

## The expansive franchise of the United Kingdom

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Unlike many countries, the United Kingdom's electoral franchise is set entirely in legislation, as befits a country without a capital C constitution. What may be more surprising to Australian audiences is that citizens of 75 countries can vote in various statutory elections in the UK. As a comparison, there are 191 countries who are members of the United Nations.

The franchise is prescribed in a series of Representation of the People Acts, the most important being the reforming and consolidating 1983 Act. Those excluded from registration and voting are those under 18, convicted prisoners and anyone found guilty of a corrupt or illegal electoral practice within the last five years. Some common law provisions on mental capacity also apply to electoral registration but are under review. In addition, voting members of the House of Lords cannot vote in elections for the House of Commons but may vote at other statutory elections. Non-voting hereditary peers can vote at all elections. In Northern Ireland the required residency period is three months; it is not prescribed in Great Britain. In addition, special provisions exist for British citizens resident overseas or abroad in the armed forces or Crown (Government) Service.

### **UK Parliamentary elections**

The basic franchise is that used for elections to the UK Parliament at Westminster. Unsurprisingly all resident British citizens can vote for this Parliament. Irish citizens resident in the United Kingdom may also vote. More expansively, any citizen of a Commonwealth country resident in the UK may vote at these elections. There are currently 53 members of the Commonwealth, including the United Kingdom itself. These countries are defined separately in UK law so temporary suspension of a country from the Commonwealth does not affect the franchise; neither will a unilateral declaration by one

country that they have left the Commonwealth. So citizens of 54 countries can vote in elections for the UK Parliament.

An interesting aspect is that British citizens are not separately listed in the legislation. The definition of eligible citizens in electoral law was a replica of that used in immigration law which used only 'Commonwealth Citizens' to replace the previously used British Subject definition. Those who are now referred to as British Citizens are covered by the 1983 definition of Commonwealth Citizen.

### **European Parliamentary, devolved institution and local government elections**

As a member of the European Union, the UK also grants the franchise at European Parliamentary and local government elections to citizens of other European Union member states, as required under the Treaty on European Union (the Maastricht Treaty). The local government franchise is also used at elections to the Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly and Greater London Mayor and Assembly. The EU has 25 member states, of which three already held franchise rights in the UK – Ireland under its own arrangements made at the time of independence and Malta and Cyprus as Commonwealth countries. So adding the 21 additional countries to the 54 countries who resident citizens can vote at UK Parliamentary elections, citizens of 75 countries can vote at the upcoming May 2006 local elections in England as well as at the 2007 elections for the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly.

### **Referendums**

There is no standing legislation for the conduct of referendums in the UK, so the franchise for any referendum would be set in the relevant enabling Act. The European Union Bill, which was introduced to provide for a referendum on The Treaty establishing a Constitution for Europe, provides for the UK Parliamentary franchise to be used at any such referendum, along with the addition of those peers who can normally only vote at local government elections.

For more information see the website of the UK Electoral Commission ([www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)) or the House of Commons Library at [www.parliament.uk](http://www.parliament.uk)