



## Immigration and the UK Voting System

### Summary

1. The right of all Commonwealth citizens to vote in all British elections is an anachronism that should be removed. It devalues the concept of citizenship which the government is seeking to encourage. Further, it could now enfranchise approximately a million non-British citizens, thus having a significant impact on the outcome of a close election.
2. Despite the enactment of the Electoral Administration Act of 2006, checks on the right to vote in Britain remain virtually non-existent. In particular, there are no checks on nationality or immigration status. Given the massive increase in the immigrant population in recent years, this has become an important issue exacerbated by the encouragement of postal voting.
3. We recommend that, in future, the right to vote in British general elections should be confined to citizens of the UK and those countries that offer reciprocal voting rights, namely the Republic of Ireland and certain West Indian countries. Proof of citizenship should be required on first registration on the Electoral Roll. The right to vote in local elections should be confined to citizens of the same countries plus those of the EU where there are reciprocal voting rights in local elections.

### Who has the Right to Vote in Britain?

4. British electoral law provides for the citizens of nearly fifty Commonwealth countries, British Dependent Territories, and the Republic of Ireland to vote in both local and general elections in the UK. The Representation of the People Act, 1918, provided that only British subjects could register as electors. However, the term British subject included any person who, at that time, owed allegiance to the Crown, regardless of the crown territory in which they were born. This included Commonwealth citizens and has never been revised.
5. Entitlement to vote in general elections is reciprocated for UK citizens only in the Republic of Ireland and a small number of (mainly West Indian) countries: Antigua & Barbuda; Dominica; Grenada; Guyana; Jamaica; Mauritius; St. Lucia and St. Vincent & The Grenadines.
6. Citizens of other EU countries may vote in European Parliamentary and Local elections but not in general elections. There are reciprocal arrangements for British citizens resident in other EU countries to vote in local elections.

## **Legal migrants**

7. As a matter of principle, the right to vote in general elections should not be conferred upon non - citizens. To do so seriously weakens the concept of citizenship which the Government is seeking to encourage.

8. Furthermore, the scale of this extension of the franchise is now considerable. Data on International Migration and the UK provided to the OECD[1] indicates that there were 3,353,000 foreign citizens living in the UK in 2006. Of these 1,057,000 are from named Commonwealth countries[2] and we estimate that a further 105,000 are from other Commonwealth countries[3] making a total of 1,162,000 Commonwealth citizens on the UK.

9. Some of this total will be children. Children under 18 make up 22% of the UK population[4] but it is likely that they will make up a smaller proportion of the population of foreign citizens. The international migration statistics[5] indicate that under 5% of net migration is of children under 15. Migrants cannot acquire citizenship until 5 years after their arrival in the UK so foreign citizenship will be weighted heavily towards recent arrivals. It is likely therefore that children who are foreign citizens will comprise less than 15% of the total population of foreign citizens leaving a population of nearly a million (988,000) adult Commonwealth citizens in the UK. They will have the right to vote in British elections simply by virtue of their Commonwealth origins.

10. The number of British Commonwealth citizens in the UK has risen rapidly in recent years driven by the very high levels of immigration. In the 4 years between 2002 and 2006 their numbers increased by about a third [6]. The potential influence of Commonwealth citizens on British elections is therefore rapidly growing in significance.

11. This situation is not only inequitable, but also illogical. It extends the franchise to a large number of individuals whose allegiance lies in states other than the United Kingdom. It is quite clearly an anachronism which, given the recent sustained increase in immigration, is now potentially significant. It should be removed as part of modernising the British electoral system.

## **Weaknesses in the Present System of Registration**

12. Quite apart from the 1 million Commonwealth citizens who are currently entitled to vote, there are a number of reasons why ineligible people might seek to register to vote:

The person completing the form may know that he is ineligible to vote, but may seek to get on the Register for the purpose of obtaining a credit card, parking permit etc as the Register is used by many organisations as a database for verifying an applicants address;

The person completing the form may lack the knowledge, education or expertise to complete the registration form correctly leading, for example to the inclusion of children on the Electoral Register;

The person completing the form may lack sufficient understanding of the English language to complete the form correctly;

Someone may wish to register a false name in order to legitimise a false identity and add a cover for illegal activities, such as benefit fraud;

False names may be added to the Register for the purpose of ballot rigging.

13. Under the Representation of the People Act 2000 [7], Commonwealth citizens requiring leave

to enter the UK must have such leave before they qualify for inclusion on the Register, that is to say that their presence must be legal. However, the present registration system provides no check that the applicant is legally in Britain, nor that he or she is of the nationality claimed.

14. It is essential to the integrity and credibility of democracy in the United Kingdom that there be proper checks on the legal eligibility to vote of those placed on the Electoral Register, including a requirement to provide proof of citizenship. This is an important lacuna which has yet to be addressed in the Governments reforms of the electoral system.

15. Meanwhile, the encouragement of postal voting makes the system still more vulnerable to abuse. As Christopher Leslie MP, Parliamentary Under Secretary of State at the Department of Constitutional Affairs, has said; it is true that the registration system is largely based on trust [8]. Public confidence in the security of the registration system is essential to the drive to strengthen participation in the UKs democratic process.

### **The Recommendations of the Electoral Commission**

16. In its report on the electoral process, Voting for Change, of June 2003, the independent Electoral Commission said:

the security of existing voting methods is to a considerable extent illusory, since it depends more on the honesty of the voter than on systematic measures to prevent fraud Elections must not only be fair, but be perceived to be fair to maintain public confidence in the system .

17. The Commissions central recommendation on this subject was that the existing system of household registration, a throwback to the time when the franchise was based on property ownership, should be changed to one of individual registration:

Individual registration is vital to security because it will allow for the first time individual identifiers to be provided by every voter at minimum a signature and date of birth. [9]

These recommendations were repeated in May 2005 in the Electoral Commission briefing Securing the Vote.

18. Checks could be made by Electoral Registration Officers but as the Electoral Commission has pointed out, It would be difficult to decide on what criteria these should be instigated and made if such checks were done on the basis of appearance or the sound of names, such action could well be deemed to be racist and in breach of the law [10]. A move to individual registration, coupled with identifiers and proof of citizenship, would be more thorough, more equitable and easier to introduce than such checks.

19. This move to individual registration has still not been implemented however, despite the enactment of the Electoral Administration Act of 2006. This Act will eventually require dates of birth and signatures for postal votes, but for neither registration nor postal votes does it require evidence of National Insurance numbers, photographs or any proof of citizenship or immigration status. Sir Alistair Graham, Chairman of the Committee on Standards in Public Life commented:

The Department for Constitutional Affairs and the Electoral Commission must stop being in denial about the threat posed by electoral fraud A decision must be made now to implement individual

voter registration immediately following the next general election, or by 2010 at the latest [11]

20. The Department of Constitutional Affairs examined but did not implement the experience of Northern Ireland, where a system of individual voter registration has been adopted. People wishing to vote in the province must now provide a number of identifiers including date of birth, signature, National Insurance number and, at the polling station, photographic identification. These reforms were introduced in the Electoral Fraud (Northern Ireland) Act 2002, and were prompted by the relationship between sectarian activity and electoral fraud. There was a reduction of some 120,000 names (10%) on the first Register compiled under the new system.

### **The Extent of the Problem**

21. It is often said that few cases of electoral fraud appear in the courts, but this is likely to be because no checks are made and, therefore, no evidence exposed. In a written answer of 9 March 2004, Christopher Leslie MP gave a list of the 20 constituencies with the highest number of registered electors lost from the Register between 2001 and 2003. Of the constituency at the top of that list, Brentford and Isleworth, the Minister admitted that the decrease of 15,486 people (18.6%) in two years may be due to the cleaning of the Registers, rather than actual falls in the number of electors.

22. On 7 February 2004, The Daily Mail published an article revealing that it had succeeded in registering a fictitious student, Gus Troobev (an anagram of bogus voter), in 31 Electoral Registers and to obtain a further 9 bogus votes in the most marginal constituency in the country. The first 31 registrations had taken only a few hours and no identification had been required by most of the local authorities involved.

23. As there are currently no checks on the accuracy of the electoral register, the new Electoral Administration Act may neither deter nor catch fraudsters. As at present, the head of household will simply supply the names of those living at that address.

24. In the words of Sir Alistair Graham:

It is time to end the denial and complacency about the dangers facing our electoral system.

### **Recommendation**

25. We recommend that, in future, the right to vote in general elections in Britain should be confined to citizens of the UK and of those countries that reciprocate. Proof of citizenship should be required on first registration on the Electoral Roll. This would require a move to individual registration, as the Electoral Commission has recommended. The right to vote in local elections should be confined to the citizens of the same countries and to citizens of the EU where there are reciprocal rights for local elections.

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## NOTES

- 1 International Migration and the UK Report of the United Kingdom Correspondent to the OECD 2006 Prof. John Salt Migration Research Unit Department of Geography University College London.
- 2 Ibid table 4.1 c) Living in the UK by citizenship and sex. (We have included Zimbabwe in the totals although it is currently not a Commonwealth member)
- 3 Table 4.1c) groups smaller countries together. There are 135,000 citizens of Other African countries (which will include 8 commonwealth countries Botswana, Cameroon, Gambia, Malawi, Mozambique, Namibia, Sierra Leone, Tanzania and Zambia) we have assumed 45,000 (a third) will be Commonwealth citizens. The table lists 116,000 citizens from the Americas apart from US, Canada and Jamaica). We have assumed that 30,000 of these will be from the Caribbean Commonwealth (This is two-thirds of the number of Jamaicans. In 2001 there were 146,000 Jamaican born residents of the UK and 107,000 from the Caribbean and West Indies so we have used a similar ratio for citizenship). Finally the report lists 36,000 Other Asia citizens and we have assumed that most of these, 30,000, will be from Singapore. (The report lists 35,000 citizens of Malaysia and in 2001 the number of UK residents born in Malaysia and Singapore were 46,000 and 37,000 respectively so we have again used this as an approximate citizenship ratio).
- 4 ONS 2004-based population projections.
- 5 ONS International Migration Statistics Series MN31 table 2.9
- 6 Source as note 1 derived from table 4.1a)
- 7 Section 1(6)
- 8 Letter from Christopher Leslie MP to Sir Patrick Cormack MP, 26 April 2004
- 9 3 At paragraph 2.3
- 10 Letter to Sir Patrick Cormack MP from Sam Younger, Chairman, The Electoral Commission, 28 October 2003
- 11 Sunday Times February 4, 2007.