

A UK-wide approach to local election voting rights

Proposal for voting rights for all residents
in England and Northern Ireland

“ My name is Lauren.
I'm originally from the US
and have lived in Scotland for 10 years.
It was important to have a vote in the Holyrood
elections because I and every other immigrant
deserve a political voice in the place we live.
It doesn't matter how long we've lived here
or will live here. As long as we make
Scotland our home, our opinions matter
in shaping our government. ”

LAUREN TORMEY



All residents should have a say in decisions impacting them directly at the local level. This is not just about potholes and bin collections. It is about the future of our schools, our playgrounds and parks, our green spaces, parking policies in our local villages and towns, road and safety improvements, and policing - to name just a few.

Migrants in the UK, and among them EU citizens, make up over 10% of the population. Some areas of the UK have an even higher share of non-British residents. In London, for example, around 37% of residents were born abroad⁽¹⁾. Despite paying council tax, utilising local services such as transport and schools, and being part of our communities, many migrants are unable to shape how these are run, as they do not have the right to vote.

We believe that the fairest, simplest and most democratic electoral system is one that allows all residents to vote in local elections regardless of where they come from, following the residence-based voting rights model in Scotland and Wales. In this way, we can all have a say in choosing our local representatives such as councillors, mayors and police and crime commissioners.

It is also important that our local politics reflects the diversity of our country. As voting rights correspond with candidacy rights, a residence-based approach would mean that we can all stand as candidates in local and regional elections, and be elected to represent and serve our local communities.

(1) <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-an-overview/>

Who can vote in UK elections?

1 UK general elections and referendums

British, Irish and qualifying Commonwealth citizens over the age of 18 on polling day can vote in UK general elections and referendums. Currently, British citizens living abroad who have been registered to vote in the UK in the last 15 years can also vote⁽²⁾.



2 Local/ National elections⁽³⁾

In Wales and Scotland, British and Irish citizens, as well as citizens of other countries who have permission to enter or stay in the UK (or who do not need permission) can vote in both local elections and elections for the Welsh (Senedd) and Scottish (Holyrood) Parliaments.

This is typically called a **residence-based voting rights** approach, which allows citizens of other states to vote where they live based on residence as opposed to citizenship or bilateral agreements.

This contrasts with the approach in England or Northern Ireland, where voting in local elections depends on citizenship. Up until 2021, EU citizens have had the right to vote in local elections alongside the three aforementioned categories (British, Irish and qualifying Commonwealth citizens) who can vote in UK-wide elections.

How does the Elections Bill impact EU citizens' voting rights?

The Elections Bill proposes that only EU citizens who arrived before the Implementation Period Completion Day (i.e. EU citizens qualifying for the EU Settlement Scheme who arrived before 31 December 2020) would preserve local election voting rights in England and Northern Ireland.

Local election voting rights in England and Northern Ireland for any other EU migrant would depend on bilateral agreements with individual EU Member States regarding voting and candidacy rights. EU citizens who entered the UK from 2021 (i.e., under the points-

based system or joining a family member under the EU Settlement Scheme for instance) who are from member states that have such bilateral agreements with the UK will continue having local voting rights. At the time of writing, the UK has secured bilateral agreements with Luxembourg, Spain, Portugal, and Poland.

Citizens of Malta and Cyprus will not be affected as they qualify as Commonwealth citizens. EU citizens resident in Wales or Scotland are also not affected by this rule as all residents with leave to enter or remain in these devolved nations have the right to vote.

What is our response to the current proposals?

While we welcome the fact that most EU citizens with pre-settled and settled status will continue having the right to vote in local elections in England and Northern Ireland, we believe all UK residents should have a say in how their local community is run⁽⁴⁾.

We believe England and Northern Ireland should adopt a residence-based voting rights system that would allow all EU citizens, including those who make the UK their home from 2021, and all residents from different countries to vote in local elections. This would not only be a fairer model, but one that is easier to implement in practice and one that has been successfully implemented in two of the UK's nations.



(2) This latter group is to be expanded through the Elections Bill which would give votes for life for British citizens abroad.

(3) By local elections we mean local authority elections, devolved Parliament elections, Mayoral elections, Police and Crime Commissioner elections.

(4) For more information on the3million's campaign, please see: <https://www.the3million.org.uk/our-home-our-vote>

What is the political opportunity?

On Monday the 5th of July, the Elections Bill⁽⁵⁾ was brought to the Houses of Parliament. This is a Bill “to make provision about the administration and conduct of elections.”

Amongst other things, the Bill proposes an amendment to EU citizens’ voting rights in England and Wales as suggested above.

The Bill also worryingly makes provision for the use of Voter ID in UK elections. We are concerned that this would impact already underrepresented groups in democracy⁽⁶⁾, including EU citizens who have significantly lower voter registration rates than Commonwealth or British and Irish citizens⁽⁷⁾.

What are the key arguments for residence-based voting rights in local elections?

1 The current approach will create unnecessary bureaucracy and practical difficulties for registering to vote as well as voting on polling day.

Complex eligibility criteria and differing rules around who can vote in which elections has often caused widespread confusion among voters and community groups alike. For example, while non-UK citizens in Wales can vote in Senedd elections, they cannot vote for Police and Crime Commissioners as these elections follow the voter eligibility rules of England. Such confusing rules can lead to voter uncertainty and lower participation in democratic processes.

Similarly, under the Elections Bill’s current proposals, in order to prove that they were in the UK before the end of the implementation period, EU citizens will need to produce additional evidence on top of demonstrating status under the EU Settlement Scheme. It is unclear how this will be implemented in practice, adding an additional bureaucratic barrier to voter registration and participation.

A UK-wide approach, in which voting rights in local elections are the same for all residents, will make the electoral system easier to manage and understand by political parties, organisations and the public.

2 Residence-based voting rights is the fairest approach.

Democracy works better when we all participate. Migrants are key members of UK society and must have a say in how services are run at least at the local level where change can often be directly seen.

A residence-based approach will not exclude any nationality. Consider this scenario. A German citizen and their Norwegian partner have lived in the UK for 20 years. Why should one have a say on local matters, and not the other?

This approach makes all of our local communities stronger and more integrated as all residents take an active participation where they live.

3 The current approach ignores the fact that residence-based voting rights exist in several EU countries.

The Government is pursuing a bilateral treaty approach on voting rights for EU citizens who arrived in the UK after the end of the transition period. However, several EU countries⁽⁸⁾ already provide local voting rights to third-country nationals, including British citizens. It would, therefore, be expected in good faith that EU citizens from these countries living in the UK are given reciprocal rights automatically. A bilateral treaty should not be necessary in these situations. However, the Government has made no acknowledgement of this fact. In any case, it would be a far simpler and more inclusive solution to implement full residence-based voting rights for all residents.

4 The current approach will disenfranchise countless citizens who do qualify for the EU Settlement Scheme.

The Bill proposes that only EU citizens who arrived in the UK before the end of the implementation period would keep their local election voting rights. This will create a situation where EU family members with pre-settled or settled status may not be eligible to vote. The EU Settlement Scheme has provisions for joining family members reuniting after the end of the implementation period. These family members would be excluded from the franchise, despite being EU citizens with a status under the EU Settlement Scheme. Consider, for example, an Italian citizen who has been living in the UK for many years who is joined by their dependent parent in January 2021. The son would continue having voting rights but not their parent. In addition, the EU Settlement Scheme has been open to non-EEA⁽⁹⁾ family members of EU nationals. Once again, this creates an unfair situation where, for instance, a Romanian resident with settled status will be able to vote, while their American partner with settled status will not be able to.

(5) <https://bills.parliament.uk/bills/3020>

(6) <https://www.handsoffourvote.org/about-voter-id->

(7) Electoral Commission (2016). The December 2015 electoral registers in Great Britain: Accuracy and completeness of the registers in Great Britain and the transition to Individual Electoral Registration. Online at: www.electoralcommission.org.uk/sites/default/files/pdf_file/The-December-2015-electoral-registers-in-Great-Britain-REPORT.pdf

(8) pg 54 of [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474441/IPOL-AFCO_ET\(2013\)474441_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474441/IPOL-AFCO_ET(2013)474441_EN.pdf) This shows Belgium, Estonia, Hungary, Ireland, Lithuania, Luxembourg, The Netherlands, Slovakia and Slovenia give local electoral rights to third country citizens (TCC), and do not discriminate between different groups of TCC. Finland, Sweden, Denmark Greece give local electoral rights to all foreign residents subject to minimum residence requirements.

(9) European Economic Area

Which other countries allow all residents to vote?

In addition to Scotland and Wales, England and Northern Ireland can draw inspiration from many other countries which give non-citizen residents the right to vote in at least local elections. Some countries, like New Zealand⁽¹⁰⁾, have allowed migrant residents to vote in national elections since 1975.

Like Scotland and Wales, these case studies show that a residence-based voting rights model in local elections is possible and has already been successfully implemented in many countries across the world.

The following countries give voting rights to non-citizens in local elections⁽¹¹⁾.

AUSTRALIA⁽¹²⁾

In most cases, local government electoral rolls in Australia are open to all adults, including non-citizens, who meet other criteria – such as residency requirements.

BELGIUM⁽¹³⁾

In 2004, voting rights in municipal elections were extended to non-EU citizens living in Belgium, with the conditions that non-EU citizens have been living in Belgium for at least five years before becoming entitled to vote.

SOUTH KOREA⁽¹⁴⁾

Since 2005, foreign nationals aged 19 years and older who have lived in South Korea for more than three years after obtaining permanent residence visas can vote in local elections.

DENMARK⁽¹⁵⁾

In 1977, voting and candidacy rights were granted to citizens of countries in the Nordic Passport Union who fulfilled a 3 year residence condition for municipal and county elections. These rights were extended to all foreign residents in 1981.

ESTONIA⁽¹⁶⁾

In 1996, all foreign residents were granted voting rights for municipal elections with a 5-year residence condition.

ICELAND⁽¹⁷⁾

In 1986, voting rights were granted to citizens of countries in the Nordic Passport Union, who fulfilled a 3 years residence condition for municipal elections. These rights were extended to all foreign residents in 2002 with a 5 years residence condition.

IRELAND⁽¹⁸⁾

EU and non-EU citizens can vote in elections in Ireland regardless of the type of residence they hold. Asylum seekers can also vote in Ireland.

LUXEMBOURG⁽¹⁹⁾

In 2003, local voting rights were granted, with no nationality restrictions, to all foreigners who have been resident in Luxembourg for at least 5 years on the date on which electoral registration closes (around 3 months before the election itself).

SLOVAKIA⁽²⁰⁾

In 2002, local voting rights were granted to 3-year residents.



What is the solution?

The solution is simple: grant all residents with leave to enter or remain the right to vote in local elections. This will be fairer to migrants, including EU citizens, far easier to manage in practice and will promote greater democratic and political participation. It will also ensure the UK has a consistent approach to voting rights in all its nations and follows the progressive models implemented in various European and non-European countries decades ago. It is time to level up electoral rights and reflect a modern approach to political participation.

This paper was written by Lara Parizotto, the3million's Young Europeans Network, Alexandra Bulat, the3million's Young Europeans Network, Monique Hawkins, the3million, and Marzena Zukowska, Polish Migrants Organise for Change

(10) <https://vote.nz/enrolling/get-ready-to-enrol/are-you-eligible-to-enrol-and-vote/>

(11) This is not a comprehensive list. Instead, it aims to indicate there are many countries which already do allow non-citizens to vote in local elections.

(12) https://en.wikipedia.org/wiki/Suffrage_in_Australia#Voting_by_foreigners

(13) <https://www.vlaanderen.be/en/elections-in-belgium>

(14) <https://web.archive.org/web/20070620222910/http://www.immigrantvoting.org/material/world.html#KOREA>

(15) <https://www.norden.org/en/info-norden/right-vote-denmark>

(16) <https://www.eesti.ee/en/citizenship-and-documents/citizenship/the-right-to-vote>

(17) <https://www.norden.org/en/info-norden/voting-rights-iceland>

(18) https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/voting/right_to_vote.html

(19) <https://www.justarrived.lu/en/administrative-procedures/voting-luxembourg/>

(20) https://www.slovensko.sk/en/life-situation/life-situation/_right-to-vote-of-union-citizen/