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Bristol 21/05/2019

Dear Bob Posner,

I wish to make a complaint on behalf of the EU citizens' group "the3million" about how the Electoral Commission has handled the issue of EU citizens registering to vote in the 2019 European Parliament Elections.

Citizens of EU27 countries who are residents in the UK and wish to vote for UK MEPs in the European Parliament elections have been required to complete an extra step not required of U.K. citizens: filling in a paper form and sending it to their local council to declare they are not voting in their country of origin.

the3million believes that the Electoral Commission's conduct has created unnecessary confusion and placed barriers in the way of exercising voting rights for EU27 citizens in the UK, as outlined below. The issues cover the period between April 9th - when the elections were finally announced - and May 7th, the deadline to register.

We understand that Catherine West MP has also written to the Commission on 29 April following from her Urgent Question in the House of Commons on 25 April, enquiring what has been done to facilitate the registration of EU nationals and offer additional support and guidance to Electoral Registration Officers (EROs) to deal with this specific issue.

We ask the Electoral Commission to take the urgent steps requested by Catherine West, Mike Gapes and other MPs¹ **in allowing EU citizens to sign a statement at the polling station that their vote will only be used in the UK.** This will go some way towards minimising the disenfranchisement of many EU27 citizens in the 2019 European Parliament elections.

1. The Electoral Commission reneged on a 2014 commitment to send out the UC1 form to registered EU citizens

After the Government finally announced on April 9th that the European Parliament elections would go ahead, we contacted the Electoral Commission on whether it would make good on its commitment after the scandal in 2014, when EU citizens were turned away at polling stations:

¹ <https://edm.parliament.uk/early-day-motion/52886/voting-rights-of-eu-citizens-in-european-elections>

*"We will be following this up in our post-election review and ensuring that electoral registration officers are aware that they **must** send this form."²*

The Commission responded with a refusal to honour the 2014 commitment:

*"As I said yesterday, following the result of the 2016 EU Referendum, the UK Government repeatedly stated that European Parliamentary elections in 2019 would not take place in the UK. **As a result, the Commission did not develop recommendations on the process for EU citizens being able to take part in European elections in the UK.***

Whilst I can see your point of view that this is an unsatisfactory situation. I think from our point of view, we're very much in the mode of making sure registered to vote EU citizens in the UK have the information to make a decision about where they vote at the elections. And so we would appreciate anything you can do to raise awareness of this 7 May deadline for declaration forms to be returned to the local Electoral Registration Officer."

2. The Electoral Commission provided vague and confusing information, preventing EU citizens from successfully registering by the May 7th deadline

It was not clear from the Government voter registration site that non-British EU citizens had to complete an extra step after registration on the electoral roll - a process which requires visiting three separate websites, printing off a form and sending the form to the local ERO. Many EU27 citizens will be unaware of the need to complete the additional form, and will find out after the deadline for registration or when they show up at the polling booth.

On Thursday May 2nd, two digital services launched that automated the process of registration for EU citizens, which the 3million encouraged EU citizens to use. On Friday May 3rd shortly after 3pm, we were informed that the Electoral Commission urged EU citizens not to use these services and had referred both sites to the Information Commissioner's office³. The Commission advised that the form must be downloaded and returned, without being clear about the procedure:

"The form can be downloaded at yourvotematters.co.uk and must be returned to the local Electoral Registration Officer by Tuesday 7 May".

The Electoral Commission could at this point have clearly informed EU citizens that scanned documents sent via email to the EROs would be acceptable, but that did not happen. There was no confirmation whether digital forms would be accepted for those who already had used the third party services.

² <https://www.theguardian.com/politics/2014/may/24/eu-citizens-prevented-voting-confusion-registration-forms>

³ <https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/to-keep/eu-citizens-urged-to-avoid-unofficial-electoral-registration-websites>

For postal returns, the deadline to submit the form for EU27 citizens was noon on Saturday May 4th due to the bank holiday on May 6th, while UK citizens could continue registering until midnight on May 7th. EU27 citizens therefore lost precious time in which to register of the 28 days between the announcement and the registration deadline. According to some reports, general registration spiked during the last three days where EU27 citizens were excluded from registering:

"A total of 130,766 applications were submitted on Tuesday, while Monday saw 38,325, and Sunday had 19,535."⁴

3. The Electoral Commission's insufficient guidance was followed up by inconsistent service from local authorities

We maintain that the Electoral Commission's lack of clear guidance has led to an inconsistent approach by local authorities to the registration process for EU27 citizens. Some sent out the form early, others just before the registration deadline; some gave clear instructions that they would accept emailed scans, others were vague or requested postal returns.

the3million has multiple examples of local authorities mishandling the application process, ranging from losing forms to not acknowledging receipt or incorrectly informing EU27 citizens that they were already registered to vote in the European elections.

The combined effect of the Electoral Commission's insufficient guidance and local authorities' inconsistency effectively undermines equal access to voting rights, and appears to be in contravention of Directive 93/109/EC Article 12 obliging public bodies to inform EU27 citizens "in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote"⁵.

I would be pleased to provide further information to support this complaint, and look forward to hearing from you.

Yours sincerely,



Nicolas Hatton
CEO, the3million

⁴ <https://www.theneweuropean.co.uk/top-stories/flood-of-young-voter-registrations-for-eu-elections-1-6038788>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31993L0109&from=EN>