas address and details of their passport (or their Irish citizenship for eligible Irish citizens). They may be required to provide additional information where required which can be done electronically.
- Establishing a new method of proving a previous residence for those not previously registered on an electoral roll. This included a method of declaration of previous residence where no other documentary evidence is available (known as ‘attestation’).

## 2.6

## Previous attempts to remove the 15-year limit

### Electoral Registration and Administration Act 2013

The issue of the 15-year limit was raised during the passage of the Electoral Registration and Administration Bill 2012-13 in the House of Commons. Geoffrey Clifton-Brown (Conservative) proposed that a new clause should be added to the Bill to remove the 15-year rule, but the new clause was withdrawn after a debate.

The Government replied that the it would give the issue serious consideration, but that it would not rush into a decision “simply because the question of extending the franchise is a fundamental one, and both the Government and the House would have to feel comfortable with doing that”.<sup>39</sup>

### Overseas Voters Bill 2015-16

The [Overseas Voters Bill 2015-16](#) was a Private Member’s Bill introduced by Christopher Chope (Conservative). The Bill had its second reading debate on 26 February 2016 but was withdrawn at the end of the debate and did not proceed further.<sup>40</sup>

Speaking for the Opposition, Ian Lavery said that the Labour Party was unable to support the Bill but “had no objection to reviewing the time limits on eligibility”.<sup>41</sup> He added:

However, if we are to consider changing the limit, or even removing it completely, as has been argued, I do not believe that that should be done in

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<sup>39</sup> [HC Deb 27 June 2012 \[Electoral Registration and Administration Bill\], c353](#)

<sup>40</sup> [HC Deb 26 February 2016 \[Overseas Voters Bill\], c577-92](#)

<sup>41</sup> [HC Deb 26 February 2016 c582](#)

isolation. It should happen as part of a wider review of how we can increase participation in elections in general.

## All-party working group on overseas voting

In June 2013, an all-party working group on overseas voting was launched with Lord Norton as its Chair. Various blogs for overseas voters have referred to the group.<sup>42</sup>

In March 2014, the group published a report entitled [Enhancing engagement in the electoral process by British expatriates](#).

Its recommendations included that more should be done to encourage overseas voters to register, and the Government should look at the feasibility of electronic voting for overseas voters.

## Court cases

### European Court of Human Rights, May 2013

Harry Shindler, a British citizen who moved to Italy to live in 1982, had long fought for a change in the law to allow him to vote in UK general elections. Mr Shindler died in February 2023 at the age of 101.<sup>43</sup>

He first took his case to the European Court of Human Rights in 2009 and has argued that no time limit should be imposed on the right of British citizens living overseas to vote in the UK.<sup>44</sup>

In its judgment on 7 May 2013, ([Shindler v United Kingdom](#) [2013] ECHR 423) the European Court of Human Rights ruled that there had been no violation of Article 3 of Protocol No 1 (right to free elections) of the European Convention on Human Rights and decided that the UK's electoral law "had not gone too far in restricting the right to Mr Shindler's right to free elections" and "allowing non-residents to vote for 15 years after leaving the country was not an unsubstantial period of time."<sup>45</sup>

### Shindler and MacLennan

In 2016, Mr Shindler, along with Jacquelyn MacLennan, who had lived in Brussels since 1987, took a case to the High Court in England challenging the legality of the franchise for the referendum on the UK's membership of the EU.

They challenged the legality of the franchise for the referendum which, because it was based on the Parliamentary franchise, would exclude British citizens who have lived abroad for more than 15 years. Shindler and

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<sup>42</sup> <http://www.votes-for-expat-brits.com/>

<sup>43</sup> The Times, [Harry Shindler obituary](#) (log in required), 25 March 2023

<sup>44</sup> [WWII veteran loses ruling on expats voting in UK elections](#), BBC News, 7 May 2013

<sup>45</sup> Right to vote of British national who has lived outside the UK for thirty years not violated by UK election laws, European Court of Human Rights [press release](#), 7 May 2013

MacLennan claimed that the 15-year rule, as applied to eligibility to vote in the EU referendum, constituted a restriction on their rights of free movement.

[The High Court's judgment on the EU referendum case](#) on 28 April 2016 rejected Shindler and MacLennan's claim. Shindler and MacLennan sought leave to appeal the judgment in the Court of Appeal; this application was heard on 9 May 2016 and [leave to appeal was refused by the Court in a judgment on 20 May 2016](#).

The Supreme Court also refused permission for them to appeal the Court of Appeal's judgment. It said:

We do have considerable sympathy for the situation in which the applicants find themselves and we understand that this is something which concerns them deeply. But we cannot discern a legal basis for challenging this statute.

Accordingly the application for permission to appeal is refused.<sup>46</sup>

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<sup>46</sup> [Permission to appeal decision refused in EU referendum case](#), Supreme Court 24 May 2016

## 3

# Number of overseas voters

## Summary

Until 2015 the number of registered overseas voters never exceeded 35,000.

Increased awareness of overseas voting, particularly as a result of the 2016 EU referendum and the 2017 snap general election, saw numbers jump. There were 285,000 overseas voters registered at the 2017 General Election.

The snap general election of December 2019 saw just over 230,000 overseas voters registered. The number tends to decline in years between general elections. In December 2021 the number had dropped to 107,000.

Recent estimates of the number of British citizens living abroad have put the number at around 5 million. Estimates during the debate on the Overseas Electors Bill 2017-19 suggest 1.4 million British citizens could be eligible to register under the 15-year limit. The [Government estimates](#) this could rise to over 3 million with the 15-year limit is abolished.

## 3.1

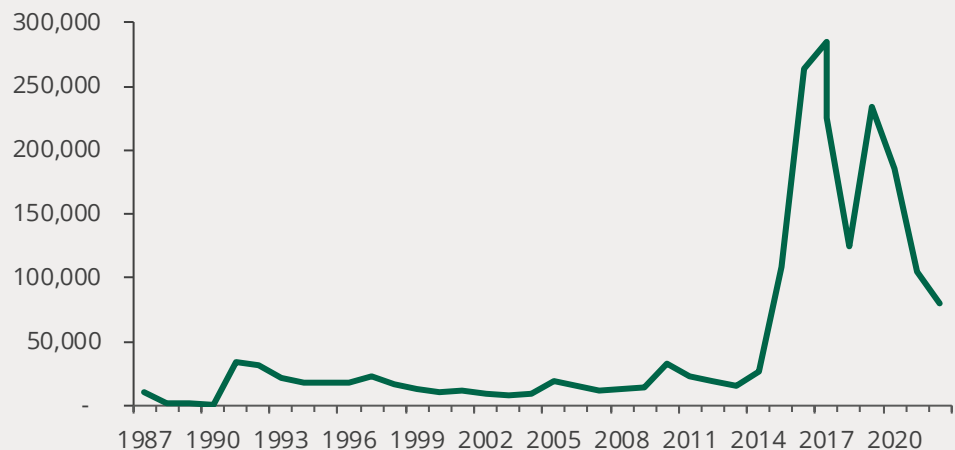
# Numbers of overseas voters registered

Until 2015 the number of registered overseas electors never rose above 35,000. There were small peaks in the years when there was a general election (with the exception of 1991) before falling again over the next few years.

The chart below shows the number of overseas electors on the register for each year since 1987, the first-year data was recorded following the Representation of the People Act 1985. The full figures are shown in the appendix.



### Overseas electors on the register of parliamentary electors



Notes: The release date changed in 2001 from Feb to Dec. The 2013 and 2014 figures for Scotland were published in March 2014 and 2015 respectively as opposed to being published in December the same year previously. The 2015 figure is for the UK general election. The 2019 figure is for the UK general election

Source: ONS, Electoral Statistics; General Registrar Office for Scotland; Electoral Office for Northern Ireland; OPCS; and House of Commons Library communication, Electoral Commission electoral data 2017 and 2019.

The increase in numbers of overseas electors in 1991 resulted from the Representation of the People Act 1989 which extended the period during which overseas voters could be registered to vote in UK Parliamentary elections from 5 years to 20 years.

In 2015 and 2016 the numbers of registered overseas voters increased significantly.

In advance of the 2015 UK General Election the Electoral Commission ran an overseas voter registration campaign (from 2 February to 17 April 2015). The 2015 General Election was the only scheduled election under the terms of the now repealed Fixed-term Parliament Act 2011. As a result, the Commission was able to run an overseas voter registration campaign well in advance of polling day of 7 May 2015. The campaign was run in partnership with the Foreign and Commonwealth Office (FCO), which coordinated efforts with consulates and embassies at key points during the campaign.<sup>47</sup>

A record number of overseas voters were registered for that election – almost 106,000 – three times the previous record in 1991.<sup>48</sup> This was aided by the

<sup>47</sup> Electoral Commission, [Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#), July 2015, p37

<sup>48</sup> As above, p36

advent of [online registration](#) via the GOV.UK website, introduced in 2014, making it significantly easier for overseas voters to apply to register.

That record was surpassed in the run up to the EU referendum, in June 2016. The referendum used the Parliamentary franchise, which meant overseas voters were eligible to vote. In December 2016, there were nearly 264,000 registered overseas voters. Over 135,000 of these were registered during the Electoral Commission's public awareness campaign for overseas voters, which ran from 17 March to 9 June 2016.<sup>49</sup>

The figure for the June 2017 General Election reached just over 285,000 registered overseas voters.<sup>50</sup> In December 2018, there were just over 124,000 registered overseas voters. The Electoral Commission noted that:

With no national polls during 2018 it seems likely that, as their 12-month registration period expires, many overseas voters have not re-registered.<sup>51</sup>

The Commission expected the number of overseas voters to rise again in advance of a general election. Electoral Commission analysis indicated that a forthcoming election motivates voters to apply to register:

Our analysis from 2017 shows again that a significant number of people chose to apply to register to vote directly in response to... the June general election.<sup>52</sup>

This again appeared to be the case in 2019. The first debate in the House of Commons on holding an early general election in 2019 was on 4 September.<sup>53</sup> The daily average of overseas voters using the Government's online [Register to vote](#) service from 1 January to 1 September 2019 was about 260.

The deadline to register to vote when the election was finally called was 26 November 2019. The average number of applications from overseas voters from 1 September to 26 November 2019 went up to nearly 1,900.<sup>54</sup> The number of overseas voters applying on the final day was nearly 18,000. The issue of registrations for overseas voters coming so close to an election date is considered in section 4 of this briefing.

An application made online via the service may not lead to the same number of additions to the electoral register. Registration officers will determine whether applications are successful. Many applicants may already be registered, and others may not be eligible to register.

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<sup>49</sup> Electoral Commission, [Analysis of the December 2016 electoral registers in the United Kingdom](#), March 2017

<sup>50</sup> Electoral Commission, [The administration of the June 2017 UK general election: Report on the 8 June 2017 general election](#) (PDF), December 2017, p3

<sup>51</sup> Electoral Commission, [Analysis of electoral registration data](#), 1 August 2019

<sup>52</sup> Electoral Commission, [Electoral registration at the June 2017 UK general election Report on the UK Parliamentary general election held on 8 June 2017](#), July 2017, p14

<sup>53</sup> [HC Deb 4 September 2019c 291-315](#)

<sup>54</sup> Source: GOV.UK [Voter registration dashboard](#), FOI request for data FOI2020/04507

The number of overseas voters registered on 1 December 2019, from the annual official electoral registration statistics was just over 204,000. The actual number registered in time for the 12 December 2019 General Election was just over 233,000.<sup>55</sup>

The trend of overseas voters not renewing their registrations when no general election seems likely has continued, with the number registered dropping to 185,000 in December 2020, 105,000 in December 2021 and 80,000 in December 2022.

## 3.2 How many potential extra overseas voters could there be?

There is no official data on the number of British citizens living abroad:

- The [Institute for Public Policy Research \(IPPR\) estimated in 2010 that there were 5.6 million](#) (PDF) (then equivalent to about 10% of the British population)
- [The UN estimates that there were about 4.3 million in 2019](#). Some of this difference may be explained by different ways of counting: the UN counts people who are born abroad and have foreign citizenship as a migrant, whereas the IPPR uses a wider range of sources.

In July 2015 the Electoral Commission published a [report](#) on the administration of the 2015 general election. The Commission commented that:

British citizens who live overseas are a particularly challenging audience to reach. The dispersed nature of, and lack of data on, the potential overseas electorate makes it difficult to produce reliable statistics and while there are some estimates of the total number of expatriates, there is no estimate at all for the sub-set of **eligible** electors who meet the requirement of being on a UK register within the last 15 years.<sup>56</sup>

In the second reading debate on the [Overseas Electors Bill 2017-19](#), the MP in charge of the Bill, Glyn Davies, said that the number of registered overseas voters at the June 2017 General Election, just over 285,000, represented about only 20% of the those likely to be eligible.<sup>57</sup> This gave a potential electorate of around 1.4 million under the 15-year limit.

The Government estimated in its [Impact Assessment for the Elections Bill 2021-22](#) that there are between roughly 3.2 million and 3.4 million British

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<sup>55</sup> ONS, [Electoral statistics, UK: 2019](#)

<sup>56</sup> [The May 2015 UK elections: report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#), Electoral Commission, July 2015, para 3.16

<sup>57</sup> [HC Deb 23 February 2018 \[Overseas Electors Bill\], c486](#)

nationals living overseas who would become eligible to vote if 15-year limit was scrapped.<sup>58</sup>

Not all eligible overseas voters are likely to register. The Impact Assessment for the 2021-22 Bill indicated 17.8% of overseas voters register during an election year, while 4.7% register during a non-election year. Two-thirds do not renew their registration in a non-election year and are removed from the register. The Government expected these proportions to remain broadly the same. The number of overseas voters expected to register for the first election had the 2021-22 Bill been passed was around 302,000.<sup>59</sup>

In a research survey of UK citizens living overseas, conducted by the Electoral Commission, and published in September 2016, 58% of respondents believed that they were currently registered and 30% of potentially eligible overseas voters responding said that they had voted in the 2015 UK General Election.<sup>60</sup>

However, these figures should be treated with caution. The Electoral Commission has highlighted the problem with gaining representative data from British citizens overseas. Surveys on voter behaviour and turnout are subject to errors as people may over-estimate their likelihood of voting and may think they are registered when they are not.<sup>61</sup>

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<sup>58</sup> Elections Bill 2021-22, [Impact Assessment](#), p47

<sup>59</sup> Elections Bill 2021-22, [Impact Assessment](#), p56

<sup>60</sup> Electoral Commission, [Survey of UK citizens living overseas Summary of findings](#), September 2016, p3

<sup>61</sup> See for example British Election Study releases, such as [The myth of the 2017 youthquake election](#). Measuring turnout in surveys is particularly tricky. People who don't vote also tend to be more reluctant to take survey. Some people will also tell surveys they voted when they actually didn't. This makes it very difficult to work out what the turnout rate amongst different groups actually was.

## 4 Barriers to overseas voters casting their ballot

### Summary

Overseas voters sometimes face practical and administrative barriers to being able to cast their vote in a UK general election.

One of the main barriers is the amount time available to return their ballot papers. The statutory election timetable is 25 working days. Ballots cannot be sent out until nominations have closed and ballot papers can be printed.

The lack of time to send overseas ballots is compounded if overseas voter applications are received when the election is already underway.

The Electoral Commission has recommended that the UK Government needs to consider innovative new approaches to improve voting for overseas electors particularly given its plans to increase the number of British citizens living abroad who are eligible to vote.

The end of the 15-year time limit on overseas voter registration has the potential to include many more overseas voters on the electoral register.

This is likely to draw greater attention to some of the problems experienced by overseas voters. Administrative issues prove to be a barrier to casting a vote to some overseas voters once registered. These relate to the tendency for some overseas voters to register only when an election is called, the length of the election timetable, and lack of awareness among overseas voters of the application and renewal requirements.

In the 2015 general election, 16% of respondents to an Electoral Commission survey said that an administrative reason, including not receiving their postal vote, was the reason that they did not vote.<sup>62</sup> The most common complaint from overseas voters to the Electoral Commission in 2019 was not receiving postal votes in time to send them back. This affects voters registered to constituencies in Great Britain. Overseas voters registered in Northern Ireland are not permitted to vote by post.

<sup>62</sup> Electoral Commission, [Survey of UK citizens living overseas Summary of findings](#), September 2016

The Electoral Commission's report on the 2019 election provided some examples of the feedback it had received from overseas voters:

My overseas postal vote arrived the day before the election. This left me no time to send it back, and so I was not able to vote despite my desire to.

The ballot arrived Saturday afternoon. I paid \$35 for express shipping to get it back to the UK as soon as possible but it was still unlikely to arrive in time (letters normally take around a week). I don't know why it arrived so late.

IT DOES NOT WORK. My post was sent too late to arrive for me to return it, will not reach the UK in time. I have no vote.

My postal vote did not arrive until 5 working days before the election, making it impossible for my vote to be counted.<sup>63</sup>

The Electoral Commission has welcomed votes for life for overseas voters, but it has suggested the UK Government should consider new approaches to improve voting for overseas voters. It says this could include the option to vote at embassies and consulates, or to download and print postal ballot papers.<sup>64</sup>

## 4.1

### Barriers to registration

#### Awareness of registration requirements

Previously, one barrier to registering for some overseas voters was a lack of awareness of the requirements under the old rules. In the 2016 survey conducted by the Electoral Commission, the '15 year-rule' was understood by a majority of respondents, with 74% knowing that having been on the UK electoral register in the past 15 years was a requirement to qualify to be on the register as an overseas voter. The '15-year rule' had lower awareness among those that had been living abroad for more than 15 years. As noted in section 3.2, the results are only indicative because of the problem of obtaining a reliably representative sample.<sup>65</sup>

However, there was some confusion over eligibility requirements, with 31% believing that receiving a UK state pension and 22% believing that owning a property in the UK would make someone eligible to vote.

There were also low levels of awareness that an overseas voter registration had to be renewed annually. Just under a third (29%) believed it is true that 'UK citizens living overseas must renew their registration once every 12 months', while 38% believed this is false and 34% were unsure.

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<sup>63</sup> Electoral Commission, [UK Parliamentary General Election 2019](#), p7

<sup>64</sup> Electoral Commission, [Changes to overseas voting](#), July 2021

<sup>65</sup> Electoral Commission, [Survey of UK citizens living overseas Summary of findings](#), September 2016

Of those who did not vote, lack of awareness was a common reason. One in five (21%) say that they did not know how to register, and the same proportion said that they did not know how to vote.

Only 50% of respondents were aware that they could register to vote online.

## Registration deadlines

Another barrier to overseas voters returning their ballots in time is the tendency for many applications to be received only once an election is called.

The deadline for overseas voters to register to be included on the register used on polling day is the same as for ordinary voters resident in the UK - midnight, 12 working days before polling day.

In its 2017 report, the Association of Electoral Administrators (AEA) highlighted that this timescale has an impact on applications for overseas voters, particularly those close to the deadline. It provides insufficient time for postal votes to be sent abroad and returned in time so that they can be counted. It voiced its concern to the Government over the administrative challenges of registering overseas voters:

In the vast majority of cases, overseas electors register immediately prior to a [general election] and, as is traditionally the case, immediately following the announcement of the election, the volumes of applications received increased significantly.

The administration of overseas electors requires a disproportionate amount of staff resource, mainly caused by the requirement to check that the applicant had been registered within the local authority area within the last 15 years.<sup>66</sup>

The AEA has called for review of all election and electoral registration deadlines to be undertaken. The timing of the snap 2017 General Election meant some returning officers faced “unnecessary and unreasonable criticism” because some voters had unrealistic expectations about when their ballot paper should arrive.<sup>67</sup> This is linked to the length of the election timetable (see section 4.2 below).

The timing of the 2017 General Election also caused some issues with overseas voter renewals for voters and administrators. At the time overseas voter registration were valid for 12 months. Many overseas voters who had registered in order to vote in the EU referendum on 23 June 2016 were then due to renew their registration in the run up to the 8 June 2017 General Election.

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<sup>66</sup> AEA, It's time for urgent and positive Government action The AEA's review of the 2017 local government elections and the UK Parliamentary general election, September 2017, p37

<sup>67</sup> As above, p44

## 4.2

# The election timetable

Postal ballot packs cannot be printed and sent out until nominations close. With a 25 working-day election timetable this gives a period of four calendar weeks between the close of nominations (when the details of the candidates to be printed on the ballot papers are confirmed) and polling day.

Ballot papers must be printed, sent out and returned. For postal ballots to be included in the count, whether from local or overseas voters, the returned ballots must be received by the close of poll at 10pm on polling day.

## Lengthening of the election timetable

The Parliamentary election timetable was lengthened to 25 days from 17 days by the [Electoral Registration and Administration Act 2013](#) and this took effect from the general election in May 2015.<sup>68</sup> This provision was brought into force on 6 April 2014 by article 3 of the Electoral Registration and Administration Act 2013 (Commencement No. 5 and Transitory Provisions) Order 2014.

The Electoral Commission had long recommended that the Parliamentary election timetable should be lengthened to bring it into line with the local election timetable. The Commission's reasoning was based on the increasing practice of combining local and general elections but also on the benefits for absent voters that a longer timetable would bring.

The Electoral Commission's [report on the administration of the 2010 General Election](#) highlighted the problems of the 17-day timetable:

Some overseas voters who had registered for a postal vote have complained that they did not receive their postal ballot packs in time to vote in the election, or that they did not receive them at all. 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 10pm on 6 May.<sup>69</sup>

A short [debate in the House of Lords on voting arrangements for British citizens living overseas](#) and members of the armed forces serving abroad was held on 2 March 2011. The minister, Lord McNally, acknowledged that the Government should address the issue of overseas voters. He said the Government was looking at the length of the election timetable 'with a sense of urgency'.<sup>70</sup>

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<sup>68</sup> [Electoral Registration and Administration Act 2013 \(Commencement No. 5 and Transitory Provisions\) Order 2014](#)

<sup>69</sup> [Report on the administration of the 2010 UK general election](#), Electoral Commission, July 2010

<sup>70</sup> HL Deb 2 March 2011 c1133



## 25-day timetable still causes issues

Although the timetable has been lengthened, overseas postal voters can still face difficulties in getting their votes back in time.

Electoral Commission guidance to returning officers is to prioritise postal voting packs to overseas voters.<sup>71</sup> However, at each election there are reports that some voters have been unable to return their ballot papers in time to be included in the count. This is particularly the case, as noted above, for voters registering close to or on the registration deadline for a given election, which is 12 working-days before polling day.

At the 2019 election the most common feedback from overseas voters was not receiving their postal vote in time to complete it and send it back.<sup>72</sup>

The [Dissolution and Calling of Parliament Act 2022](#) abolished the Fixed-term Parliament Act 2011. The 2022 Act maintained the maximum five-year term of a Parliament but returned the power to call a general election at the time of their choosing to a sitting Prime Minister. It made no change to the election timetable.

During pre-legislative scrutiny of the draft Bill by the Joint Committee on the Fixed-term Parliament Act, the Committee noted that the proposals in the Bill would not return the statutory election timetable to 17 working-days but maintain it at 25. The Committee recommended that a cross-party working party should be established to consider how the election timetable could be shortened.<sup>73</sup>

The Government responded by saying it agreed in principle that the election timetable should be “as short as practicable whilst also recognising the importance of ensuring the operability of elections as effective and well-run polls are essential to democracy”.<sup>74</sup>

In September 2021, the Association of Electoral Administrators and the Society of Local Authority Chief Executives issued an open letter to the minister in charge of the Bill in response to the Joint Committee’s comments on shortening the election timetable. In their view reducing the timetable from 25-days was, “simply not achievable within our current electoral system”.<sup>75</sup>

In October 2021, electoral suppliers also wrote an open letter to the minister expressing concerns about any attempt to shorten the timetable, saying:

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<sup>71</sup> Electoral Commission guidance, [Absent vote timetable](#)

<sup>72</sup> Electoral Commission, [In depth: delivering the 2019 UK Parliamentary general election](#), April 2020

<sup>73</sup> [Commons Library Research Briefing CBP-9267, Dissolution and Calling of Parliament Bill 2021-22](#)

<sup>74</sup> [Government response to the Joint Committee on the Fixed-term Parliament Act Report](#), May 2021, p15

<sup>75</sup> [Open letter from the Association of Electoral Administrators and the Society of Local Authority Chief Executives](#), 9 September 2021

From a print supplier perspective, the volume of paper, envelopes and working hours required to print and deliver approximately 48 million poll cards, over 8 million postal votes and more than 50 million ballot papers would make a 17-working day timetable extremely challenging.<sup>76</sup>

During the committee stage of the Dissolution and Calling of Parliament Bill amendments were tabled to try and alter the statutory election timetable. The amendments were unsuccessful, and the minister said:

I am happy to confirm from this Dispatch Box that the Government's position is to maintain the electoral timetable as it stands—I am not proposing an extension or reduction<sup>77</sup>

## 4.3 Barriers to voting

The AEA has also highlighted a practical issue with overseas voter registration applications, that “a significant number of overseas electors did not request absent voting facilities when originally applying to register”.<sup>78</sup> The AEA recommended that electors should, as part of their original application and subsequent renewal, be required to specify suitable absent voting arrangements.

The request for an absent vote is a separate stage to the registration and electoral administrators have reported that this has led to situations where overseas electors will have been registered but then unable to participate without returning to their polling station in the UK.

In its report on the 2017 General Election, the Electoral Commission noted that appointing a proxy could cause problems for some overseas voters:

Many British citizens living overseas, especially those who have been away for a considerable period of time, may not be able to identify an eligible person living in the UK who they can appoint as their proxy.<sup>79</sup>

The AEA report on the 2017 election said that dealing with overseas electors provided “one of the biggest administrative challenges this year”.<sup>80</sup> It reported that there were many incidences where overseas voters mistakenly believed that they would be able to vote online or have their ballot papers emailed to them.<sup>81</sup>

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<sup>76</sup> [Open letter from electoral suppliers across the UK](#), 13 October 2021

<sup>77</sup> [HC Deb 13 September 2021 \[Dissolution and Calling of Parliament Bill\], c731](#)

<sup>78</sup> Association of Electoral Administrators, AEA post-elections report 2017: It's time for urgent and positive Government action, p44

<sup>79</sup> Electoral Commission, [The administration of the June 2017 UK general election Report on the 8 June 2017 UK Parliamentary general election](#), December 2017, page 15.

<sup>80</sup> Association of Electoral Administrators, AEA post-elections report 2017: It's time for urgent and positive Government action, p37

<sup>81</sup> Association of Electoral Administrators, AEA post-elections report 2017: It's time for urgent and positive Government action, p51

In its statutory report on the administration of the 2019 election, the Electoral Commission again highlighted the problems faced by registered overseas voters.

We received feedback after the election from more than 500 overseas voters. The most frequent problem they mentioned was not receiving their postal vote in time to complete it and send it back. Overseas electors were dependent on the speed of the postal service in the country where they live.<sup>82</sup>

The Commission noted there had been some improvements in 2019:

At the 2019 general election, the Cabinet Office and Royal Mail put in place a system for faster delivery of postal ballot packs to overseas electors. This does appear to have improved the experience for some electors, but there was still not enough time for overseas electors in some countries to return their votes in time for them to be counted.<sup>83</sup>

Local authorities use the International Business Response Service (BFPO) for overseas votes (and also BFPO addresses for service voters). Although the extension of the election timetable has provided more time, some electoral administrators still report problems with getting overseas votes returned in time.

Following the 2017 General Election, the Electoral Commission reported that:

We recommended that Ros should ensure postal ballot packs for future elections are issued to overseas electors as early as possible and should include the correct return postage, so that they can be delivered and returned by voters as quickly as possible before polling day. We were pleased that the UK Government ensured that Ros for the June 2017 general election could use the International Business Response Service for overseas postal ballot packs, despite the relatively short time between the announcement of the election and the dispatch of postal ballot packs to overseas electors.<sup>84</sup>

Following the 2017 election AEA members expressed concern at the International Business Response Licence for the return envelopes for overseas postal votes and the AEA has called for an evaluation of the licence for future national polls.<sup>85</sup>

Although some reported the system had worked well, some of the comments received by AEA members indicated that some international reply envelopes were not recognised by local postal services (some were returned with 'not enough postage paid' marked on them and in some places voters were required to pay postage).

Some AEA members had concerns about the speed of return by other postal services. In one area, a number of envelopes that arrived too late for inclusion

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<sup>82</sup> Electoral Commission, [UK Parliamentary General Election 2019](#), April 2020, p6-7

<sup>83</sup> As above, April 2020, p7-8

<sup>84</sup> Electoral Commission, [April 2020. How the 2017 UK general election was run](#), December 2017, p15

<sup>85</sup> Association of Electoral Administrators, AEA post-elections report 2017: It's time for urgent and positive Government action, p46

in the count were date stamped (in the country from which they were sent) two weeks before polling day.

The Government's response to the AEA and Electoral Commission reports on the 2017 General Election acknowledged the concerns:

The Government recognises the difficulties with postal voting from overseas and has already amended the timetable for parliamentary elections to maximise the time available for postal vote packs to be printed, posted and returned. It also recognises the pressures on Electoral Administrators when dealing with last minute requests.

The Government must look to strike the right balance between providing a system which is accessible to overseas electors, workable for electoral administrators and protects the security and integrity of electoral registration. We agree that overseas electors should be encouraged to register as early as possible ahead of the registration deadline and will look to further improve the messaging on GOV.UK to more clearly highlight the need to make an absent vote application and the choices open to people living abroad.<sup>86</sup>

The [Voting when you're abroad](#) page on the GOV.UK website now makes it clear the absent voting options available when registering to vote as an overseas voter.<sup>87</sup>

The Elections Act 2022 has made changes to the absent voting arrangements for elections to the UK Parliament (and other reserved elections).<sup>88</sup> From 1 November 2023 applications can be made by voters registered in Great Britain online using the '[Apply for a postal vote](#)' and '[Apply for a proxy vote](#)' services on GOV.UK. The Government's view is that "Digitising the absent vote application process will also benefit overseas electors who typically vote by post or proxy".<sup>89</sup>

Different arrangements apply in Northern Ireland and voters registered in Northern Ireland must contact the Electoral Office for Northern Ireland. Overseas voters may only vote by proxy if they are registered to vote in a Northern Ireland constituency.

The Electoral Commission and the Government continue to recommend that where possible overseas voters consider appointing a proxy voter to vote on their behalf rather than rely on a postal vote. Overseas voters voting in a constituency in Northern Ireland must appoint a proxy, postal votes are not allowed.

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<sup>86</sup> Cabinet Office, [The UK Government's Response to the Electoral Commission's reports on the 2017 UK Parliamentary General Election Incorporating a response to the Association of Electoral Administrator's report on the 2017 UK Parliamentary General Election](#), November 2017, p8

<sup>87</sup> GOV.UK, [Voting if you move or live abroad](#), accessed 31 October 2023

<sup>88</sup> Commons Library research briefing CBP 7419, [Absent voting](#)

<sup>89</sup> Department for Levelling Up, Housing and Communities, [Policy paper: Identity verification for absent vote applications and an online application service](#), 3 February 2022

## 5 Representing overseas constituents

As noted above, eligible overseas voters must be registered in the last constituency they were registered or were resident in before they left the UK.

There is no specific guidance for MPs on constituency correspondence with expatriates, whether they are registered as overseas voters or not. Nor are there any legal restrictions on how an MP undertakes their duties.

In his evidence to the Modernisation Committee's 2007 inquiry into the role of the backbench MP, the then Clerk of the House wrote that "how backbenchers perform their role as Members of the House is largely a matter for each Member to decide".<sup>90</sup>

The convention that MPs should only handle casework on behalf of their own constituents does not go beyond that basic outline. It offers no advice to individual MPs as to how they should undertake such casework.

The Commons Library's briefing paper SN 2028, [Members and Constituency Etiquette](#) quotes the former MP, Edmund Marshall. He wrote the fullest account, yet to appear, about the practicalities of MPs dealings with their constituents:

The simple, general principle is that any citizen in the United Kingdom should first get in touch with his own constituency representative

...

There is a convention, almost universally observed on all sides of the House of Commons, that Members deal with personal inquiries only from their own constituents.<sup>91</sup>

Edmund Marshall's advice goes on to say British citizens abroad, whether they are eligible to be on the electoral register or not, "who wish to contact an MP, should in general approach the Member for the constituency where their names last appeared on an electoral register".<sup>92</sup>

There have been suggestions that there should be a MP specifically for British citizens living overseas; similar suggestions for a MP for the armed forces serving abroad have also been made.

<sup>90</sup> Modernisation Committee, [Revitalising the Chamber: the role of the back bench Member](#), 20 June 2007, HC 337 2006-07, Evidence from the Clerk of the House of Commons, Ev 97

<sup>91</sup> [Commons Library Research Briefing SN02028, Members and Constituency Etiquette](#).

<sup>92</sup> The House of Commons provides a constituency locator in order to deduce in which constituency a particular address falls, <http://findyourmp.parliament.uk/>

During the second reading debate on the [Overseas Electors Bill 2017-19](#), several MPs made reference to the arrangement that exists in France, where 11 seats in the Assemblée Nationale are reserved for French nationals living overseas. The 11 constituencies cover different zones of the world outside France and French territories (which have their own seats in the Assemblée Nationale).

The Government has said it does not support such an arrangement for the House of Commons.

The Government does not support the creation of parliamentary constituencies for overseas electors. The current and proposed overseas voting arrangements are based on the principle that overseas electors continue to have some form of connection to the area of the country where they were last resident. This is the approach taken generally in other democracies with overseas voting.

The creation of overseas constituencies would also require changes to the way that electoral administration (the registration of voters and the conduct of polls) is organised in Great Britain, where responsibility lies at the local authority level. It would clearly not be appropriate for the Government to carry out these functions for overseas constituencies.<sup>93</sup>

It is also sometimes difficult for MPs for British citizens living abroad to assist with problems raised by their constituents which concern the government and administration of the country in which they live and where the UK Government has no jurisdiction. Having MPs for specific areas overseas would not solve this particular issue.

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<sup>93</sup> [PQ 3045 \[Constituencies\], 10 July 2017.](#)

## Appendix

### Overseas electors on UK electoral register, 1987-2022

Year	Number	Year	Number
Feb-87	11,100	Dec-06	15,099
Feb-88	2,092	Dec-07	11,295
Feb-89	1,836	Dec-08	12,926
Feb-90	1,237	Dec-09	14,890
Feb-91	34,454	Dec-10	32,725
Feb-92	31,942	Dec-11	23,526
Feb-93	22,131	Dec-12	19,399
Feb-94	18,552	Dec-13 i	16,031
Feb-95	17,934	Dec-14 i	27,005
Feb-96	17,886	Dec-15	108,275
Feb-97	23,583	Dec-16	263,962
Feb-98	17,315	Jun-17 iii	285,198
Feb-99	13,677	Dec-17	225,900
Feb-00	10,669	Dec-18	124,398
Feb-01	11,496	Dec-19 iv	204,231
Dec-01	13,009	Dec-19 v	233,588
Dec-02	9,786	Dec-20	185,289
Dec-03	8,552	Dec-21	105,352
Dec-04	9,669	Dec-22	79,829
Dec-05	19,002		

#### Notes:

- (i) The 2013 and 2014 figures for Scotland were published in March 2014 and 2015 respectively as opposed to being published in December the same year previously
- (ii) The figure for the May 2015 General Election
- (iii) The figure for the June 2017 General Election is GB only
- (iv) The figure for 1 December 2019 annual statistics
- (v) The figure for the 12 December General Election

#### Sources:

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