

Written evidence from Bremain in Spain (TEB 10)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

ELECTIONS BILL – SCRAPPING THE ARBITRARY 15 YEAR RULE RE VOTING RIGHTS OF BRITISH CITIZENS ABROAD

Introduction

This report was compiled by Bremain in Spain on behalf of our 6000 members, and all British citizens living abroad that have been denied their democratic right to vote in UK elections.

The testimonials included were provided by Bremain in Spain members, when asked why their UK voting rights are important to them. Many of these can also be found on our [website](#).

There are many controversial elements to the Elections Bill, which Bremain do not support, such as voter ID and threats to the independence of the Electoral Commission. However, we will restrict our evidence to an element of the Bill that we fully support – the aim to scrap the arbitrary 15-year voting rule that prevents millions of us from exercising our democratic voting rights.

To the best of our knowledge, the information provided in this report is accurate.

UK Nationals Abroad

It is estimated that there are a total of 4.3 million UK citizens living abroad, of which two-thirds are currently ineligible to vote – around 3 million people.

Of the 1.3 million UK Nationals that live in the European Union, the largest number – over 380,000 – live in Spain. Although Spain is a popular destination for retirement, until recently, pensioners made up just 25% of the British population, or 20% across the EU. However, the latest [Spanish Government figures](#) show the number of pensioners in Spain has now risen to over 140,000, or 37%.

The rising number of pensioners registered as living abroad means an increasing number of British citizens may soon be denied their voting rights or will be approaching the 15-year deadline.

The UK is the [only G7 nation](#) that does not allow their overseas citizens voting rights for life.

CONTENTS

	Page
• Votes for Life – Overview	4
○ Background	4
○ Government Position	4/5
○ Eligibility and Registration	5
• Why voting rights are important to us	6
○ Lack of Support	6
○ Testimonials	7/9
• Issues and Concerns	10/11
• Conclusions and Recommendations	12/13
• Summary	14

VOTES FOR LIFE - OVERVIEW

Background

Prior to 1985, British citizens living overseas did not have the right to vote. The Representation of the People Act 1985 enabled overseas citizens to vote in the constituency where they had previously lived, but only for a period of five years. That was extended to twenty years in 1989 but reduced to fifteen years in 2000 - a limit which still applies today.

For a more detailed history of the background regarding overseas voters, you can read the House of Commons Library briefing [here](#).

Government Position

Following the 2015 general election, the Conservative Government made a commitment to scrapping the 15-year rule. In 2016, this was followed by the publication of a policy document: ‘A democracy that works for everyone’.

A further commitment to introduce ‘votes for life’ appeared in the 2017 manifesto, followed by the Overseas Voters Bill 2017–2019 – a private members bill that never made it past the ‘report stage’ in Parliament.

2019 Conservative manifesto:

“We will make it easier for British expats to vote in Parliamentary elections, and get rid of the arbitrary 15-year limit on their voting rights”

In the [2019 manifesto](#), the Government made a commitment to scrap the “arbitrary 15-year limit” on our voting rights. This commitment was followed through in 2021:

- in March, [£2.5 million was set aside](#) in the [Budget](#) to fund changes to voting rules
- in the [Queen’s Speech in May](#), the Electoral Integrity Bill (later renamed the Elections Bill) was introduced

The Government has recognised that “most British citizens overseas retain deep ties to the United Kingdom. Many still have family here, some will return here, others are drawing a British pension after a lifetime of hard work and some may have fought for our country”. (Source: Cabinet Office correspondence 2020).

The press release issued by British Embassies in May 2021 stated that “decisions made in the UK Parliament on foreign policy, defence, immigration, pensions and trade deals affect British citizens who live overseas. It is therefore right that they have a say in UK Parliamentary General Elections.”

British Ambassador to Spain, Hugh Elliott, announced the Government’s plans and added his own thoughts.

HMA Hugh Elliott, said:

“In an increasingly connected world, most British citizens living in Spain retain deep ties to the United Kingdom. Many still have family there, worked there for many years, and some have even fought for our country.

“They deserve to have their voices heard in Parliament, no matter where they live, and I am delighted that UK Nationals living in Spain will now be able to participate in our democracy.”

You can read the full press statement regarding the Queens’ Speech [here](#), and the press release from July 2021 re the introduction of the Bill [here](#).

Eligibility and Registration

Provisions in the Election Bill (see [Explanatory notes](#)) set out the eligibility criteria for voting as an overseas elector. In order to qualify to vote in a particular constituency, the elector must satisfy one of the following conditions:

- to have previously voted in that constituency
- to have previously resided in that constituency

It is not necessary to have previously been on the electoral register.

In an effort to increase the numbers of overseas voters remaining on the electoral register, the registration period will be extended from 12 months to (a maximum of) three years. Changes to who is entitled to register will be made via primary legislation. (Source: [Elections Bill Impact Assessment](#)).

WHY VOTING RIGHTS ARE IMPORTANT TO US

Lack of Support

In the UK, there is little understanding of, or support for, voting rights for British citizens living abroad. A common perception is that decisions made by the UK Government are of no concern to us or have no effect on our lives. In fact, those decisions affect us deeply, both physically, financially and emotionally, as we hope the following testimonies will demonstrate.

Apart from any misunderstandings about how we are affected by Government decisions, there are also objections on the grounds that we have left the country, so should have no say. Or to repeat an oft-heard phrase, “we have made our bed, and must lie in it”.

It seems that having exercised our right of freedom of movement – opportunities sadly no longer available to others – we are no longer considered to be true British citizens.

The Scarlet Pimpernel @ThePimpernell · May 27

Replying to @cabinetofficeuk

I disagree with this. If you've been away that long you've obviously loosened ties and lost interest. You may even have gone native and become a supporter of the EU, clearly a conflict of interest.

Stereotypes of Brits abroad are not only common in the British media, they are often inaccurate. It is therefore no surprise there is a common misconception that we are all pensioners, all wealthy, perhaps even tax exiles. In fact, many Brits living abroad are on limited budgets – including state pensioners – and moved abroad in order to afford a better standard of living.

The Government has demonstrated an understanding of the many, varied and important reasons why British citizens abroad value their democratic voting rights. Their assistance in changing UK public opinion, in this respect, would be most welcome.

Testimonials

The following comments were provided by Breman in Spain members, in response to a poll in our group. We asked members to tell us why their vote was important to them, and these were a few of their responses. All comments are being shared with the express permission of the contributors.

Helen Johnston

Contrary to what many seem to think, what our Government does still affects us in many ways. Its foreign policies and actions affect how we are seen and treated abroad, and we still

have family and friends there whose future we care about. Many British abroad also still pay UK taxes, have UK pensions or are even employed or have businesses there. Linking voting rights to taxpaying is a dangerous, slippery slope, however, it shouldn't matter where you live or whether you pay taxes, the right to vote is a fundamental human right of all citizens.

Valerie Chaplin

Having lost my vote both in the UK, with the 15-year rule, and here in Spain due to Brexit, I feel totally disenfranchised. Even though I moved to Spain, my pensions and healthcare are still governed by the UK, and I have no say in the outcome. I paid into the system all my life. I also have no say on what happens in the UK that affects my friends and family there.

Lisa Burton

As a British national living in Spain for 11 years, I have already paid enough tax in the UK to qualify for a full British state pension. I will also pay tax on a private pension, when it matures, to the British Government. I have an 18-year-old established company in England that pays significant sums of VAT and corporation tax to the British Government while employing individuals and their families. Like many British nationals living overseas, I have adult children who live in Britain, elderly parents and extended family, so, of course, I am deeply invested in the political policies of my home nation as it still affects me, my business and my family. Also, many of us will end up returning to the UK in our old age to spend time with family and grandchildren or to get support as we age, so links are rarely severed, and strong connections remain. We are the representatives of our home nations while we live abroad and closer ties, more recognition, including a vote for life from our Government would certainly have a huge 'soft power' benefit to the UK. Something this Government seems to have forgotten about.

Ruth Woodhouse

Events of 2016 and beyond obviously highlighted the injustice of the current situation, in that many were denied a vote in the EU referendum – and, again importantly, the General Election of 2017 (an election largely based around Brexit) – the outcome having life-changing ramifications for British citizens who had chosen to move from one part of the EU to another on the basis that their rights to freedom of movement, and all that this entailed, were guaranteed. I personally still contribute in taxes paid on my pensions, on property I own in the UK, etc., and I believe I have a right to a say in how that money is used and a say in policies that directly affect my life.

Michael Soffe

Having lost my vote in the UK elections many years ago and having now had my vote stolen from me in European elections owing to Brexit, it is not a "good" feeling to realise you have no vote anywhere in elections that will be of any importance on your future. I also have pension rights in the UK and I want to make sure these are protected.

Jeff Myers

Although I live in Spain, I have family and friends in the UK, so it is important to me to be able to vote regardless of how long I have lived outside the UK.

Mike Phillips

I have 3 children and 7 grandchildren in UK, many of whose lives have already been adversely affected or restricted by Brexit. I have lived in Spain for 16 years and pay tax on

my Armed Forces and Civil Services pension despite having been disenfranchised, so being able to have a say in decisions made in the UK is very important to me. This is a breach of my fundamental human rights.

Pat Kennedy

No one, surely, likes a right to vote being denied.

Richard Milner

I have had the right to exercise to vote since I was 21. To be denied the right is an infringement.

Linda Stebbings

Our pensions are Crown pensions, as well as having family and grandchildren still living and working in the UK. Therefore, if we are paying into the UK tax system we should be entitled to vote.

Stewart Luscott-Evans

I have 6 British children, and yet none of us were permitted to participate in any way in the 2016 referendum which stripped us all of our European Union citizenship, despite repeated undertakings in Conservative manifestos. To say I feel betrayed and angry by the lies of the Leave campaign and the UK Government since then is an understatement.

Sian Shaw

I moved to Spain on retirement, but have family and property in the UK, pay tax on my public service pension there and on my property income: I am deeply concerned by the present disastrous political situation. I would lose my right to vote this year unless the new legislation takes effect.

Linda Theaker

Like it or not, as UK citizens, there are many decisions taken by politicians that affect us directly - Brexit being a typical example. It is absolutely essential that we should be able to vote. I also have interests in the UK, still have to pay some tax in the UK (despite being a fiscal resident here in Spain) and have my family in the UK. What happens to them is very much my concern.

Margaret Meg Metcalfe

I am a British citizen and will always remain so. The fact that I executed my right to move to another country in my retirement has no bearing on the fact that the right to vote is a fundamental human right of all citizens. I have a state pension and also a Crown pension, you actually get those for having served your country in some way. I'm a descendent of friends of Emily Pankhurst, who fought alongside her to get the vote for women. They must now be turning in their graves that both men and women have had their votes stolen from them.

Diana Thurston

I am still a British citizen and I still have a house in Britain where I spend time each year...I should be able to vote in the country where I hold nationality.

Sue Wilson

Like it or not, the British Government are still my Government. It has the power to make decisions that directly affect my life in Spain and my mother's life in a care home in the UK. I rely on a British state pension as my only source of income and the UK Government are

directly responsible for paying for my healthcare. So, yes, what happens in the UK is very important to me and I want my say!

Richard Sweeting

Many, many years ago I lost my right to vote in the UK and I would like it restored to enable me to show my agreement or displeasure with the Government of the day over international affairs such as Brexit.

Roy Stonebridge

There are things that affect us overseas, such as Brexit, the UK economy, pensions and exchange rates and it is important to have a say on those issues.

Ruth Hag

I've served my country over my lifetime in the NHS and later on with social services helping others less able. Now that I've been retired in Spain for many years, I just want to be able to vote (in my own tiny way) to ensure that these services remain secure in the future.

Dorothy Morgan

I am still a UK citizen and depend on my UK pension and a couple of small private pensions. So, I feel I have a right to defend my future here in Spain by choosing the political party that is best for me.

Victoria Robinson

I have one passport and it's a British passport, I'm still a British citizen and have a right to be able to vote. I particularly like the idea of having an MP for expats.

Nicholas Thorp

Due to the lack of a dual nationality agreement between Spain and the UK, I am unable to exercise my democratic right to vote in anything except local elections in Spain, unless I give up my British nationality. And next year due to the 15-year limit on expat voting rights, I will lose my vote in the UK too. How is Europe democratic if it allows that to happen?

Patrick Howarth

More than anything the fact that I was not allowed to vote in the referendum makes me furious.

David Rosemont

I really object to having no vote anywhere anymore.

Guy Brook-Hart

Brexit has had an effect on many British people with ties to Spain. Those, like myself, who have lived in Spain for more than 15 years, were disenfranchised and unable to participate in the referendum which affected us more than most other people. I don't know if allowing us to vote would have affected the result, but I do think our opinion should have counted.

Martin Lister

I would like the Conservative party promise of being allowed to vote in U.K. elections to be delivered.

ISSUES AND CONCERNS

Elections Bill controversy

There are many aspects of the Bill that are controversial, even within the Conservative Party itself. We do not support these elements, such as voter ID or proposed changes regarding the Electoral Commission. However, we are concerned that the controversial elements could delay the passage of the Bill, or even halt it altogether.

If the Elections Bill is temporarily placed on the back burner, like the earlier Immigrations Bill, the chances of our voting rights being restored before the next election could be severely impacted.

Timing is everything

When discussing the timing of the restoration of our voting rights, the Government has stated this would happen before the next “scheduled” election in 2024. A major concern, and an oft-repeated rumour - even by the leader of the Labour Party, Keir Starmer - is that the Government is [preparing for a 2023 election](#).

Obviously, there is considerable concern, and fear, that should an election happen before 2024, the necessary logistics will not be in place to allow for the disenfranchised to vote. Yet again, millions of UK nationals with a considerable stake in UK affairs could be prevented from exercising their democratic and human rights.

Postal voting

During the referendum, and in recent elections, concerns were raised by councils about delays in overseas voters receiving their postal ballots. In some cases, the ballots were received so late that the election had already taken place.

The number of overseas voters is on the increase – data from the [House of Commons library](#) suggests a record 285,000 voters registered for the snap election in 2017. This increase placed additional strain on councils, many of whom failed to cope. Councils in England appear increasingly aware that postal votes are “[unreliable](#).”

Lead times are too short for completion of all the necessary steps of the registration process, especially in the event of snap elections. In the case of a referendum, the date of the vote is known well in advance, and there is no need to wait for the announcement of candidates, so there can be no excuses for not allowing a long lead time.

The Government has been warned repeatedly by the Electoral Commission of the issues regarding overseas voting methods. The Commission have warned of the consequences of failing to implement proposed changes, which, they said, “*now pose significant risks to voter trust and confidence.*”

Proxy voting

Despite our strong recommendations – and those of other groups representing the interests of UK nationals abroad – there is still considerable resistance to this method of voting. We hope new proposals in the Bill – to place further restrictions on proxy voting – will not impact on the ability of UK nationals abroad to use this voting method.

Those with family or friends living in the constituency where they are registered to vote are more likely to take up this option. However, those that would have to rely on a stranger to vote for them are less trusting of the system.

There is also no option to switch to a proxy vote, at the last minute, should an existing postal application have failed to arrive on time.

Lack of dedicated representation

For those desperate to have their voting rights restored, any representation is preferable to no representation. However, it is questionable just how relevant the representation of a UK constituency MP would be. Naturally, the focus for any MP will be on matters of importance and relevance to their local constituents.

Whilst overseas voters have many varied and important connections to the UK, local matters in their “own” constituency may be of less relevance than national issues. Equally, the issues that affect overseas voters may be completely unknown to our local MPs, and rather low on their priority list. MPs may have no time, or desire, to focus any attention on their overseas constituents, or the issues that concern them.

Lack of trust

Considering the number of times that the Government has promised to restore our voting rights, it is understandable that there is considerable scepticism amongst the overseas electorate.

We appreciate that we are further down the road towards change than ever before – this time we have a Government Bill, rather than a private member’s bill. However, recent constant indecision and u-turns on strategy, combined with the failure to keep promises, have undermined trust and confidence.

CONCLUSIONS AND RECOMMENDATIONS

Contingency plans

In the event of an early election, pre-2024, contingency plans need to be put into place to ensure that overseas voters can participate. Plans to facilitate the scrapping of the 15-year rule must be scrutinised, to ensure the logistics can cope with an earlier deadline.

Similar plans are also needed in the event of any delays in the passage of the Elections Bill through Parliament.

Voting methods

The Electoral Commission have made [three recommendations](#):

- A simpler method of producing ballots, e.g. downloading a PDF from local council website
- Longer lead times for returning postal voting forms, or better still, the ability to vote online
- The facility to vote in our country of residence, e.g. at a British Embassy or Consulate

It is common practice, these days, to download and print online forms, with security aspects such as QR barcodes, whether for proof of covid vaccination or for boarding passes when travelling. The UK Government itself uses these methods for voter registration, for passport applications and for tax returns.

In Estonia, the [online voting system](#) is setting records in participation. In the 2017 election, 31.7% of voters used the online system, 23.3% of them voting via their mobile phones.

Until the current postal voting system for overseas voters is overhauled, Remain in Spain will continue to promote voting by proxy as the most reliable, if not fully trusted, method of voting. Assurances would be welcome that new restrictions on proxy voting, proposed in the Bill, will not affect overseas voters' ability to use this method.

A Government information campaign, designed to explain the proxy voting system, and to encourage engagement, would be most welcome. In addition, those unable to cast their postal vote, for whatever reason, should be able to switch to a proxy vote, if all else fails.

Dedicated representation

To feel truly represented, the ideal scenario for overseas voters would be to have dedicated MPs for overseas constituencies.

In 2010, France created a number of [overseas constituencies](#), without increasing the total number of seats, thanks to the redrawing of borders – a move which the UK is planning in 2023.

France

[French](#) citizens living abroad enjoy full voting rights in presidential and parliamentary [elections](#), regardless of how long they have lived abroad.

France has a dedicated [Assembly of French Citizens Abroad](#), the president of which is the [French Foreign Minister](#). France also has a system of 11 [constituencies for French residents overseas](#), each of which are represented by a deputy who sits in the [National Assembly](#).

Italian and Spanish overseas voters can elect to vote by post or at an Italian Embassy or Consulate. Four seats in the Portuguese parliament are reserved for representation for those living abroad.

The average electorate for a UK constituency is around 70,000. [In 2017, there were 285,000](#) UK nationals registered as overseas voters. In the 2019 general election, that number rose to 300,000 – the equivalent of four average constituencies. That’s without counting the 3 million currently disenfranchised abroad.

In 2017, overseas voting in a UK general election hit record levels, in part due to risks faced by UK nationals by Brexit. Even so, only an estimated 20 per cent of eligible overseas voters were registered to vote. Having dedicated MPs would greatly increase participation, maintain close ties and engagement, and ultimately increase the UK’s soft power.

Building trust

The Government needs to build back trust and confidence with the overseas electorate. They can do this in a number of ways by:

- Countering stereotypical and inaccurate representations of British citizens abroad
- Committing to restoring our voting rights before the next election, regardless of the timing
- Reviewing voting methods to improve overseas voter engagement
- Reviewing how overseas voters, and their issues, can best be represented in Parliament

SUMMARY

The Government commitment to scrapping the arbitrary 15-year rule is welcome, but Brits abroad still have concerns regarding their ability to participate in democratic elections. We must ensure our voting rights are restored before the next election, regardless of the timing. Speed is of the essence, and contingency plans – to cope with any delays to the Bill or in the event of an early election – are vital.

Support for the restoration of our rights does not mean British citizens abroad support all aspects of the Elections Bill. In fact, it saddens us deeply that our enfranchisement will come at the expense of others groups.

We have little confidence that the current postal voting system can be trusted to deliver our votes. An overhaul of the system is required to ensure accuracy, effectiveness and timeliness. Being able to vote in our country of residence, either online or at an Embassy or Consulate would be ideal and would encourage greater voter participation.

Although many overseas electors have significant connections with their former constituency, MPs may have little interest in, or knowledge of, the issues faced by British citizens abroad. Only MPs dedicated to overseas electors would truly understand our concerns and would be best able to act on our behalf. The numbers of potential overseas voters alone justify a considerable number of dedicated overseas constituencies/MPs.

A communications strategy to improve the perception of the proxy voting scheme should be rolled out well ahead of the next election, to improve take up of this useful, if mistrusted, method of voting.

The Government needs to help change commonly-held misconceptions, by the British public, regarding overseas voters.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Article 21.1 of the United Nations [Universal Declaration of Human Rights](#) states that *“everyone has the right to take part in the government of his country, directly or through freely chosen representatives”*.

As the Government stated in its [press release](#) of 5 July 2021, *“stealing someone’s vote is stealing their voice”*. All we are asking is for the return of our voices, the restoration of our human rights, and to be treated the same as British citizens living in the UK.

We have been disenfranchised for too long and left out of important decisions that directly affect our lives. It’s time to return our democratic voting rights and to let us contribute to British democracy.

August 2021