

# Questions

## Citizens already on the electoral register

1. Are there any cohorts of EU citizens who are currently on the electoral register who will remain on the electoral register by default, without any further questioning or testing of immigration status, residence or other eligibility? If so:
  - a. Which cohorts are these?
  - b. Will these citizens be contacted and informed? If so, what is the outline of the message to them? Will there be any difference in messaging depending on whether they are a 'qualifying EU citizen', an 'EU citizen with retained rights' or both?
  
2. Are there any cohorts of EU citizens who are currently on the electoral register who will be subject to eligibility testing, but such testing will in the first instance be attempted via internal Government record matching? If so:
  - a. Which cohorts are these?
  - b. Can you give us any information on the intended matching logic?
  - c. If a "positive" match is found, will these citizens then remain on the electoral register or will they be subjected to further tests?
  - d. Will these citizens be contacted and informed? If so, what is the outline of the message to them? Will there be any difference in messaging depending on whether they are a 'qualifying EU citizen', an 'EU citizen with retained rights' or both?
  
3. Which cohorts of EU citizens who are currently on the electoral register will be contacted directly to establish eligibility to remain on the electoral register?
  - a. What questions will they be asked?
  - b. What evidence will be accepted to prove immigration status?
  - c. What evidence will be accepted to prove nationality?
  - d. What evidence will be accepted to prove residence before 31 Dec 2020?
  - e. What happens if their name as used on the electoral register does not match their name as on the immigration status? (*We have lots of cases of married women who have wanted their EUSS status to reflect their married name, but the 'EU Exit: ID Document Check' app has only taken their birth name. This caused many problems in receiving letters in summer/autumn 2021 from DWP and/or HMRC that their benefits would be terminated, because DWP/HMRC knew them by their married names, and could not match against Home Office EUSS status which was in birth name*)
  - f. How will they be contacted? Electronically? By letter? How many times over what period?
  - g. How many opportunities / how much time will they be given to respond?
  - h. What happens if an 'EU citizen with retained rights' has difficulty proving they have those retained rights?
  
4. If an EU citizen on the electoral roll is currently not a 'qualifying EU citizen' or an 'EU citizen with retained rights', can they nevertheless remain on the electoral roll with some designation of not currently being eligible to vote? E.g. as a 'potential elector' in the Electoral Management Software (EMS)

- a. This with a view of a bilateral treaty being concluded with their EU country in future, in which case their designation can be switched to eligible to vote?
  - b. This also with a view that there are reasons to be on the electoral roll other than to vote, namely to help with credit score (e.g. <https://www.experian.co.uk/consumer/guides/electoral-roll.html>).
5. For anyone to be removed from the electoral register:
- a. How much notice will they be given?
  - b. In what form will that notice be given?
6. What account will be taken of dual nationals where the ERO may not have retained all nationalities recorded, or the individual had not been clearly asked for all their nationalities at the time of registration?

**Event: annual canvass**

7. Can any EU citizens who are currently not on the electoral roll nevertheless be recorded in the ERO's EMS as potential electors, with a view to being contacted or added to the electoral roll as 'qualifying EU citizens' if a future bilateral treaty is signed?
8. Are EU citizens who are entered on the EMS able to have multiple nationalities recorded?

**Event: EU citizen newly registering**

9. When an EU citizen attempts to register to vote:
- a. What questions will they be asked?
  - b. What evidence will be accepted to prove immigration status?
  - c. What evidence will be accepted to prove nationality?
  - d. What evidence will be accepted to prove residence before 31 Dec 2020?
  - e. What happens if their name as used on their residence evidence does not match their name as on the immigration status? (*See 4e above*)

**Event: EU citizen before voting age and coming to voting age**

10. Will a young EU citizen be held on the EMS if they were recorded as part of an annual canvass, and will they be contacted at any stage to establish residence before 31.Dec.2020 if they are not already a 'qualifying EU citizen'?
- a. At what stage will they be contacted and asked to supply evidence - only when they come to voting age? When the Elections Act takes effect?

**Event: new bilateral treaty signed**

11. When a new bilateral treaty is signed with another country:
- a. What publicity will be given to that?
  - b. Will EROs contact all properties in their council to inform them, and ask if anyone has that nationality and invite them to register? (*In the same way as in the annual canvass asking about who still lives at the property, and whether anyone has come of voting age?*)

- c. Will EROs have retained people who were already on their register but who were not a 'qualifying EU citizen' (or 'EU citizen with retained rights') at the time of the Elections Act taking effect - see question 4?

### **The register**

- 12. Will 'qualifying EU citizens' and 'EU citizens with retained rights' be distinguished on the electoral register? If so, how?

## **Problems for EU citizens voting - 2019 EU Parliamentary elections**

### **Judicial Review judgement**

<https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2021/245.html&query=the3million>

### **Electoral Commission**

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/european-parliamentary-elections/inquiry-report-voting-registration-process-eu-citizens-resident-uk-2019-european-parliamentary>