

Who can vote?

Who is entitled to vote at UK parliamentary elections? Does it follow that if you pay taxes you can vote and if you don't you can't? What about citizens of other countries, e.g. Commonwealth, Irish, EU? Is anyone disqualified? This factsheet addresses these and other frequently asked questions.

Background

Only individuals whose name appears on the electoral register are entitled to vote. To vote in UK parliamentary elections a person must also:

- be 18 years of age or over on polling day;
- be British or other Commonwealth citizens or citizens of the Irish Republic who are resident in the United Kingdom (UK); and
- not be subject to any legal incapacity to vote (e.g. be in prison).

At a general election, the following cannot vote:

- anyone under 18 years old;
- members of the House of Lords, including life peers, Church of England archbishops and bishops and hereditary peers who have retained their seat in the House of Lords. These people can, however, vote at elections to local authorities, devolved legislatures and the European Parliament;
- European Union citizens (who can however vote at local government, devolved legislature and European parliamentary elections);
- citizens of any country apart from the Irish Republic and Commonwealth countries;
- convicted persons detained in pursuance of their sentences (though remand prisoners, unconvicted prisoners and civil prisoners in default of fine or breach of recognisances can vote if they are on the electoral register);
- anyone found guilty within the previous five years of corrupt or illegal practices in connection with an election;

- under common law, people with learning disabilities or a mental illness if, on polling day, they are incapable of making a reasoned judgement.

Minimum voting age

The first General Election at which 18 year olds were entitled to vote, under provisions contained in the Representation of the People Act 1969, was in 1970. A number of organisations have argued that the minimum age should be reduced to 16, reflecting the fact that young people acquire other key rights and duties at this age. Matthew Green MP has recently introduced a Private Members' Bill to the House of Commons seeking to reduce the minimum age for parliamentary and local government elections to 16. The Northern Ireland Human Rights Commission also published in 2001 a consultation paper including proposals for a reduction in voting age.

Irish and Commonwealth citizens

Citizenship of the country of residence is the normal requirement for the right to vote at national parliamentary elections in most democracies, but the position of Irish and Commonwealth citizens in the United Kingdom is slightly different because of the traditionally close ties that exist between our countries.

The Representation of the People Act 1918 provided that only British subjects could register as electors.

However, the term 'British subject' included any person who, at that time, owed allegiance to the Crown, regardless of the Crown territory in which he or she was born. This included Commonwealth citizens.

At the time of the 1918 Act (and for 31 years after), Irish citizens, like the citizens of other contemporary Commonwealth countries, were covered by this inclusion. The status of Irish citizens here is laid down in the Ireland Act 1949, which declares that citizens of the Republic of Ireland are not to be treated as aliens. That position is reciprocal in that people born in the United Kingdom are not treated as aliens in the Republic. Since 1985 British citizens resident in the Republic have been entitled to vote in elections to the Irish Parliament.

Why can EU citizens vote in some UK elections? Why can't others?

The Treaty on European Union signed at Maastricht (1993) contained provisions to extend voting rights in European Parliamentary and local elections to all Union citizens in their Member State of residence. Citizens of other European Union countries resident here have been eligible to register to vote at European Parliamentary and local government elections since 1994 and 1996 respectively. However, the Treaty contains no provisions to extend voting rights in national parliamentary elections to those EU citizens resident in another part of the Union. The legislation that subsequently established devolved elected legislatures in Scotland, Wales and Northern Ireland also effectively extended voting rights to EU citizens in elections to those bodies.

People of other nationalities are not eligible to vote in this country even if they are UK taxpayers and long-term residents. The UK franchise is not based exclusively on either residence or nationality and it does not necessarily follow that because someone pays taxes in the UK they will be entitled to vote or that people who are exempt from paying taxes, for example, students and members

of certain religious orders, will be deprived of the right to do so. Whenever the House of Commons has in the past considered whether the right to vote in parliamentary elections should be extended to people of other nationalities who had been resident here for a long period it has always taken the view that such people should be required to obtain British citizenship, as evidence of their commitment to this country, before being able to vote.

Overseas electors

Overseas electors (i.e. eligible British citizens living abroad) were first enfranchised by the Representation of the People Act 1985, which gave the right to vote at parliamentary and European parliamentary elections to expatriates for up to five years after they left the country. The Representation of the People Act 1989 extended the qualifying period to twenty years and enfranchised people who left the country before they were old enough to register as electors. Following the General Election 2001, the qualifying period was reduced to 15 years. This change took effect in April 2002.

Voting by people who are homeless

As a result of the Representation of the People Act 2000 homeless people, or others who have no permanent address, can register by means of 'a declaration of local connection'.

Patients in mental hospitals

Patients resident in a mental hospital, whether voluntarily or detained as a result of mental health legislation, may now register to vote.

Prisoners

Prisoners on remand are now able to register in respect of the prison in which they are held.

Convicted prisoners are prohibited by law from voting at elections. The European Court of Human Rights has found that restricting prisoners' right to vote in this way does not breach the European Convention on Human Rights.

Literacy problems

There is no literacy qualification for voting. Anyone who is illiterate can ask the presiding officer at the polling station to mark his/her ballot paper for him, or take a companion to assist him.

Conclusion

The Electoral Commission will monitor issues relating to who can vote as part of its remit to keep under review electoral law and practice.

Publications

General Election 2001, Briefing Information Home Office.
Election 2001: The Official Results (2001), The Electoral Commission.
Debate on entitlement to vote at 16 Daily Hansard Summary, December 2001, www.parliament.the-stationery-office.co.uk/pa/cm/cmhsnd.htm

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