

**MEETING WITH LORD PAUL TYLER OF  
ON  
VOTES FOR LIFE  
Zoom Session 7  
July 27, 2021  
REPORT**

**Explanatory Note**

The session was divided into three sections:

1. A brief commentary on the French system for voting by French by Ferguson Evans
2. The keynote address by Lord Paul Tyler on the progress being made in Parliament towards achieving the aim of votes for life.
3. Open discussion (Lord Tyler's responses).

**1. The French System: A Reference**

This commentary was based on a short paper circulated before the session and is available on request. It was noted that French citizens living abroad can now vote in the presidential, deputy, senatorial (indirect), and MEP elections as well as in national referendums. The French experience elicits the following four points as far as the UK is concerned: (i) structure of elections, (ii) constituency distribution, (iii) quality of representation, and (iv) expense.

- i) Given the current governing structure, votes for life embracing UK citizens living abroad would concern one election only: that for Members of Parliament sitting in the House of Commons (along with referendums).
- ii) Taking the French distribution of constituencies as a yardstick, and the UK having some five million expats as against half that for France, it was reckoned that this would work out to some 46 Members of Parliament. Could this be too large?
- iii) With overseas constituencies based purely on the estimated numbers of expats, some constituencies could be of excessive size and reach, potentially rendering the quality of representation questionable. An electoral college system (as per the French senatorial system) could be worth considering.
- iv) Failing the development of an effective electronic voting system, the overall expense for running such elections could be inordinately high, as reflected in that calculated on an elector/voter per capita basis.

## 2. Keynote Address by Lord Paul Tyler

Lord Tyler immediately referred to the matter of expat constituency size. He said that the current boundary commissions of the four countries making up the UK had estimated a median electorate would comprise around 75,000 electors. (The question then would be where the lines were drawn in a worldwide configuration of constituencies, to determine how many of them there would be). His address thereafter constituted two main themes: (i) the new Election Bill put forward by the government, and (ii) the quality of representation.

### ***(i) Election Bill***

The Bill will pass through the House of Commons without much amendment, given the government's large majority. It will then progress via the committee stage to the House of Lords where it is likely to encounter initially considerably more criticism, although without much effect on the final outcome. So the Bill could be enacted and pass into law without much difficulty before the end of the year. Three factors should be borne in mind here:

- (a) Votes for life is just one of a number of issues incorporated in the Bill, and a fairly minor one at that. Rather, the Conservatives are envisaging it as a means to consolidate their influence and their perpetuation in office.
- (b) There has been a change in the Conservatives' attitude toward votes for life over the past few years. Some years back they had thought that they were bound to gain extra seats through expat voters. But now they realize that, with the apparent overall change in character of compatriots living and working overseas, this is far less likely, to the point that one very right-wing Brexiteer talked his own pro-voting bill out not long ago. The implication is that votes for life will not receive much attention.
- (c) The Conservatives are very keen on this Bill, not so much for the voting aspect, but because they believe that the effect of its enactment will be to bring in more donations. Therefore, it is yet another example of what should be interpreted in terms of "follow the money." That is to say, in Conservative policy money is the overriding motivating criterion.

### ***(ii) Quality of Representation***

Lord Tyler was very intent on stressing the point here that at the heart of this exercise was not so much the fact of getting representatives elected – although this needless to say was essential – but the *quality* of representation the members of the expat community in question would be entitled to *between* elections. Underlying this line of argument were two salient factors:

- (a) Many UK citizens resident abroad remain on the electoral roll in a home constituency and so are eligible to vote in national government elections. However, they inevitably amount to a very small percentage of the voters in their constituency. This means that they will get very short shrift at best and more often than not are simply ignored. The vote-getting public lives in the constituency, and their opinions and problems claim virtually absolute priority.
- (b) Separate overseas constituencies are by definition created to represent their respective expat communities. This being the case, their elected Members of Parliament would be expected to improve and sustain the quality of representation because this would be the main focus of their duties and the means for ensuring re-election.

### 3. Open Discussion

The discussion subsequent to Lord Tyler's address can essentially be divided into two themes: (i) the situation as it stands, and (ii) future possibilities stemming from the passage of the Election Bill and more generally speaking. The report below, therefore, is not simply a sequential account but rather a record of the observations made as they relate to the two main themes. The emphasis of necessity is on Lord Tyler's responses to suggestions made and questions posed by a knowledgeable and experienced audience. Lord Tyler's comments are in bold and those initiating the topic are indicated as in the list of participants.

#### *Participants*

Lord Paul Tyler

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Andrew = A // Chantel = CT // Christina = CH // Christopher = CI // Ferguson = F // Jenny = JE // John = JO // Kay = K // Kevin = KE // Mark = M // Meg = ME // Patricia = P // Sarah = SA // Simon = SI // Stephen = ST

#### *(i) Current Situation*

*Brexit* – The crying need for the representation of UK citizens living abroad has been made blatantly clear by the poor handling of the consequences of Brexit. Quite obviously very limited consideration, if any, had been afforded to such issues as health, education and travel as they pertained to the expat especially (SA). To cite one particular example, in the cultural sector complexities have arisen as regards both the import and export of art works, to say nothing of the movement of artists themselves (CT).

**Brexit has had disastrous consequences. UK citizens have lost the freedom to travel unhindered throughout Europe. They are also losing out on being able to study, take holidays, gain experience, and work in the EU. Covid-19 has further exacerbated the situation in that the UK has been effectively cut out of the European collaborative response. Moreover, had there been MPs in the House of Commons committed to representing the expat concerns, the country could well have come out of the Brexit negotiations with a much better deal. Or there could even have been no Brexit at all.**

**As for the specific case of the arts sector, the LibDems have taken the lead in the House of Lords in drawing attention to how Brexit is affecting the business, both in the UK and in Europe. Party spokesperson, Jane Bonham-Carter, and her team have been chiefly concerned with the effect *within* the UK where the government has failed totally to consult with the industry constructively.**

*Location records* – Constituencies in the UK can be inefficient and inconsistent in their maintenance and safeguarding of records concerning expats who are or should be registered on their electoral rolls (JE). In addition, it is well nigh impossible for candidates or MPs to contact overseas electors (ST).

**Currently there is no assistance to encourage MPs to be better representatives during the term of office (between elections, that is). The whole system is based on the assumption that each local authority, meaning each electoral registration authority, is autonomous. One consequence of this is that it does not see the need to maintain records**

as to where people are beyond 15 years. This being so, it is extremely difficult to authenticate applications to go on the register if the person is living abroad. Depending on how the Electoral Bill (discussed below) is drafted, anomalies such as being under 17 years old when leaving the UK, could well be dismissed to the disadvantage of the applicant.

More generally speaking, it is extraordinary how little information government authorities have at their disposal. They do not know, for example, how many potential UK voters there are anywhere in the world, let alone Europe. Introducing legislation with this degree of ignorance is inadmissible. More to the point, this attitude rubs off at the local level adding to the confusion. There is the matter of divulging to third parties information unrelated to an electoral event or referendum, for instance. The Party has been *advised* that this could contravene GDPR (the General Data Protection Regulation originally decreed by the EU), and hence there is a degree of inconsistency in local interpretation. Further down the line, the average constituency office of an MP simply treats registration as of no priority whatsoever. This situation *must* be rectified regardless of whether or not votes for life becomes a reality.

The real problem is, notions of autonomy aside, the actual extent the local authority is its own authority in these matters. The solution lies in the rationalization, simplification and standardization of registration paperwork and procedure throughout the country. The Party has been advocating this but has encountered ministerial reluctance. The desire for greater efficiency and effectiveness is likewise the chief motivation driving the Party's discussions with the Electoral Commission in trying to establish whether the new Bill will ensure that the system will actually work. Past experience does not hold out much hope.

*The citizen* – The designation of the individual of UK provenance has recently been changed from “subject” to “citizen”. However, this has not been accompanied by a definition of “citizen”, nor stipulations as to the rights and duties afforded the individual as a result. Ideally, this would, as in the French case for example, include the right to votes for life and being protected by the state wherever they are (SA).

This is not simply a matter of words, it is a real matter of substance. Citizenship has been on the LibDems agenda as a top priority for a long time by now. When I was Chief Whip under Paddy Ashdown, he was always going on about the absolute necessity for this change. So this, at least, is progress. What is needed now is elucidation as to what citizenship actually entails, including duties as well as rights.

### *(ii) Future Possibilities*

*Election Bill* – What is likely to come of the Bill? (K).

There is no doubt that it will be enacted; it will go through in some form. But it is highly unlikely that it will yield expat representation. Neither is it clear at this stage if any substantial improvements, albeit short of representation, will be possible. There are so many obstacles in the way, not least the hefty Conservative majority in the House of Commons. Even in the House of Lords there is a reluctance to push too hard. Added to which, not a few members of the Lords are not taking their role seriously as impartial

**statesmen putting the national interest first. Very pertinent to the Bill as a whole, although not directly concerned with votes for life being discussed here, is the very important report published in the middle of July by the Committee on Standards in Public Life. The members of this committee are official advisers to the government and the public at large and their report covers the whole issue of election finance, including the question of ethical standards and so on. Absurd though it may seem, no account whatsoever is being taken regarding this report by the ministers involved in the Bill.**

*Amendments and Proxy Voting* – Nevertheless, there could be the possibility of squeezing something out of it through amendment. Improvements to the proxy voting system would be a case in point (JE). One possibility to facilitate proxy voting would be to allow expats to choose their constituency (JO).

**As implied earlier, the extent to which amendments to the current Bill are possible is still an open question. Bearing this in mind, an incremental approach to improving the system as a whole is the more feasible option. Take for example postal voting. It can only be said to be working effectively if the whole procedure functions to get the expat votes to the polling station on time. Failure to achieve this strengthens the argument for proxy voting. Ideally, partnering with Labour could help with amendments. But as far as overseas voting is concerned it has always leaned towards eligibility based on residency as opposed to citizenship. Moreover, Labour is in a “curious mood” when it comes to votes for life, and has been for some time. Proper representation does not sit high on their agenda it seems, rendering their support problematic in either House, especially the House of Lords. Crossbenchers may well be a better bet. At any event, finding practical solutions is the key.**

*Research and Support* – What support for overseas constituencies do the LibDems have in Parliament and what is the extent of cooperation does it receive both in Parliament and outside for researching this issue among others? (A).

**It is essential to work with like-minded non-party organizations like Unlock Democracy and Best for Britain. For financial reasons, the LibDems have a fairly small team devoted to these issues, so there can never be too much support by Party members and others taking an interest in them. I coordinate closely with Alastair Carmichael MP who leads the LibDem effort in the House of Commons. The team also works with Tom Brake, the founder of Unlock Democracy and the Party’s former Brexit spokesman, as well Carey Smith of Best for Britain, Transparency International, and a large number of other groups and individuals involved in the election issue and other related matters. One cannot be half-hearted about this when one thinks that it is only every twenty years that we are presented with the opportunity to modernise our electoral laws. The last time was in the year 2000. The aim for a cooperative approach should also extend to the Labour Party. It is indecisive for the moment, but collaboration should be pursued with an eye on coalition.**

*Technology* – The outcome of the Bill aside, the LibDems should be advocating the application of modern technology to the electoral system, notably as concerns electronic voting (SI). There is a need to gauge support subject to such technological innovation (CI).

**Yes, all along the line. I can participate in debates of the House of Lords and vote on them in my study at home. There would appear to be no security risk. If it is possible for**

**me to do this, there is no reason why electronic communications cannot be applied to other forms of voting, including expat voting. We have worked hard on this with the Electoral Commission and they are not opposed to it. In fact, conversely, not modernizing could put the effective administration of elections at risk. The obstacle here is “government” – the Conservative government obsessed with their take on security. But it is very much worth pursuing because it holds out the promise of enhanced representation by the LibDems while also offering a very persuasive argument to Labour Party MPs into the bargain.**

**Or look at it this way. The big story making the headlines recently has been the Conservative claim that it is vital to install photo ID at all polling stations for the ludicrous sum of £20 million. More mundane improvements making use of modern technologies are far more desirable. But the government is not interested. Dare one say that it would almost seem that the Conservatives sense that if electronic voting became a reality for expat voters it would have to be adapted for voting within the UK. This could mean that far more non-Conservative 18-to-19 year-olds could be persuaded to sit up in bed and vote. As far as we are concerned, however, this could create a virtuous circle if we are ready for it. The more people think that we will listen to them the more chance they will vote, and the more they vote the more we will listen to and understand them.**

It remains for us at VTT to thank Lord Paul Tyler once again for affording the time in his busy schedule to provide us with full and detailed insights into the situation as it stands with regard to the tabled Election Bill, and specifically within that the outlook at this point in time for the re-adoption of votes for life. We wish him along with his colleagues and associates all the best in tackling this very important issue.

Thank you Lord Tyler.

Ferguson Evans  
VTT

N.B. Andrew Houseley’s non-affiliated group of some 4,000 members is being mobilized to campaign for the return of votes for life. In addition, Kay notes that at the coming LibDem Autumn Conference there will be a LibDems Abroad fringe meeting on this issue to galvanise support.