

European Voting and Candidacy Rights (EUVCR)

Local Government Association – February 2024

OFFICIAL

European Voting and Candidacy Rights (EUVCR)

Current Legislation

Current Situation

- All citizens of EU member states who are resident in the UK have the right to vote and stand in local elections, Northern Ireland Assembly and in PCC elections.
- Existing rights were granted as a consequence of EU membership.
- Due to Freedom of Movement, no immigration-based eligibility criteria were applied.

EU Exit

- Following EU Exit, the Government decided that voting and candidacy rights should be amended to reflect the UK's new relationship with the EU.

Territorial Application

How EUVCR changes will apply to nations and polls across the UK

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Nation	Elections which EUVCR measures apply to (i.e. reserved polls)
England	<p><i>All elections that are based on the local government franchise including:</i></p> <ul style="list-style-type: none">• Local elections• Mayoral elections (inc. local and combined authority, London and London Assembly elections)• Local referendums• Police and Crime Commissioner elections• Certain elections in the City of London
Wales	<ul style="list-style-type: none">• Police and Crime Commissioner elections <u>only</u>. <p><i>The EUVCR changes will not affect the right to be registered as a local government elector in Wales and to vote in local and devolved polls there.</i></p>
Scotland	<ul style="list-style-type: none">• No change
Northern Ireland	<ul style="list-style-type: none">• Northern Ireland Assembly elections• Local elections

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European Voting and Candidacy Rights (EUVCR)

Overview of changes made by the Elections Act 2022

Changes made by the Elections Act 2022

- **Citizens of EU member states lose their current ‘automatic’ right to vote and to stand by virtue of being an EU citizen**
(n.b.: changes do not impact citizens of Ireland, Cyprus & Malta – all of whom have the Parliamentary franchise)
- **Two new groups of electors created.** Both will retain voting and standing rights:
 - **‘Qualifying EU citizens’:** Citizens of an EU country with which the UK has a bilateral voting and candidacy right agreement and who are ‘legally resident’ in the UK.
 - Currently, Spain, Portugal, Luxembourg and Poland (EU4) though there are plans for a fifth.
 - **‘EU citizens with retained rights’:** Citizens of all other EU member states (EU20) who have retained lawful immigration status since the UK left the EU (Implementation Period Completion Date: 30/12/20).

European Voting and Candidacy Rights (EUVCR)

Delivering the EUVCR changes made by the Elections Act 2022

Implementing EUVCR changes

- The new 'EU citizens with retained rights' group, requires a new 'historical residency' criterion:

"Since 31 December 2020 have you continuously had permission to enter or stay in the UK, Channel Islands or Isle of Man – or not needed it?"

- These changes will be implemented through two methods:
 - New question is added to the process of registering to vote on paper or online
 - An 'Eligibility Confirmation Review' process for EU20 citizens already registered to vote
- Changes will take effect on 7 May 2024,
 - The first scheduled polls affected by them will be May 2025 local elections

EU Citizens Voting Rights

The Eligibility Confirmation and Review (ECR) process

- The process can start at any time on or after the 7 May 2024 and must be concluded by 31 January 2025
- This means that ECR communications may overlap with Annual Canvass communications
- The deadline for publication of the revised register is moved from 1 December 2024 to 1 February 2025. The option to delay publication gives flexibility to decide how to deliver both the annual canvass and the ECR in the implementation window in a way that best suits local circumstances.
- The process consists of 2 parts:
 - The data-based review
 - The correspondence-based review

The ECR process (cont.)

The data-based review

The data-based review is the use of any data which the ERO may hold or have access to for the purpose of their registration duties which may enable them to identify qualifying EU citizens and EU citizens with retained rights.

No further action is required other than to write to the elector to confirm they are being retained on the register.

The correspondence-based review

The correspondence-based review is the process of writing out to any other electors whose continuing eligibility has not been confirmed by the data-based review.

Electors are asked to confirm if they remain eligible to be registered to vote under the new franchise criteria.

The correspondence-based review

Stages of the correspondence-based review

- First review notice
- Second review notice
- Requirement to attempt personal contact
- The power to request further information
- Statement of eligibility

Possible outcomes of the ECR process

England

- Notification of possible removal
- Confirmation of continued registration
- Determination of ineligibility (in the case on non-responders)
- Confirmation of forthcoming removal
- Confirmation of ceased registration

Wales

- Notification of possible ineligibility (in the case of non-response)
- Confirmation of maintained eligibility
- Determination of ineligibility following review
- Confirmation of forthcoming ineligibility
- Confirmation of ceased eligibility

Register markers

Where an EU citizen is retaining voting rights their register marker will change from a G to a B

Overseas Electors

An Overview

Overseas Electors

- Manifesto commitment (2019): “make it easier for British expats to vote in [UK] Parliamentary elections, and get rid of the arbitrary 15-year limit on their voting rights”.
- The Elections Act (EA) extends the franchise to all British citizens previously registered/resident in UK. Applicants must apply in respect of:
 - Their last registered address ('previous registration condition'); or
 - If *never* registered, their last residence address ('previous residence condition')
- The OE registration period has been extended from one year to a maximum of three years, and introduces a fixed point renewal date.
- The measures were implemented on 16 January 2024.

Registering Overseas Electors: Key changes

Identity Verification

- Under the new legislation, overseas applicants can now provide documentary evidence as evidence of their identity where National Insurance Number checks do not succeed, or are not possible. This brings the process in line with the process for domestic registration.

Address Verification

- New processes have been put in place to connect applicants to their qualifying address. If register checks are not possible, or if the applicant was never registered, their connection can be established by:
 - Checks against DWP records
 - Documentary evidence
 - ERO checks local data
 - Attestation

Absent Voting

- OE absent vote arrangements will be tied to their declaration. Whenever an OE applies for a postal or proxy vote, their arrangement will be set to expire at the same time as their declaration, to make it easier to manage for both electors and administrators. OEs will be able to renew their declaration and reapply for their absent vote at the same time, and then not need to take further action to maintain their registration for 3 years.

Overseas electors

Overseas electors

- There is no national campaign for overseas electors
- The Commission has developed a range of resources that councils may wish to use to amplify the message about the change to this franchise [Overseas voting: resources for friends and family | Electoral Commission](#)