

Local Election Voting Rights - the facts

Two (inconsistent) principles: residency and citizenship-based voting

International norms for determining who is eligible to vote in elections are broadly based on two principles:

1. **The citizenship principle, under which all citizens can vote.** This is the norm for *national elections* in most countries, but for *local elections*, most Western countries use the residency principle.
2. **The residency principle, under which anyone resident can vote, regardless of nationality.** Only 4 countries use this principle for national elections (New Zealand, Chile, Uruguay and Malawi), but it is the norm for local elections in many countries including Australia (where voting is seen as a duty more than a right) and about half of the EU states, as well as Scotland and Wales.

At the moment, the UK applies both of these principles, but neither consistently. This has led to a highly complex situation.

- UK law grants full voting rights to UK citizens, except those who have been abroad for more than 15 years.
- All non-citizen residents from Ireland and the Commonwealth also have a full franchise that allows them to vote in all elections and referendums. In the case of Ireland, this is reciprocal, but most Commonwealth countries, including Cyprus and Malta, do not grant resident UK citizens the right to vote.
- EU citizens from the other 24 EU member states currently have a partial franchise that allows them to vote and stand as candidates in local and municipal elections. This is guaranteed in UK law and the British government would actively need to remove this right - something it states as a long-term aim in its drive for reciprocal arrangements.¹
- Residents from other countries, including Switzerland and the EFTA countries, do not have the right to vote in any UK elections, which leaves them with no say in decisions that directly affect their communities.
- There is disparity within the UK at present, as Scotland and Wales grant voting rights to all migrants, while England and Northern Ireland do not.

This mixture illustrates that the UK does not apply either the citizenship or the residency principle consistently. It also shows that the reciprocity principle is not adopted consistently, since residents from Commonwealth countries have the vote in the UK, but British citizens resident in those countries do not necessarily have a vote there.

¹ <https://hansard.parliament.uk/commons/2020-06-03/debates/20060323000011/VotingRightsTreatyWithPoland>

The current situation on EU citizens' local election voting rights

Local voting rights are not covered by the Withdrawal Agreement, because they are not an EU competence, but rather a sovereign matter for national and in some cases local governments.

The easiest solution for this is for the UK government to simply exercise its sovereign right by making a firm unequivocal guarantee that EU citizens' local election voting and candidacy rights will continue after Brexit, which would be in line with the Vote Leave campaign promise² that "There will be no change for EU citizens already lawfully resident in the UK. These EU citizens will automatically be granted indefinite leave to remain in the UK **and will be treated no less favourably than they are at present.**"

Instead, the UK government has taken the approach of seeking bilateral arrangements with the 24 EU member states whose citizens do not enjoy voting rights by virtue of other reasons (see the information on Ireland, Cyprus and Malta above). So far, the only agreements are with Spain, Portugal, Luxembourg and most recently Poland. The remaining 20 countries primarily see voting rights as a domestic policy issue.

Our plan towards a fairer society

We believe this bilateral negotiations approach will create an unfair situation for many EU citizens, as it is most likely that some EU citizens will be disenfranchised.

We call on the UK government to recognise that the current system selectively discriminates towards immigrants from certain countries, both Commonwealth and EU, by the fact of what is best described as a historical accident.

If the UK government wishes to change the status quo in order to make the system fairer, then it needs to examine how it can apply the citizenship and residency principles more consistently. Adopting either principle in full while abandoning the other would actively disenfranchise either some residents or some citizens, and pit Brits abroad against migrants living in the UK.

The easiest and fairest way forward is to grant voting and candidacy rights for local and municipal elections to all citizens of the UK and all residents of the UK. Scotland and Wales have already done this. It would be more democratic if voting rights were equal across all parts of the UK, if Northern Ireland and England decided to follow suit.

Extending the franchise to all UK residents regardless of nationality will help us create a fairer society and improve social cohesion. Denying such rights reduces dialogue and negatively impacts community relations by hiding problems of inequality and access to opportunity. The UK government should acknowledge that local voting and candidacy rights play an important role in the two-way process of social integration.

² <https://blogs.lse.ac.uk/brexit/2018/02/27/the-rights-of-non-uk-eu-citizens-living-here-are-not-a-done-deal-this-is-why/>