

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS ELECTORS BILL

Third Sitting

Wednesday 31 October 2018

CONTENTS

CLAUSE 3 agreed to.

New clauses considered.

NEW CLAUSE 3 under consideration when the Committee adjourned till
Wednesday 14 November at half-past Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 4 November 2018

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The Committee consisted of the following Members:

Chairs: † SIOBHAIN McDONAGH, MR LAURENCE ROBERTSON

- | | |
|--|---|
| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Moran, Layla (<i>Oxford West and Abingdon</i>) (LD) |
| † Clifton-Brown, Sir Geoffrey (<i>The Cotswolds</i>) (Con) | † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | Snell, Gareth (<i>Stoke-on-Trent Central</i>) (Lab/Co-op) |
| † Gapes, Mike (<i>Ilford South</i>) (Lab/Co-op) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Lake, Ben (<i>Ceredigion</i>) (PC) | |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 31 October 2018

[SIOBHAIN McDONAGH *in the Chair*]

Overseas Electors Bill

2 pm

The Chair: Welcome back to the Overseas Electors Bill Committee. Before we return to line-by-line consideration, let me do a bit of nagging and make some preliminary announcements. Please switch off or silence electronic devices. Tea and coffee are not allowed during our sittings.

The selection list for today's sitting, which is available in the Committee Room and on the Bill website, shows how selected amendments—generally on the same or similar issues—have been grouped for debate. At the end of a debate on a group of amendments, new clauses and schedules, I shall again call the Member who moved the lead amendment or new clause. Before they sit down, they will need to indicate whether they wish to withdraw the amendment or new clause, or seek a decision. Any Member who wishes to press to a vote any other amendment, new clause or schedule in a group needs to let me know.

Clause 3

EXTENT, COMMENCEMENT AND SHORT TITLE

Christian Matheson (City of Chester) (Lab): I beg to move amendment 30, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [*Review of absent vote arrangements*] has been laid before Parliament.”

The Chair: With this it will be convenient to discuss the following:

Amendment 31, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [*Report on postal voting arrangements for overseas electors*] has been laid before Parliament.”

New clause 8—*Review of absent vote arrangements*—

“(1) The Minister for the Cabinet Office or the Secretary of State shall—

- (a) review absent voting arrangements to consider whether they allow sufficient time for overseas electors to participate adequately in parliamentary elections, taking into account the likely effects of the provisions of this Act;
- (b) consult the Electoral Commission, local authorities and the Association of Electoral Administrators as part of the review; and
- (c) lay before Parliament a report on the review and any steps to be taken as a result.”

New clause 9—*Report on postal voting arrangements for overseas electors*—

“(1) The Minister for the Cabinet Office or the Secretary of State shall publish a report on postal voting arrangements for overseas electors.

(2) The report shall set out—

- (a) any barriers to the participation of overseas electors in parliamentary elections, including in—

- (i) the availability of pre-paid postal services for returning ballot papers,
 - (ii) the financial resources of returning officers, and
 - (iii) capacity in the specialist print and production markets to meet absent vote and ballot paper requirements;
- (b) whether any such barriers are likely to become more significant or widespread as a result of the extension of the franchise in the provisions of this Act, including in particular countries and regions;
- (c) any steps to be taken to make it easier for overseas electors to participate in parliamentary elections.

(3) The report shall, in particular, consider the effectiveness and cost of the International Business Response Licence for postal votes and any associated implications of the provisions of this Act.”

Christian Matheson: What a great pleasure it is to see you in the Chair, Ms McDonagh. I may be incorrect, but I think this is the first time that I have served under your chairmanship in my three and a half years in this place, in which I still consider myself richly privileged to serve.

My amendments and new clauses would require a detailed review of absent voting arrangements. I have some problems 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, these amendments reflect concerns not about the principle of the Bill, but about how its proposals will be administered.

My staff and I have sought the advice of local electoral administrators and the Association of Electoral Administrators to understand the administrative burdens and pressures that the Bill would place on them. Local administrators are charged with upholding our democracy by maintaining the integrity of electoral registrations; they need to ensure that everybody who should be allowed to register can do so, but that those who seek to exploit the register for nefarious reasons are exposed, caught out and dealt with. As with previous amendments, I have sought a response at least from the Minister and from the Member in charge, my good friend the hon. Member for Montgomeryshire.

The amendments would request consideration for the administrative burdens that might fall on local electoral registration officers, often at a time when the pressure on them is at a maximum—we know from past practice in election years that most people seek to register as voters only when an election is called. Given the current state of confusion surrounding absent voting arrangements for overseas voters, the Government need to carry out proper investigations into the reasons for that patchy record. Sufficient time is required for any absent voter arrangements to be put in place, so that overseas electors can cast their vote at the election or referendum in time for it to be counted.

The hon. Member for Kingswood, who is a former Minister, made a very helpful contribution last week, explaining that the timing issue is central to the way the timetable is worked out. It is worked back from polling day, and there are other considerations such as the close of nominations and laying out a suitable period for postal votes. As we already have that timetable in place, reviewing how it might be affected by a large increase in absent voting and postal voting might be a useful exercise

to undertake before the Bill becomes law so that electoral registration officers are fully prepared for the arduous task that they may well face.

I am requesting a review to consider whether the current voting arrangements grant sufficient time for overseas electors to participate adequately in parliamentary elections. Furthermore, I share the concerns of the Association of Electoral Administrators that there needs to be greater emphasis on encouraging overseas electors to establish clear absent voting arrangements and to do so in good time. Failure to prepare absent voting arrangements serves to further burden our already overworked and dedicated electoral staff.

Currently the deadline to apply as an overseas elector and for absent voting arrangements is polling day minus 12—I think this is getting to the point that the hon. Member for Kingswood alluded to last week. Absent voting arrangements refer to any form of voting not carried out at the polling station, with proxy voting and postal voting being the two principal mechanisms. In order to vote, overseas electors have three options; they can vote by post, by proxy or in person if they happen to be in the UK on election day. It is vital that those three options function efficiently in the run-up to elections. A review of the current system of absent voting for overseas voters is necessary before the Government consider enfranchising millions of new overseas voters. Indeed, a number of significant faults have been exposed in recent elections that need to be reviewed and resolved before we are ready to take the next step of expanding the franchise as significantly as is proposed.

At both the EU referendum in 2016 and the UK parliamentary elections in 2015, the processing of absent voting applications for overseas voters was a real challenge for EROs. The AEA has outlined a number of areas of concern relating to absent voting arrangements. It fears that difficulties experienced between 2015 and 2017 will only be exacerbated with the removal of the 15-year rule. One significant issue relates to the failure of many overseas voters to provide absent voting information. In what has become a commonplace occurrence, a significant number of overseas electors did not request absent voting facilities when originally applying to register. That resulted in administrators spending significant time contacting, or attempting to contact, those individuals to seek their instructions, and in numerous situations whereby overseas electors were registered but were unable to participate without returning to their polling station.

I will dwell on that point for a moment. The Association of Electoral Administrators talks about its members making a proactive attempt to contact overseas voters to encourage them to make suitable arrangements. That electoral registration officers will do that speaks not only to their dedication, but to the additional workload that will need to be supported, particularly if we increase the franchise as greatly as is proposed.

Bob Stewart (Beckenham) (Con): I presume that British embassies have some sort of form or instructions for overseas voters. An overseas voter who wants to find out what is going on could go to the embassy if perhaps they did not have a computer or were not on the internet, for example.

Christian Matheson: I have to say that I do not know the answer to that question. The hon. and gallant Gentleman is probably better versed in international

affairs than I am. That is precisely the kind of question that could be asked as part of such a review. The Cabinet Office Minister who will be responsible for implementing the Bill could well speak to their counterparts in the Foreign Office to find out what support and information is and, perhaps more importantly, should be available via British embassies and our network of high commissions and, in larger countries, consulates. That is a very interesting suggestion, which deserves deeper consideration. That is the intention behind the amendment.

Following the Bill's passage, EROs will inevitably be overburdened by the intense administrative cost of registering the influx of new overseas voters. Given that extra workload, it seems only fair to grant EROs more time to process absent vote forms. At the very least, a review of the procedure is required.

At previous elections, there were issues with electors having limited understanding or unrealistic expectations of the process. Many applied for postal votes when they were unlikely to receive and return them in time. The significant spike in applications for postal votes in the lead-up to a general election inevitably places EROs under stress, as they are overburdened with applications in the short period before the election. That is despite the fact, which I have already referred to, that some go out of their way to try to resolve proactively the problems that electors face, in addition to dealing with complaints or queries from domestically resident voters on the register.

Many overseas voters who applied for postal voting expected to be sent a postal vote immediately. That is simply unrealistic and puts too much strain on EROs in the lead-up to a general election. In addition, some overseas voters appointed a proxy who themselves lived a distance from the local authority area in which the overseas elector was registered. Again, that led to many votes remaining uncast, simply because the proxy could not attend the relevant polling station.

Electoral administrators faced unnecessary and unreasonable criticism as a result of those issues. The process of applying for an absentee vote is convoluted and difficult. The AEA has raised that issue on many occasions, especially in view of the Government's proposal to remove the 15-year registration period for overseas electors. Will the Minister consider whether her Department has responded to the AEA's concerns? What consideration has it given to those issues?

Have the Government considered reviewing the proxy voting process for newly eligible overseas voters if the Bill passes? It may be difficult for voters who have lived abroad for decades even to find a proxy. They may lack any personal connection to their old constituency. Will regulations be put in place to require the proxy to live in the constituency? I do not believe that is the case at the moment, but I am interested to know whether this is necessary.

The AEA's position on that matter is unequivocal. It stated:

"In view of this time limit being removed, consideration needs to be given to the deadline being brought forward for overseas electors to register so that it allows sufficient time to process and check previous revisions of registers, followed by documentary evidence or attestations being provided, if necessary. In addition, sufficient time is required to arrange for any absent vote arrangements to be put in place so that the overseas elector can cast their vote at the election or referendum in time for it to be counted."

[*Christian Matheson*]

In moving other amendments, other hon. Members and I have suggested that people should have a greater responsibility, or be required to provide greater proof, to demonstrate a connection to a particular constituency. That may have seemed onerous, particularly when we were considering previous clauses. However, there is an argument that doing that earlier and making those applications much more robust would mean that less work would need to be done closer to the deadline for people who have already been through the process and registered.

2.15 pm

My fear is that, with the removal of the 15-year rule, the fears expressed by the Association of Electoral Administrators will only increase. In its 2016 report, the AEA made the following recommendation:

“The UK Government should consider ways in which overseas electors are encouraged, or indeed required, to make suitable absent vote arrangements at the time they register to vote.”

I also draw the Committee’s attention to the issues experienced by overseas voters in recent elections through online platforms. In the lead-up to the general election, vital information about deadlines for absent voting arrangements was inconsistent across the official websites; key information was lacking. To clarify, two websites—gov.uk and the Electoral Commission’s www.yourvotematters.co.uk—are used to disseminate information about voting registration and to facilitate the registration of overseas voters. In the run-up to the general election, several issues were raised in relation to the messaging on both those websites.

Updating of the messaging on the Government’s website was inconsistent. Although some pages were changed, not all pages were automatically updated in line with deadlines. For example, across numerous Government pages, it was not announced that the deadline to register for absent voting arrangements had passed and it was too late to register. That meant that numerous overseas voters thought that they had registered but in fact had missed the deadline, causing them understandable frustration. And who might people take that frustration out on? It would very possibly be the electoral registration officers, who are simply following the rules, but who then have to deal with queries from abroad, from people who cannot understand why they have missed the deadline when they have not been told about it. That means further work for the already overburdened electoral registration officers.

Let me give a specific example. The gov.uk website directed users to a postal vote application form after the deadline for applications for the general election had passed. There was no message to alert applicants that the deadline had passed. Similar issues were experienced in relation to proxy applications and the need to apply for an emergency proxy after the proxy deadline. Other forms, such as that to enable a proxy to apply to vote by post, were simply not available.

In many cases, updates were made only when errors were brought to the Cabinet Office’s attention by the AEA, but of course electoral administrators are at their busiest in the period that we are discussing. They should not have to worry about alerting the maintainers of the

website, or Ministers and officials in that Department, when they are at their point of peak work. I was surprised to discover that the Cabinet Office does not own all such pages and is limited in what it can do to make important changes at short notice. Can the Minister tell the Committee who owns the websites and what can be done to ensure that greater power is given to officials in the Cabinet Office to make vital updates when necessary?

In addition, the Electoral Commission’s page originally stated that 16-year-olds could act as proxies in Scotland, which is not the case for United Kingdom parliamentary general elections. The commission did correct that error immediately it was advised of it, but errors of that sort just add to the cumbersome process of applying to be an overseas voter, and the frustrations at that cumbersome process are taken out on—well, I was going to suggest that the frustrations are taken out on the electoral registration officers, but as I am talking, I have a vision of the frustrations being taken out on a computer, with a keyboard being bashed in horror as someone is unable to register to vote.

The election timetable and rules need to be made universally accessible, across all Government websites, before the provisions of this Bill come into force. We cannot leave it late yet again and overburden local registration officers, or leave them in a situation in which there is a lack of clarity or consistency across different areas as to how the rules might apply. There will be millions more users. These websites need to function with the most up-to-date information. It is rather shocking that better plans were not in place to ensure the automatic updating of all relevant webpages.

The Association of Electoral Administrators makes a sensible and common-sense point on this matter. As a result of the confusion and mixed messaging on this occasion, it queried why information relating to absent voting is duplicated on the two websites. It considers that it would be better for gov.uk to deal solely with applications to register to vote and to redirect those wishing to apply for an absent vote to the Electoral Commission’s website. Has the Minister considered that suggestion?

Given the diversity of issues experienced by overseas voters when attempting to apply for an absent vote, it is necessary for the Government to reconsider these arrangements. They must thoroughly understand and consider the implications of the Bill on absentee voting before it gets on to the statute book and the gates are opened for the many thousands of voters—or potentially more—who will take advantage of its provisions.

Alex Norris (Nottingham North) (Lab/Co-op): Since I was first elected last June, my hon. Friend the Member for City of Chester has been very supportive and has guided me well, which I have always appreciated. We have seen more of that today.

Virtually the final thing we talked about last week was my amendment that would have changed the registration deadline for overseas voters to polling day minus 19 days. This amendment follows a similar principle but is perhaps a bit more temperately put, shall I say, and a better way of achieving what I sought to achieve. My amendment also had a minor technical problem, so I was happy to withdraw it. I actually think that this amendment is much better.

All Members who have contributed have at some point mentioned the high regard in which we hold our electoral administrators. It is really important that the general public know—we in this room already know—that they are not people who live in a cupboard and come out at election time. They do normal jobs that touch our lives every day, whether they are a chief executive of a council or work in leisure services or social care. They then put on a different hat—I characterised it as like becoming an international football team at election time—when they come out to do these jobs. We all respect and revere their work. As part of that, we have to listen to them when they talk to us. As I mentioned last week, my anxiety is that we have not really paid heed to much of what they have said.

Christian Matheson: I thank my hon. Friend for his kind words. Does he share my concern that we too often pay lip service to the public servants who work with us, saying how much we respect and value them, but do not practise that when it comes to the crunch?

Alex Norris: That is my anxiety. One of my core political values is doing unto others as you would have done to yourself. If I were in their shoes, I am sure that I would be grateful for the warm wishes, but what I would most want from parliamentarians is that they listen to me. I say that as a preface to the AEA's saying that:

“In view of this time limit being removed”—

the time limit being the 15-year rule—

“consideration needs to be given to the deadline being brought forward for overseas electors to register so that it allows sufficient time to process and check previous revisions of registers”—

we have talked about that—

“followed by documentary evidence or attestations being provided, if necessary. In addition, sufficient time is required to arrange for any absent vote arrangements to be put in place so that the overseas elector can cast their vote at the election or referendum in time for it to be counted.”

That is moderately put, but the message is clear. We ought to look at this idea. I am willing to concede, as a headstrong and a relatively new Member, that I perhaps pushed on too quickly in saying that we should definitely move the time limit—the evidence is perhaps not yet clear enough. However, through this review, the evidence would become clear, and it would soon become obvious whether there is a problem that needs to be solved. I hope we would listen because there is fundamental merit in understanding that.

As always after a day here, I reflected on what Opposition Members—sorry, Government Members; I have fast-forwarded a year or so—

Christian Matheson: Six months.

Alex Norris: Now I am being a smartypants, so I will stop.

I always reflect on what Government Members say to ensure that I understand things the way that I thought I did, or that the point I was trying to get over was the right one. In particular, I reflected on two things from last week. First, I reflected on what the hon. Member for Kingswood said about electoral Jenga and whether there was an unintended consequence of pulling that lever and extending that polling day minus 12 to polling

day minus 19. I am still not persuaded that that would have a knock-on impact. The only thing I found was that there is a chance, which the hon. Gentleman raised, that individuals would not know the candidates at that point. That would be important at the time of casting a ballot—

The Parliamentary Secretary, Cabinet Office (Chloe Smith): It is an important consideration.

Alex Norris: It is a very important consideration when choosing whether to cast a ballot, but I do not think it is a material consideration when choosing whether to register to vote. We certainly would not tolerate that at home. There are significant penalties attached to not registering, so we would not be persuaded if a person had a knock on the door and their answer for why they had not registered was, “I don't fancy the candidates very much.” The Minister has made the important assertion multiple times that she sees no difference between an overseas and a domestic elector, so I am not persuaded of that point.

Secondly, I reflected on the point made by the hon. Member for Beckenham that an extra seven working days, with a weekend in there too, was maybe too long. Again, the review would get to the bottom of that. Electoral administrators will know for how many days after an election they are still getting votes by post—I bet they hate that, but it must happen, and I bet there are some hilarious stories about votes coming in six months after too. In general, they will get votes coming in the day after polling day, and I am sure they look at them in great frustration. How many days is that true for? It probably has a half-life and diminishes by whatever the inverse of exponential is.

Layla Moran (Oxford West and Abingdon) (LD): Logarithm.

Alex Norris: I thank the hon. Lady, who clearly gave more consideration to her mathematics studies than I did. I do have a maths A-level, and my hon. Friend the Member for City of Chester will be amazed to learn that I got an A grade. I am very proud of it.

A relatively quick conversation with electoral administrators will determine whether we need a couple of days or three days and whether an extra week would be superfluous. That lends more weight to the case for a review.

When I moved previous amendments, the hon. Member for Montgomeryshire and other hon. Members said that what I was suggesting might have halted the Bill's progress, which was undesirable, but this proposal would not halt the Bill's progress. It would set in train an entirely separate process and would strengthen the Bill because we would have a true understanding of how we might need to improve our system. I reiterate the point that we should listen to our electoral administrators, who are really good and who know about this issue. They have said that consideration needs to be given to it, so we should back them and do it.

Glyn Davies (Montgomeryshire) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. It is the first time that it has been my pleasure to do so and I

[Glyn Davies]

am looking forward to it. In this case, as in several others, Opposition Members make interesting points, but their underlying purpose is simply to delay the enfranchisement of the many overseas citizens who, in my view, should be entitled to vote in our elections.

The Government have made many improvements in this area, and I am sure they will make many more. They will take into account all the comments that have been made in the debate. On that basis, the amendments are unjustifiable, and I hope the hon. Member for City of Chester feels able to withdraw them.

2.30 pm

Chloe Smith: It is a pleasure to serve under your chairmanship, Ms McDonagh, as it is for the whole Committee. I thank the hon. Member for City of Chester for tabling these proposals. I also thank the hon. Member for Nottingham North for, as ever, his very considered approach.

The hon. Member for Nottingham North made the argument that we should think again about the timetable. I listened very carefully to what he said and I am certainly sympathetic to the arguments about how we best support administrators—I hope the Committee has heard that from me through a series of debates on amendments. However, I also understand, for example, the distinction that he just drew between candidates affecting one's registration desire as opposed to affecting how one might go and vote.

Nevertheless, the hon. Gentleman concluded with the argument that none of that should halt progress and the raw point before us is that these amendments do halt progress. That is why I join my hon. Friend the Member for Montgomeryshire, whose Bill this is, in arguing that they are not the right amendments. They would mean that the provisions in the Bill could not come into force until the Government had prepared and laid before Parliament a report on the absent voting arrangements and a report on postal voting arrangements for overseas electors. Like my hon. Friend, I see a risk of delaying enfranchisement for the sake of a report.

Let me deal in detail with a few points, which I hope will benefit the Committee. It is obviously the case that British citizens overseas can vote by post or appoint a proxy to vote on their behalf. As has been noted, that does not exclude the possibility or the option of their coming to the polling station in person if they wish to and if they are in the country on the day.

The Government took action in the last Parliament to make it easier for overseas electors to vote by post by lengthening the timetable and removing the restriction on issuing postal votes ahead of the postal vote application deadline. That means that postal votes can be sent out up to eight working days earlier than before and as soon as possible after the close of candidate nominations, which is 19 working days before the day of poll, subject to the need to print the ballot papers at that stage. As hon. Members may know, administrators prioritise the printing and dispatch of postal votes to overseas electors in accordance with Electoral Commission guidance.

In the 2016 EU referendum and the 2017 general election, the Royal Mail's international reply mail system was used to support the effective return of completed

postal votes from abroad. That system enables receipt of letters in other cases, and in this case votes from customers in over 200 countries worldwide. In the case of votes, the costs are paid for by the relevant returning officer and reimbursed to them from the Consolidated Fund. I take the opportunity to remind the Committee that all new burdens under the Bill will be paid for by central Government.

The Royal Mail provides a service on its website that identifies any issues with the service from a particular country, such as a storm affecting transport, or a postal or other strike. Its success rate is there in the numbers. For 2016, Royal Mail has records to show that more than 98,000 items were returned from abroad using this system and the figure for 2017 was more than 80,000. The system is working and I do not see the need for a report to improve what Royal Mail does. Nevertheless, we keep electoral arrangements under consideration and will be happy to make improvements where it is right to do so.

I am happy to confirm that I have a meeting tomorrow with the Association of Electoral Administrators—I have such meetings regularly and as a matter of course—when we will discuss the Bill and any other issues. We do not need a report to work sensibly in that way—the Government and stakeholders such as the AEA already do it and will continue doing it.

Christian Matheson: My hon. Friend the Member for Nottingham North referred to this. The report is necessary because it is one matter meeting the AEA and listening to what it has to say, but it is another matter to respond to, take into account and act upon that advice. Would a formally published report not demonstrate that the advice had been properly taken into account?

Chloe Smith: I am grateful to the hon. Gentleman for making that argument. He and the hon. Member for Nottingham North earlier asked what “lip service” consisted of. Lip service consists of delaying work for the sake of it until a report is produced when the work could carry on in the meantime. That is how I do my role and I think it is the right approach.

In any case, I confirm that the Government and the Electoral Commission have committed to improving their messaging on gov.uk—for instance, highlighting more clearly how absent voter arrangements need to be made. As I may have mentioned in a previous debate, the commission has said on record that it will help citizens to understand how to register in response to the Bill. That is what the Electoral Commission does, and that is what the Government do. I also make clear to the Committee that it is simply the case that legal responsibility for registration is split between organisations. A segment sits with Government, a segment sits with the Electoral Commission—for example, public awareness—and fundamentally, the basic legal responsibility sits with electoral administration officers.

I put my hands up. It is true that the Government do not own all the relevant web pages because of that split. There are good reasons for that split—going into that topic might take more hours than we want to give it today—but the fundamental need is for us to work together. We should do so in the service of the citizen,

ensuring that they have good information. That is what I do, and will work with others to do, as a matter of course.

As I have argued, we do not need a report to bring that about, and I certainly do not think we need a pause. We need to get on and ensure that the arrangements work as a matter of course. On that basis, I hope the hon. Member for City of Chester feels able to reconsider his arguments and withdraw his amendments.

Christian Matheson: I thank hon. Members for their contributions during this section of the Committee's considerations, and in particular I thank the Minister for her detailed response. I reassure both the Minister and the hon. Member for Montgomeryshire, for whom I and other hon. Members have both respect and affection, that it is not our intention to delay the implementation of the Bill. I must say rather cheekily that if the hon. Gentleman wants advice on how to delay the implementation of a Bill, he should perhaps seek the Minister's advice on not moving money resolutions for other private Members' Bills. That is an argument for another Committee on another day in another Committee Room.

I say to my friend the hon. Member for Montgomeryshire that Opposition Members—both in my party and in others—support the aims of the Bill and are keen to see it go through. My right hon. Friend the Member for Exeter is very keen to see it go through, and has been for many years.

Mr Ben Bradshaw (Exeter) (Lab): Better late than never.

Christian Matheson: Again, I respect my friend the hon. Member for Montgomeryshire immensely and there is no intention to delay the Bill. However, it is the role of the Committee to test the legislation, taking into account detailed evidence from parties such as the Association of Electoral Administrators. I am pleased that the Minister slightly tripped over that name because I have been doing that in rehearsals all week. I speak in jest, of course.

Chloe Smith: We do nothing all week but prepare for Wednesday.

Christian Matheson: Exactly.

It is the role of the Committee to test the legislation and probe the Government, or the Member in charge, to ensure that all angles have been considered. To an extent, it is also the role of the Committee to represent those who have an interest in this legislation and ensure that their voices are heard. There is concern among the Association of Electoral Administrators that these matters have not been taken into account, and as I have said previously, several of our amendments have sought to represent those concerns. Those amendments are not about a philosophical objection to the Bill, but about implementation. The Minister talked about getting on with it and addressing those concerns, but concerns were raised a couple of years ago, and the AEA says that it has not seen much progress. With that in mind, and with your permission, Ms McDonagh, I would like to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 6]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

Amendment proposed: 31, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on postal voting arrangements for overseas electors] has been laid before Parliament.”—*(Christian Matheson.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 7]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

Clause 3 ordered to stand part of the Bill.

New Clause 1

REPORT ON THE EFFECTS ON THE NUMBER OF REGISTERED ELECTORS

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the number of overseas electors registered to vote in Parliamentary elections in each constituency, and
 - (b) the policy implications of any such changes.
- (2) The report must consider—
- (a) whether any differential effects on the electorates of constituencies necessitates a review of constituency boundaries, and
 - (b) the merits of creating one or more overseas constituencies.

(3) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”—*(Layla Moran.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 8]

AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Moran, Layla
Lake, Ben	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negated.

2.45 pm

New Clause 2

REPORT ON THE EFFECTS ON PROCESSES FOR CONTROLLING POLITICAL PARTY DONATIONS

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the ability of political parties and campaigners to determine the permissibility of donations from persons resident overseas, and
- (b) the ability of the Electoral Commission to take enforcement action where the rules on such donations have been breached.

(2) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”—(*Layla Moran.*)

Brought up, and read the First time.

Layla Moran: I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Ms McDonagh. Now I have the right clause in my head. The other one was about overseas constituencies, and I am partly sad that that did not pass, but this is the clause that I feel passionately about. New clause 2 tackles, or tries to start to tackle, some of the issues around donations that will arise as a result of this Bill. I prepared the clause with the Electoral Commission and we have had many conversations about its concerns regarding donations to do with this Bill. I strongly urge hon. Members from across the House to bear some of these things in mind.

The issue arises because by removing the 15-year time limit we will by definition have many people who were not at some point in the past on the electoral register. The way that political parties are currently allowed to accept donations is that it is quite easy to look up whether someone has previously been on the electoral register at some point in the past 15 years. Let us face it, we probably have the data from the lists that we have kept over the years. Even if someone came to us and said, “Right, I’ve been living in Belgium”—or Cambodia, or whatever—“and I would like to make a donation. I was on the electoral register at this address at this time,” it would be very easy for us to check.

The problem with this Bill arises because there will now be a large number of people who are absolutely—as is right—British citizens and allowed to vote, who will now be allowed to make political donations but will not have been on the register at any point in the last 15 years. What the Electoral Commission would like, which is not what I have proposed, is clarification in law that someone has to be on the register now in order to make a political donation, so that that grey area is completely removed.

We could say, “Well, you could just make sure they are registered,” and a political party could just ensure they are on the register. The problem arises because there is a Supreme Court judgment from 2010 that said that political parties, and anyone accepting a donation,

must bear in mind the permissibility of being on the electoral register. They do not have to be on the electoral register; they just have to be allowed to be on the register by the current law.

This Bill thus opens up a large number of people who could possibly donate into the UK and puts a huge onus on political parties to decide whether to accept the donation. In this new clause we are simply asking for a report. I know that reports are all the rage in all these new clauses, but the report would come after the Bill was enacted and would not stop anything, but would ask the Government to look carefully at the specific matter of donations to do with this Bill.

I know that the Minister has said in other arguments that the Government want this to be a very closely defined Bill, and I understand that. However, the problem I am raising arises only because of the Bill, so it is right to make a provision to assuage the Electoral Commission’s concerns about the issues that it will bring up. We are asking for a simple report on, first, whether political parties have faced situations where they could not tell whether donations coming in were from permissible donors. Incidentally, the flip side of that is that British citizens who are now within their rights to vote and want to be able to donate to political parties will have trouble doing so. We need to ensure that that is as easy as possible. Secondly—this is critical—the Electoral Commission is worried about its ability to enforce whether donors are permissible.

Mr Bradshaw: The hon. Lady may or may not be aware that the biggest donation to the Democratic Unionist party in political history was made during the referendum campaign and we still do not know whether the donor was permissible. The Government’s refusal to backdate the change in the rules to make donations in Northern Ireland transparent means that we do not know, and possibly never will know, the source of that money. She will be aware that that is of great concern to many parliamentarians and the Electoral Commission, as well as to investigative journalists and the people of Northern Ireland. They have been trying to get to the truth of whether that money, which bought hundreds of thousands of pounds of advertising in the rest of the UK—it was not spent in Northern Ireland, and some of it was spent on Cambridge Analytica—in effect helped to buy the referendum.

Layla Moran: I thank the right hon. Gentleman for his helpful intervention. In fact, I asked the question in Northern Ireland questions today. We can leave aside what is going on with the referendum, the investigation into Vote Leave and all the rest of it, but also we cannot. The public are keenly aware, now more than ever, that there is a potential problem with political donations and interference from abroad. This new clause would allow a mechanism to say to the public, “We understand your concerns and we promise to take them into account.”

I credit the Minister. I think she does a fantastic job, and I have said that to her. She said that during the course of her normal working life she will talk to the Electoral Commission as issues arise and all the rest of it, and I absolutely agree, but I think we need to send a strong signal to the public that we are taking the issue seriously. The new clause is an opportunity to do that,

as a direct consequence of how electors will be allowed to enter registers in this country. I urge everyone to support the new clause, partly because it is the right thing to do, partly because the Electoral Commission has specifically asked for it and partly because it would send a strong signal to the public that we take foreign donations seriously and that this Government will ensure that if there are any shenanigans, they will be caught comprehensively—not as we go—and dealt with.

Christian Matheson: I congratulate the hon. Lady on bringing forward the clause and her introduction to it. It was very welcome and had great clarity. She touched, as did my right hon. Friend the Member for Exeter, on some of the more unpleasant and unpalatable reasons why the new clause is necessary. Despite overseas donations from overseas citizens or citizens based outside the UK being prohibited, there are still mechanisms whereby Russian money, for example—it is in the news at the moment—might find its way into a campaign or political party to try to distort UK democracy. We need to be clamping down on that. That is not simply the case of some Russian billionaire who happens to have somehow mysteriously been given a British passport having a tennis match with two leading politicians. There are more discreet channels for siphoning money into British politics and distorting it.

The hon. Member for Oxford West and Abingdon makes a clear point. The hon. Member for Montgomeryshire—he is in charge of the Bill—said earlier that the new clause would be a delaying mechanism, but it would not delay the Bill and it would give a sense of certainty and clarity. More importantly, it would focus people's minds on the importance of being wary of dirty foreign donations—I use that word with consideration—and forces that would malignly seek to intervene in our democracy. As such, the new clause is most welcome, and I pay tribute to the hon. Lady for introducing it.

The new clause requests that the Secretary of State “prepare and publish a report on the effects of the provisions of this Act on...the ability of political parties and campaigners to determine the permissibility of donations from persons resident overseas, and...the ability of the Electoral Commission to take enforcement action where the rules on such donations have been breached.”

I have previously mentioned concerns about registration. It is more difficult to take enforcement action against persons living overseas. Again, that is why the consideration given by this new clause is important.

The Association of Electoral Administrators has expressed significant concern about the consequences of the Bill for the integrity of UK election campaigns, leaving the door wide open to unchecked foreign donations to UK election campaigns. There is widespread fear that, without proper preparation, the Bill could open floodgates to wealthy overseas donors having undue financial influence over our elections.

Our democratic system must continue to prevent elections from being influenced by wealth. At a time when public trust in politicians is pretty much at an all-time low, due to revelations about, for example, overspending by the Vote Leave and BeLeave campaigns—my right hon. Friend the Member for Exeter alluded to some of that in his intervention—it is important and is in the Government's interests to put in place robust legislation to prevent foreign money from unfairly

influencing our elections. We must avoid developing an American-style system, in which the voices of the most wealthy are elevated above all the rest.

An influx of unfair and illegitimate foreign donations could have a detrimental impact on the integrity of our democracy. Our reason for supporting the new clause is that one perhaps unwitting and unintended consequence of extending the franchise—along with all the difficulties that we have discussed in debates on previous amendments, such as the pressures on electoral registration officers or the investigatory ability of the Electoral Commission—could be to make it easier for dodgy foreign donations to get through and to taint and contaminate our democracy.

I will make a point that is perhaps a little party political, but I will make it anyway. Not always, but most of the time, those donations tend to go in one direction when they reach the UK. I ask Ministers to think carefully about whether there are any unintended consequences from the Bill.

The Government should intend to clarify in legislation that a person must be included in a UK electoral register at the point when the donation is made in order to be a permissible donor. According to the Electoral Commission, changes to the eligibility of overseas voters will present practical difficulties for political parties and campaigners to determine the permissibility of donations.

The complexity of overseas registration, as discussed in previous sittings, will cause practical difficulties when it comes to verifying campaign donations. In the case, for example, of a one-off referendum—we have seen it; my right hon. Friend the Member for Exeter alluded to this—someone can make the donation and it can have its effect and change the nature of a campaign. Yet by the time the permissibility or otherwise is established, the decision has been taken one way or another and that donation has had its desired effect. It may well be, as with the case of dodgy dealings in the referendum, that somebody gets a slapped wrist and pays a fine. These are very rich people, by the way, who can afford to pay those kinds of fines. There has to be some kind of enforcement or verification at the time that the donation is made.

The Government are yet to clarify if a person must be included in a UK electoral register at the point when a donation is made in order to be a permissible donor. The precedent was set by the Supreme Court, and the Opposition feel it is important that that provision should be set out in legislation. The Supreme Court judgment of 2010 ruled that a donor's eligibility to be registered was a significant factor in deciding permissibility. The 2010 judgment related to a donation made by a UK citizen and a UK Independence party member, who was eligible to register as an overseas voter but who, at the time that some of the donations were made to UKIP, was not actually registered. UKIP did not forfeit any of the money that it had received and was taken to court by the Electoral Commission.

3 pm

Section 54 of the Political Parties, Elections and Referendums Act 2000 provides that a donation must not be accepted by a political party if the donor is not a permissible donor at the time of receipt. A permissible donor is defined in section 54(2)(a) as “an individual registered in an electoral register”.

A political party that receives a donation must take all reasonable steps to verify the identity of the donor and whether he or she is a permissible donor. Under the terms of the statute, if a party is not satisfied that the donation is made by a permissible donor, it can return the donation within 30 days.

The hon. Member for Oxford West and Abingdon referred to the onus that that would place on the political parties themselves. Again, that is an unintended consequence: that political parties, not just electoral registration officers, would be put in quite a difficult bind in trying to establish whether the donor were permissible. In addition to political parties, the onus would also be on official or unofficial campaigns in referendums to investigate whether the donor is permissible or not. Of course, as we have seen in the past, that is not always an action that has been followed with vigour and ardour.

Sections 58 to 60 of PPERA provide for forfeiture in relation to donations made by impermissible donors. In particular, section 58(2) provides that where a political party has accepted a donation that it is prohibited from accepting, the Electoral Commission may apply to a magistrates court for an order of

“forfeiture by the party of an amount equal to the value of the donation”.

That is exactly what happened in the 2010 case. A member of UKIP was entitled to be registered as an elector but, for the period 1 December 2004 to 2 February 2006, that gentleman’s name was not on any electoral register. UKIP did not return any of the donations within 30 days, or at all.

On 16 March 2007, the Electoral Commission applied to the City of Westminster magistrates court for an order of forfeiture for an amount equal to the donations. Initially, the judge ordered the forfeiture of only £14,481, which was the value of donations received by UKIP after the date of a meeting between the Electoral Commission and the party, at which point UKIP could be demonstrated to have been aware that the gentleman in question was not on the electoral roll. Following judicial review, the Court of Appeal held that the magistrates court had erred in its construction of the Political Parties, Elections and Referendums Act 2000 and had not made a valid exercise of discretion under section 58(2). The court held that an order for forfeiture of an unlawful donation must reflect the full sum of the donation. UKIP appealed to the Supreme Court but was unsuccessful.

The primary object of forfeiture was the direct prevention of the mischief that the legislation is designed to prevent—in other words, to prevent unfair foreign funding to political parties. Furthermore, fully forfeiting the donation serves to deter against failure to comply with the requirements of the Act that are designed to ensure that donations are not received from an impermissible donor. The law provides that a donation must not be accepted by a political party if the donor is not a permissible donor at the time of receipt and, therefore, none of the donation total is permissible and should be forfeited in full.

I will add to what the hon. Member for Oxford West and Abingdon said, so as to direct the Committee a bit. A donation is a sum of money, goods or services with a value over £500. Parties must ensure that those are from permissible sources. All permissible donations over £7,500 to a central party, or a cumulative total during the year

that exceeds £7,500, or £1,500 to constituency parties, must be reported to the Electoral Commission. I am sure that Government Members have a lot of experience of having to deal with donations of that size.

There is no data relating to the amount of money donated by overseas voters, but given the drastic increase in the franchise that will result from the Bill, we can fairly assume that the amount will be significant enough to warrant a detailed report. Under current laws, overseas voters are permitted to make party donations if they are registered to vote in the UK, as set out in the Political Parties, Elections and Referendums Act 2000. Although the Bill will make millions of new overseas voters eligible to vote, it is critical that they can donate only while they are registered. The Electoral Commission is asking for clarity that someone must be included on a UK electoral register at the point when the donation is made.

I go back to the point that my hon. Friend the Member for Nottingham North and I talked about, and to which the Minister responded. We can seek the guidance from those tasked with undertaking the provisions in this Bill or others, and we can seek their advice and we can consult them, but when those people—the experts who will be carrying out these measures—make suggestions, it is surely best to listen to what they say and to undertake to do that. If the Electoral Commission has requested that we undertake these measures, let us give it the respect that its officers and its expertise deserve and build those measures into the Bill.

The commission wants a clearer stating of the 2000 Act, so that parties must forfeit all money received from donors who are not registered to vote, even if they are eligible but unregistered because of an administrative oversight. All that the new clause does, therefore, is bring the proposed legislation up to date. We considered consequential amendments to schedule 1 last week, and the Opposition did not seek to amend those consequential amendments because they were simply that, but this is surely a consequential amendment too. Expanding the franchise and responding to the changes that have been made also require changes that have been brought about by experience and practice.

Mr Bradshaw: Does my hon. Friend share my concern that this fits into a worrying pattern from the Government? The Electoral Commission made several specific requests, including in connection with making the new rules in Northern Ireland retrospective, which the Government refused to honour. In the Minister’s statement to the House after the Electoral Commission found evidence of illegality by the leave campaign, she said that she would look to ensure that it had all the powers it needs. Once again, however, the Government are not willing to follow its advice and its clear request. Many of us feel that its powers are feeble and weak anyway, so for heaven’s sake, let us give it the powers for the things that it wants to do.

The Chair: Order. I ask leave of the Committee to suspend the sitting for five minutes for personal reasons.

Christian Matheson: May I take advantage of those personal reasons too?

The Chair: Anybody may take advantage of those personal reasons, and then we will return to hear more of the contribution of my hon. Friend the Member for City of Chester. We will resume at 3.15 pm.

3.8 pm

Sitting suspended.

3.15 pm

On resuming—

Christian Matheson: Before we suspended, my right hon. Friend the Member for Exeter asked whether I see a worrying trend of the Government being given advice by the Electoral Commission but not taking it into account. I seem to remember that in the run-up to the 2015 general election—probably in November or December 2014—the Electoral Commission proposed limiting the national spend on an election to £25 million or £30 million. Conservative Ministers in David Cameron’s coalition Government said, “Thank you, but we’ll ignore that,” and set the budget for the total national spend at about £78 million, which was conveniently close to what was in the Conservative party’s war chest at the time. The answer to my right hon. Friend’s question is yes, I do see a worrying trend.

If we are going to have an independent Electoral Commission as the guardian of the integrity of our electoral system, we should follow its recommendations. If it recommends x, we should not ignore it and proceed with y; we should show it a bit of respect. I say to Government Members that, having established an independent Electoral Commission, we should put its views before individual party considerations.

I have utter admiration for my right hon. Friend: he was in the House during the passage of the Political Parties, Elections and Referendums Act 2000, so he has direct experience of the discussions that went on at the time and he knows exactly what we are talking about. More than that, he has direct knowledge of how things were before the Act and of the reason for having an Electoral Commission in the first place. I urge Committee members to take careful note of what he has to say on the matter. There was a reason for passing the Act and for banning foreign donations, and there is a reason that today, as part of that lineage, we seek clarification on the effect on overseas donors of expanding the franchise under the Bill.

Earlier, I mentioned enforcement. A critical question that the UK Government must consider is how electoral donation laws will be upheld when the rules are broken by a British person abroad. What preparations has the Minister made to enforce donation laws when they are breached by British individuals overseas? We have heard from the hon. Member for Oxford West and Abingdon about the onus placed on political parties, but what about individuals abroad? Will they be considered culpable or liable under those circumstances?

We believe that better investigation is needed of how best to control political party donations to avoid illegal donations from overseas. I am speaking in favour of the hon. Lady’s new clause, and welcoming it warmly, because there is a real question mark over whether we are opening ourselves and our democracy up to further abuse, at a time when there is increasing evidence of meddling in our democracy from abroad by certain state actors, and through the use of foreign money. We

all know who and what I am talking about, and we should not be blind to the dangers. In giving my support to the new the clause, I ask hon. Members, without being overly dramatic, to bear it in mind that our democracy is once again at stake. We need to be very careful that the Bill has no unintended consequences that allow malign foreign state influences greater access to meddle in and distort our democracy.

Alex Norris: We said at the outset that the integrity of our democracy is paramount, and during these sittings we have had to be mindful of unintended consequences and risks that could be created by the Bill, and this issue certainly falls into that category. I commend the work done by the hon. Member for Oxford West and Abingdon. This is the second time today that she has raised a significant point, and her leadership on this matter is very much valued across the House.

At no point have we said that the goal of the legislation is to expand the pool of eligible donors. That is its impact, though, so it is right that we should ensure that it does not create a weakness in our democracy and a vulnerability. The 2010 Supreme Court judgment said that eligibility to be registered was a significant factor in deciding permissibility, so we operate in that world. However, we do not have clarity from the Government—it would be great to get it at the earliest opportunity—on whether their position is that a person must be on the register at the point of donation. I was looking for that, but I do not think that the Government have ever showed their hand on it. It would be really valuable if they did so.

It is important to stress, as the hon. Lady did, that the new clause would not delay the Bill in the slightest; it would create a parallel process. I understood, heard and reflected on what the Minister said about normal business, and I took some reassurance from that, but on something so important there are two reasons that it will not suffice for the matter to be left to normal ministerial business.

First, this matter above all requires genuine transparency. We understand and respect the work that Ministers do, but it is important for everybody in the country who does not have insight into that to understand, and to have confidence in, that element of our democracy. That is why transparency is uppermost, and sunlight would be very much the best disinfectant when it comes to money in politics.

Secondly, Ministers change. A wise colleague told me early on to try to get good relationships with Ministers because they have such an important say over what happens in our communities, but not to get attached to those relationships because they change. That is why getting things written down and having something public that we can work with is so important. That would not delay the Bill, but it would, I hope, help to contain an unintended consequence of it and, as a result, give us all a bit more confidence in the very murky world around party donations.

Glyn Davies: I always listen to the hon. Member for Oxford West and Abingdon with great interest. She raised a lot of interesting points, and I do not think for one second that the new clause would delay the Bill; the points made by those on the Opposition Benches about that are right.

[Glyn Davies]

However, I think the new clause would extend the Bill. My intention in introducing the Bill is just to extend the franchise, and going into a complex, controversial area might well be a job for another Bill. I did not intend that to be part of this Bill. I hope, on that basis, that the hon. Lady will not press the new clause to a vote.

Chloe Smith: I fundamentally recognise the seriousness of the issues we are talking about today, and I thank the hon. Member for Oxford West and Abingdon for highlighting them in the new clause. This is a very important debate, and I am glad we have had it in Committee. I am glad, too, that she has, in her customary way, gone to the lengths of understanding the issue at hand and of making sure that it is drawn to the attention of the Committee.

I am also aware, of course, of the specific arguments that are advanced and the solution that is proposed by the Electoral Commission, but I note that, as the hon. Lady herself said, the new clause would not actually provide that solution. It would do a slightly different thing.

There are two points I want to make in response. The first is an argument specifically about the new clause and the Bill. As I said in response to other amendments, I am not convinced that an evaluation and a report are in themselves necessary. The Government do, of course, keep the processes and regulations that underpin political donations under review.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): The Bill provides a lot of flexibility in regulations and guidelines. While I take with absolute sincerity what the Opposition spokesperson said, particularly in relation to the activities of certain sovereign powers, I am sure he would agree that those activities are constantly changing. What we want is a Government who monitor what is going on very carefully, through whatever agencies they can, and respond in relation to the latest threats. My worry about the new clause is that if we enshrined it in statute, everybody would forget about it and the matter would not be given the currency it deserves. I recommend that the Minister keep it flexible, keep reviewing the situation and, if necessary, amend the Bill by guidelines or regulations.

Chloe Smith: I am grateful to my hon. Friend, who reminds us that when we seek to regulate we aim to have a combination of legislation—primary and secondary—backed up by guidance from regulators. It is absolutely right that we need that blend, which has already been referred to here and in other debates in Committee. It is also right that we keep looking at enforcement in practice as a matter of course. That is the end of the point that I want to make, which has been augmented by my hon. Friend.

Mr Bradshaw: My point relates to the earlier intervention. I cannot speak for the hon. Member for Oxford West and Abingdon, but I suspect she might be less inclined to press the new clause were she to hear some assurance from the Minister that, rather than just keeping these

things under review, the Government will commit legislative time—it is not as if we have a very heavy legislative programme at the moment—to implement the very specific requests that the Electoral Commission made following its investigations into law-breaking by the Leave campaign. She knows exactly what those recommendations and requests are. All we need is a commitment from the Government that they will use this vast expanse of legislative time with nothing else going on here to actually do it, rather than simply saying, “We will keep all these things under review.”

Chloe Smith: The right hon. Gentleman’s sarcasm may have run away with him a little there. As he knows, we are not rich in legislative time at the moment. That is due to one of the issues that I know is extremely close to his heart, and sits behind his question, which is Brexit and the legislative changes needed. I take the broader point that there is a broader set of considerations here, and I was just going to come to those.

Christian Matheson: I genuinely do not think my right hon. Friend was being sarcastic. He is both well informed and also very passionate about—

Mr Bradshaw: Will my hon. Friend give way?

Christian Matheson: No, I cannot, because the Minister is giving way to me. May I ask the Minister to reconsider that one point? My right hon. Friend made a fair point and she might have misheard amidst the hubbub of the Committee.

3.30 pm

Chloe Smith: If the right hon. Gentleman would like to confirm that he genuinely thinks we are not short of legislative time, he is welcome to do so, but that is the truth of the matter. However, that is not even the nub of my response to the hon. Member for Oxford West and Abingdon; the nub is about where is best to have that consideration.

First, as a result of listening to this Committee—as you would expect me to do, Ms McDonagh—but also as a matter of the regular work that I would have done anyway, I have asked my officials to work with the Electoral Commission to understand the pressure points around donations in so far as they might relate to the Bill. We will want to work together on any further guidance that the commission would produce on donations. That is a reference to the regular work that the Executive and the Electoral Commission would do together anyway, which I mentioned earlier. That work is part of the combination of legislation and guidance that has to work together to produce a workable system.

I note that the basic rules on donations are not changed by the Bill. Those rules—some of which the hon. Member for City of Chester has made sure to read out for us this afternoon—state that donations over £500 to registered political parties must be from permissible donors, which includes individuals on the UK electoral register, political parties registered in Great Britain and companies and organisations registered and active in the UK. Those rules are effective at root because they prevent non-UK nationals living abroad from making large donations to political parties here.

Secondly—this is the heart of the matter—the topic that the hon. Lady has raised in her new clause has implications that are wider than the Bill. My hon. Friend the Member for Montgomeryshire, as he has pointed out, feels that his Bill is not the right vehicle for this serious and wide-ranging topic, and I agree.

All the broader arguments have to come together, whether they are about the ability of the Electoral Commission to take enforcement action, the arguments it made in its June 2018 report on digital campaigning, for example, or reports that have been produced elsewhere—reports that are in themselves in need of serious consideration and response. That may well add up to the point that the right hon. Member for Exeter was making. What I can say to him is what I have said to the House, and will happily say again: the Government are rightly taking the time to reflect on those things together in a considered way. I hope that makes it clear to the Committee that the vehicle for such consideration is not my hon. Friend's Bill.

Indeed, to return to my first point, the new clause would not necessarily take us forward to those broader arguments. It would do something slightly different, and it is not the right amendment to meet the Electoral Commission's request or a good use of the vehicle that is the Bill. The topic is much broader and needs to be looked at properly.

However, I am happy to make a commitment that I and my officials will work closely with the Electoral Commission to ensure that we understand the pressure points around donations, in so far as the Bill may freshly introduce any. The Electoral Commission will be producing guidance and will want to work with the Government to do that. It is in all our interests to ensure that the aims and objectives of this legislation interlock with the right guidance. That is what we will do, and I am happy to make that commitment, but I suggest that we need to return to those broader issues in a different place and time.

Christian Matheson: Before the hon. Member for Oxford West and Abingdon winds up the debate, I want once again to thank the Minister for her response. It is her view, and that of the hon. Member for Montgomeryshire—the Member in charge—that this specific Bill is not the right vehicle for addressing the concerns that I and other hon. Members have expressed.

My one concern—it was hinted at by my right hon. Friend the Member for Exeter, and I hope I am not misquoting him—is, “If not in this Bill, then when?” How many times will the advice of the Electoral Commission be sought and then not acted upon? I take the point that she is consulting on these matters, but the longer this goes on, the more frustrated hon. Members get—a familiar argument for those of us who sit on other Bill Committees at the moment.

It is a serious point in this case. At what point does the Minister plan to bring forward the consolidated proposals for this and other matters? I do not expect her to reply now, because she has already replied very fully to the new clause, but there is a concern that once again the matter is being paid lip service—perhaps that phrase is disrespectful to the Minister, which is not my intention. It is perhaps being kicked into the long grass or, more respectfully, not given the urgency it needs. The implications of widening the franchise are not given the urgency needed.

In thanking the Minister for her response to the hon. Lady and the Committee, I ask her to realise that the more cumulative the effects of the different recommendations by the Electoral Commission, the greater the need for action rather than further consideration.

Layla Moran: I would like to thank everyone who has contributed to this debate, particularly the hon. Member for City of Chester, who put flesh on the bones of what I was talking about, particularly with regard to the Supreme Court judgment.

The point to make about guidance is that the guidance has always been there. The problem was that the judgment made it okay for those donations to be acceptable. Until such time as that loophole is closed, that is the problem and that Supreme Court judgment therefore allows it.

We would love to think that it would never be our parties that do it. In that case, it was UKIP, which does not have an MP any more. It could be a smaller, banana republic-style party that comes out of the woodwork. With the shifting sands of politics as they are, I have major concerns that this could well end up as a loophole that emerges quite soon after the introduction of this legislation.

As to the scope, this is answering specific concerns raised by the Electoral Commission as a result of this legislation. The reason I did not go for doing exactly as they say is because there may well be unintended consequences beyond that single issue worth taking into account, as a result of this legislation.

That is why I believe that a clause saying that a report would come back with actions for what the Government will do to close those loopholes is the right thing for this legislation. I would love to think that another Bill would then come along to tidy it all up. The Minister rightly points out that, on the one hand, we have very uncertain business and there are many days when we do not have a lot of things to do. However, should Brexit happen, we know that we will then be facing 10 years of a very fraught legislative process, while we go through all the changes that will be needed.

I am seriously concerned that, unless we send a signal now to the electorate that we are taking this absolutely seriously, guidance is not going to work. We had guidance and it did not work, because it still allowed that donation to be accepted. We need to send a strong signal and the proposed new clause would do exactly that.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 8.

Division No. 9]

AYES

Bradshaw, rh Mr Ben	Moran, Layla
Elmore, Chris	
Matheson, Christian	Norris, Alex

NOES

Clifton-Brown, Sir Geoffrey	Lopresti, Jack
Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob

Question accordingly negatived.

New Clause 3

PROMPT TO REGISTER AS AN OVERSEAS ELECTOR

“(1) If the registration officer receives information that leads him or her to believe that a registered elector has moved, or is going to move, outside the United Kingdom, the registration officer shall contact that elector to prompt him or her to register as an overseas elector.

(2) The Electoral Commission may issue guidance for contact under subsection (1).”—(*Christian Matheson.*)

Brought up, and read the First time.

Christian Matheson: I beg to move, That the clause be read a Second time.

Once again, I refer the Committee to our previous discussions about the administrative burden on electoral registration officers and the spikes in applications for electoral registration that always occur close to elections and when elections are announced. The new clause would introduce a provision to prompt UK citizens who are considering moving abroad or are in the process of moving to register as an overseas voter.

The Labour party is committed to taking radical steps to increase voter registration and turnout. We feel that it is important to use the Bill to encourage overseas voters to register in the early stages of moving abroad. That would not only reduce the workload of EROs, who must send out reminders to encourage new overseas voters to register, but strengthen our democratic culture by encouraging voter registration. If new overseas voters register early, they will be more likely to remain invested and engaged in British politics in the long term. Of course, the purpose behind the Bill is to get people who have perhaps lived abroad for more than 15 years involved and give them a stake in the electoral process.

The basic structure of electoral registration has remained unchanged for many years. Under the current structure, it is electoral registration officers' duty to ensure that the voting register is as accurate and complete as possible, to conduct an annual household canvass, and to issue and chase inquiry forms. Household inquiry forms are sent to every household to confirm the details of those living at the property. Although the forms do not directly generate new registrations, they are critical to producing information about voters across the country.

Under the new clause, any information suggesting that a British person is moving or has moved abroad would trigger a prompt from the ERO to encourage them to put themselves on the voter register abroad.

Bob Stewart: On the practicalities of sending out a form to someone abroad every year, presumably that would be quite an expense to the electoral system. I presume that the people abroad who want to stay on the roll will have to send a letter back, and will have to pay for the postage.

Christian Matheson: I thank the hon. and gallant Gentleman for his intervention. That is the current situation. The purpose behind the new clause is to ensure that people register at the outset so that we avoid spikes in registration in the immediate lead-up to an election period when, given everything else that is going on, electoral registration officers are at their busiest, their work is at its most hectic and they are under the

most careful of examinations. As we saw in constituencies across the UK at the previous general election, there was not just a flurry of late registrations, but in certain constituencies there were complaints afterwards that people had not been allowed to vote, even though they felt they had registered in time. In some circumstances, they had confirmation that they had been registered, but they were not on the register. The new clause is intended to avoid that. The problem that the hon. and gallant Gentleman mentions would not necessarily have been avoided anyway.

3.45 pm

The new clause is intended primarily to ensure that those eligible to vote take the opportunity to register. The Opposition are committed to strengthening our democracy through increasing voter turnout among those who are eligible. The Minister knows that in the past we have had criticisms that barriers are being put in place to prevent people from registering or voting. The Government have told us that they are committed to increasing the turnout, and we take them at their word.

It is important that newly eligible overseas voters are prompted to register from an early stage of living abroad. Not only will that make life easier for our EROs by allowing them easily to find documentation to verify voters who recently resided in the UK, but it will make it more likely that overseas voters will remain engaged and active in UK politics through an awareness of their ability to vote. Indeed, if new overseas voters were prompted to register from an early stage of their residency abroad, it would make the administrative task of EROs less difficult, as they would have up-to-date residency information about overseas electors.

I hasten to add that the Bill is, of course, about voters who have been outside the UK for more than 15 years. By getting on the register at the moment that they go abroad, there will already be an accurate register of the fact that they were resident in the UK when they pass the 15-year mark. It will make it much easier for long-term overseas voters to legitimately re-register, because there will be a continuation of their position on the register.

Secondly, I propose the amendment in order to reduce the work of the EROs in the lead-up to elections. There is no doubt that the administration of overseas applications is far more resource intensive than that for UK-based registrations, and the removal of the 15-year deadline will only serve to exacerbate matters. EROs from my area are anxious about the true extent of the administrative work that will result from this change; they have been given no guidance or information from the Government to prepare them.

EROs are extremely concerned that the traditional spikes of increased electoral registration that occur before a general election will become increasingly difficult to manage, as the validation work to be done by EROs will inevitably take longer, with paper copies of the registers, rather than online copies, needing to be checked through the use of historical electoral archives. Nevertheless, the Committee must remember that there will still be immense difficulties when it comes to verifying British overseas residents who have failed to register to vote, perhaps for decades. EROs do not have the necessary training, resources or money to be responsible for carrying out the in-depth, time-consuming research that is necessary to register overseas voters who have never been present

on a British voting register. Prompting new overseas voters to register might mitigate this issue in the long term, but it is important that Ministers remain conscious of this central issue, which would result from passing the Bill in its unamended form.

The Labour party seeks to encourage wider voter registration among those eligible to vote. If this legislation is passed, we believe it is important that new voters are encouraged to register to vote, and that they are made aware of their rights to vote overseas. Indeed, it is a well-known trend that overseas voters generally lack an awareness of their rights to cast a ballot. The amendment could provide EROs with the opportunity to make voters conscious of their political rights while overseas.

The 2016 survey conducted by the Electoral Commission makes it clear that there remains widespread confusion about what it means to be an overseas voter and about the criteria for eligibility. The survey found that 31% of British expats believe that receiving a UK state pension makes someone eligible to vote, and 22% believe that owning a property in the UK makes someone eligible—I winced a bit when I saw that, because I thought that somehow we were going back to a property qualification for the suffrage, but clearly that is not the case. Of those who did not vote, a lack of awareness was a common reason. Roughly one in five, or 21%, said that they did not know how to register, and 21% said that they did not know how to vote. Only 50% of respondents were aware that they can register to vote online.

In its report on the 2017 general election, the AEA noted that many overseas voters mistakenly believed that they could vote online or have their ballot papers emailed to them. Knowledge about voting eligibility is surely at the heart of our democratic society. The Government must act to inform British citizens living abroad, and in the country, about the eligibility of overseas voters. The lack of awareness certainly has the potential to create a significant barrier to casting a ballot.

My friend the hon. Member for Montgomeryshire has expressed concern about delays to the Bill, but I am also keen that we make the best of it if it goes through. Hon. Members are keen to maximise the number of overseas voters and, through this new clause, to ensure that the system works well and that as many overseas voters as possible take advantage of it.

We believe that, by prompting newly eligible overseas voters to register, ideally before they have left the UK, we can increase awareness and engagement among newly eligible overseas voters. If the overseas voter has not yet moved and is in the process of doing so but is still in the UK, it is a lot easier to resolve any queries that the electoral registration officer might have.

Once overseas voters are made aware of their eligibility, they are much more likely to engage in voting. For example, the Electoral Commission's overseas voter day demonstrates the power of voting education, which speaks to a point made by the hon. and gallant Member for Beckenham. The overseas awareness day took place on 10 May 2016 and was supported by embassies and consulates around the world. It aimed to encourage British citizens who were eligible to vote to register as overseas voters so that they could vote in the EU referendum. The Electoral Commission ran a public awareness campaign for overseas voters from 17 March to 9 June 2016. More than 139,000 overseas voters

registered in that period. The new clause could go some way towards making overseas voters aware of their voting rights at an early stage—Members will agree that voter awareness is critical to strengthening our democracy.

Let me float a potential solution that could be trialled to improve the situation. There are many problems with the current individual electoral registration scheme. It has been costly—it is estimated by some to cost £120 million or so—yet remains ineffective and inefficient. Many thousands of voters have dropped off since it was introduced. Fifty-eight per cent. of respondents to an Electoral Commission survey supported automatic registration when a person receives their national insurance number, while 34% said people should be able to register at a polling station on the day of the poll. I am not sure I necessarily support that—it might be a little bit too late for verification—but 34% disagree with me.

Automatic registration would remove a host of administrative hurdles that currently complicate the task of registering an overseas elector. Individual electoral registration is undoubtedly problematic. At the 2015 general election, 12,800 people were turned away from polling stations, unable to vote, because they were not on the register. At the 2017 general election, that figure was more than 10,000. One of my concerns about the introduction of mandatory ID checks for people wanting to vote is that more people will be turned away or will not turn up at the polling station at all because they do not have that ID—that is probably an argument for a different day.

Many non-governmental organisations and charities, such as Bite the Ballot and Hope not Hate, regularly undertake voter registration drives, but voter registration should not be their responsibility—it should be the responsibility of the state, which should do everything it can to ensure as complete an electoral register as possible. The more complete an electoral register, the stronger and sounder our democracy.

Most people are aware that registering to vote is compulsory and that they risk being fined for not doing so, but we still have enormous gaps in the register because putting the onus for a complex system on citizens and underfunding local authorities is clearly not the most efficient or cost-effective way to ensure its completeness. The Government are prioritising anti-fraud and security measures and, in doing so, using datasets from different public bodies. For example, when we now register to vote, I think I am correct in saying that we have to put our national insurance number on the form. In the age of big data and digital by default, it is time the Government adopted those principles for electoral registration.

This is clearly a pressing issue and there is widespread support for modernising our electoral registration system, including from the Electoral Commission, the Association of Electoral Administrators and the Electoral Reform Society. The cross-party Select Committee on Political and Constitutional Reform, which was a predecessor to the Select Committee on Public Administration and Constitutional Affairs, supported automatic electoral registration in its 2015 report on voter engagement in the UK.

There are examples in many countries across the world of the successful implementation of automatic voter registration systems. In Canada, for example, electoral information is continually updated with

information from other Government sources such as the Canada Revenue Agency, immigration and citizenship services and driving licence agencies. It is also possible for electors to continue proactively to update their information with electoral registration administrators.

Closer to home, Denmark, Germany, Italy and Sweden add to their electoral registers automatically using various different Government-held datasets. A database that would hold the UK-wide register was proposed by the previous Labour Government. The co-ordinated online record of electors—the CORE system—would have linked up with existing information to keep the register up to date.

When that was scrapped in 2011, the coalition Government claimed that it was not cost-effective, yet the switch to IER has cost £120 million and we still have an incomplete register. Building the CORE system and running it annually from 2011 to today would have cost just over £20 million according to the estimated figures, and we would have a much more complete register of electors.

The Welsh Labour Government are currently consulting on electoral reform in Wales following the devolution of powers in the Wales Act 2017. The consultation includes options on data sharing and the possibility of moving to a more automated system. We hope that voters in Wales will shortly be added automatically to a national electoral register and be able to vote from age 16 onwards.

With recent general elections hanging on such tight margins, it is obvious why a full and complete register is essential. 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. As I have said, having more complete registers would assist voters as they are going overseas, because it would make it a lot easier for them to verify their residency and right to vote in the UK, and to do so in a particular constituency.

One of my concerns about the Bill in general is the lack of clarity in allocating the voter to a constituency. Having the most complete register possible is not simply about improving the credibility of the election as a whole. It would aid overseas voters by giving them that anchor within the UK for when they finally leave. I commend the proposed new clause to the Committee.

Alex Norris: On 28 November last year, I led a debate in Westminster Hall about voter registration in my constituency. The reply for the Government came from the hon. Member for Kingswood. I appreciated the spirit in which he replied, but I was unable to draw something from him that I hope to draw from the Minister. We want an accurate record and do not want anybody there who should not be, but I have never been clear whether it is a Government priority for it to be the fullest record possible. We want to reach people who are

not on it and encourage them to do so. I believe it should be the fullest record possible and the amendment supports that aim.

4 pm

Chris Skidmore (Kingswood) (Con): May I give a quick plug to the Government's democratic engagement strategy, which was published in December 2017 after the hon. Gentleman's debate? It sets out in detail how we wanted to look at registration for the future.

Alex Norris: I appreciate that and I encourage colleagues to look at that document. I was clear in that debate, and I will be clear now, that my instinctive enthusiasm is for automatic registration. I do not want anyone to think that I am not arguing for it or that I am trying to bring it in by the back door. That is where my enthusiasm lies, and I ought to be honest about it.

According to the Government's impact assessment, the best estimate of the Bill's cost is £8.8 million. However, I was disappointed to read paragraph 40 on page 10, which states:

“There is currently no planned expenditure for communications to raise awareness amongst overseas electors of their existing right to vote from central government. Some work may be expected from the Electoral Commission prior to polls.”

I would like people to be reminded and prompted. Page 13 gives an estimate that 25% of the newly enfranchised will register, so I wonder whether we can do better. Prompting people would be one way of achieving that. As we have discussed, the desire behind the Bill is to extend the franchise and give people a chance to vote, but that is not ambitious enough. We are glad the Government have committed to spending money—clearly there will be a cost—but I wonder whether we have the chance to go a little further.

My hon. Friend the Member for City of Chester has squeezed my speech—I was going to rely on the same Electoral Commission survey. However, at a basic level, this is about ensuring that people understand the system, never mind prompting or positively encouraging them to register. Only 29% of those surveyed thought that they had to renew annually, while 38% thought that that was a falsehood and 34% did not know. Come what may, we have a job to do to make people understand not only whether they can register but how to do it. I will leave it at that, but I commend my hon. Friend's new clause and hope Committee members consider it kindly.

Ordered, That the debate be now adjourned.—
(*Glyn Davies.*)

4.2 pm

Adjourned till Wednesday 14 November at Two o'clock.