

Layla Moran MP
House of Commons
London
SW1A 0AA

14 June 2019

Dear Ms Moran,

Thank you for your letter dated 7 June, co-signed by your cross-party colleagues, regarding the European Parliamentary elections.

At the Electoral Commission, we fully understand the frustration felt both by EU citizens resident in the UK and by UK overseas voters, who found they were unable to vote at this poll when they wished to do so. As your letter indicates, the very short notice from the Government of the UK's participation in these elections inevitably impacted on the time available to raise awareness of the registration process amongst EU citizens, and for citizens to complete the process. Normally, work would have begun on preparations to help both these groups from at least the beginning of 2019, but in this case, although we ourselves had contingency plans in place against the possibility that these elections would in the end take place, practical activity, especially at local level, could not start until April.

The Commission had been raising increasing concerns about the risks associated with the uncertainty around the European Parliamentary elections, with ministers and with others, including specifically highlighting concerns about the registration process for EU citizens. We wrote to ministers in March explaining the need to confirm the European Parliamentary election as soon as possible, to enable the electoral community to commit to reasonable spending on increasingly urgent contingency preparations for the poll. Authorisation for spending was finally given to the local authorities on 1 April, with the formal confirmation that the poll would go ahead following on 7 May.

EU citizens

On 4 April, before the UK Government confirmed that these elections would go ahead, the Commission wrote to all electoral registration officers to remind them of the registration process for non-UK EU citizens. We advised them to identify these electors and send them a declaration form.

While certain aspects of the process are specified in EU law, other aspects could be made easier for citizens within UK law, and the Commission made the case for doing so following the last European Parliamentary election in 2014. However, improvements to the process are reliant on changes to electoral law, which as you will know can only be taken forward by Government and Parliament. Following the EU referendum in 2016, the

Government was clear that the UK would not participate in the European Parliamentary election in 2019. No changes to the process were therefore introduced.

Overseas voters

Local councils are responsible for the distribution of postal ballot packs to overseas voters. We support local authorities with guidance which recommends that they should send out postal ballot packs as early as practicable and, in particular, that they should prioritise overseas addresses. It's important to note that postal votes cannot be sent out until the close of nominations for candidates, which in the case of the European Parliamentary elections was 25 April. And it can take a few days to get the ballot papers back from the printers before they can then be sent overseas. This is not an issue which relates solely to these most recent elections; in our MP briefing note relating to the Overseas Electors Bill, currently under consideration by Parliament, we made the following observation:

'The UK Government should consider new approaches to improving access to the voting process for overseas electors, for example by voting at embassies and consulates, or the ability to download and print postal ballot papers. Many overseas electors face significant practical difficulties in ensuring their votes count; some have found there is not enough time to receive, complete and return their postal vote before the close of poll, while others may not be able to appoint someone in the UK to act as their proxy.'

Any changes to the law when it comes to voting at a UK-wide election are for the Government to propose and for Parliament to approve. We hope that the latest experiences at the European Elections will help to prompt future action.

Our report on the 2019 European Parliamentary elections

The Commission has a statutory duty to report on the administration of the European Parliamentary elections. Our report will address the elections as a whole and will draw on information and evidence from a range of sources about electoral administration and the regulation of campaigners.

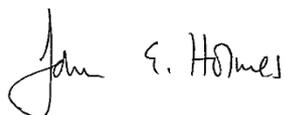
As part of this, we will be considering in particular the experiences of those EU citizens who were unable to correctly register to vote in the UK. We will look at what happened in the months leading up to the elections, on where responsibilities lay for enabling EU citizens to vote and what actions were taken. This will help us to identify and clarify any issues that may have occurred, and to make any necessary recommendations about changes to the law or good practice in administration or regulation.

While we will be able to set out data on the numbers of registered EU citizens and UK citizens overseas, and on the numbers specifically registered to vote on 23 May, we are unlikely to be able to quantify precisely how many of them were unable to vote on polling day itself. This is because there are no comprehensive data sources available to the Commission or any other body that would tell us how many voters wanted to register and were unable to do so, or tell us how many attended a polling station on 23 May but were not able to be issued with a ballot paper. While it is clear from those people who have contacted us directly since polling day, as well as those who have highlighted their

experiences through social media, that this was a problem for a significant number of people, it will not be possible to verify the estimates of those affected.

Our report will be published after Parliament's summer recess. In the meantime, I trust that this information is helpful to you and your colleagues.

Yours sincerely

A handwritten signature in black ink that reads "John E. Holmes". The signature is written in a cursive style with a large initial 'J'.

Sir John Holmes
Chair

cc Sir Mark Sedwill, Cabinet Secretary