

Summary of 3rd Sitting Committee Stage: 31st October 2018

Chair: Siobhan McDonagh

Christian Matheson (Labour) began by noting that he had a problem with the bill in principle including 'an objection to the idea of people continuing to have a vote when they have lived overseas for many years and have no direct connection with this country'. However, his amendments did not address issues of principle but of a more practical nature, in requiring a review of postal voting arrangements in view of the potential increase in overseas electors if the bill was passed. He endorsed the AEA's concerns that overseas electors should be encouraged to establish their voting arrangements, by postal vote or by proxy (known formally as 'absent voting'), in advance of elections to avoid last minute overload on Electoral Registration Offices (EROs). The problems relating to postal voting, already well documented, would increase significantly if the 15 year rule was abolished.

Alex Norris (Labour) proposed an extension of the electoral timetable to allow more time to process postal votes from overseas

Glyn Davies (Conservative) and **Chloe Smith (Conservative)** replied that these amendments would simply delay implementation of the bill which so many British citizens overseas were calling for. The Government had already introduced several measures to improve the experience of postal voting : lengthening the electoral timetable (from 17 days to 25), allowing postal votes to be issued ahead of the postal vote application deadline, and funding centrally the cost of using Royal Mail's International reply system (in 2016, the take up for this service was 98,000 and in 2017 it was 80,000). The Government was also committed to improving its messaging on the gov.uk website in coordination with the Electoral Commission with whom it shares legal responsibility for registration. None of the amendments, pushed to a vote, were successful.

Layla Moran (Liberal Democrat) then tabled an amendment relating to the control of party donations. Current law stipulates that parties can receive donations from any citizen on the electoral register. But a Supreme Court judgement from 2010 opened a loophole when it ruled that donors did not actually have to be registered, but simply be eligible to register. The Electoral Commission has sought for the law to be clarified so that only those actually registered can donate and to reinforce its ability to take enforcement action in response to irregularities.

Moran explained that the bill would create confusion if the bill was passed because newly enfranchised electors would not have been on the register in the past 15 years so checking would be problematic and the onus would be on parties to determine whether the potential donor was eligible or not. She pointed out that the public were increasingly aware of a potential problem with political donations from sources abroad, especially in the light of the EU Referendum which had highlighted a number of possible irregularities that were being investigated. Her amendment requested a report from Government within three years of the bill coming into force on the effects of the bill on donations to parties.

Christian Matheson (Labour) supported the amendment, arguing that there was widespread fear that the bill could open the floodgates to wealthy overseas donors having undue financial influence over our elections. He noted that the AEA had also expressed concerns that the bill would leave the door wide open to unchecked foreign donations to UK election campaigns. He also made a party political point by claiming that 'most of the time,

those donations tend to go in one direction when they reach the UK'. He supported the Electoral Commission's request for clarification in the law regarding permissible donors, referring in some detail to the case of a UKIP member who was not registered when he made a donation to the party. He endorsed the need for a Government report since the bill would enfranchise millions of new voters and potential donors.

Chloe Smith (Conservative) acknowledged the seriousness of the issues discussed, but she and **Glyn Davies (Conservative)** both argued that this bill was not an appropriate vehicle for consideration of these matters. She committed the Government however to working closely with the Electoral Commission in a separate framework. The amendment was pushed to a vote but did not succeed.

Christian Matheson (Labour) then moved another more technical amendment relating to a proposal that EROs should prompt any elector believed to have moved, or be about to move, abroad, to register as an overseas elector. This led on to discussion of the idea of automatic registration in the UK as a way of encouraging a more complete register of electors, so that when people moved abroad, their previous constituency link would be properly established. Matheson again repeated his concern in this context over the lack of clarity in allocating the overseas voter to a constituency and argued that having a complete register would be helpful in this respect. He was in fact also making a broader political point about the importance of marginal constituencies in recent general elections: "Mere handfuls of votes swung constituency results in the general elections of 2015 and 2017, so it is clear that every vote makes a difference".

The debate was adjourned at 4pm.

Overseas Electors Voting Abroad