

# **VOTING AND REPRESENTATION FOR UK CITIZENS ABROAD**

## **Zoom Session 7**

**July 27, 2021**

There are now an estimated five million UK citizens (people born in the UK) living abroad, one quarter of them in Australia, while the EU countries of Spain, Ireland, Germany, and Italy also feature in the top ten. Many of them, while retaining their UK passport and therefore citizenship, are not registered at a constituency in the UK and so not entitled to vote in national or local elections. This could mean in effect that, unless they take out the nationality of the country in which they are actually living, for example, they are stateless. Not being able to vote denies them a voice; being stateless deprives them of representation. With more and more of its citizens living abroad, however, the UK is also the loser because many of these citizens directly or indirectly contribute or have contributed to its prosperity. As such it should be accepted that they have a right to vote and be represented. France, for reasons of its own, has long recognized this fact and progressively adapted to it. As a precursor its system merits observation, bearing in mind that it constitutes not so much a model as a reference. Below is a brief introduction to the French system, followed by a tentative list of questions deriving therefrom. It is worth bearing in mind that the estimated number of French living abroad is precisely half that of the UK at 2.5 million.

## **THE FRENCH SYSTEM: A REFERENCE**

### **Voting Rights**

As posted on the official administrative site by the Ministry of the Interior and verified on June 28, 2021, French citizens living abroad are entitled to vote in elections for AFE (Assemblée des Français de l'étranger) councillors, the president, senators and National Assembly deputies, members of the European parliament, and in referendums, on condition that they are registered on the electoral list of a French consulate in the country of residence. This entitlement does not include local elections within France at the regional, departmental, and municipal levels for which listing on an electoral roll of a constituency on French territory is required. It is no longer possible to be registered on both listings simultaneously. In other words, the domestic constituency covers all elections, whereas consular registration is restricted to those for AFE councillors, etc. as given above.

### **Historical Progression**

The debate over representation of French citizens outside France, be it in the former colonies or foreign countries, is as old as that surrounding representation in France itself. It was first brought up by the Estates General in 1789 as it concerned the verification process for 17 overseas deputies, elected, chosen or self-proclaimed. Intriguing though this may be,

however, the historical progression as far as we are concerned starts immediately pursuant to World War II. The key turning points are as follows:

### 1) The Constitution of 27<sup>th</sup> October 1947 (Fourth Republic)

This constitution stipulated that the new parliament comprise a National Assembly and a “Council of the Republic” (re-designated in 1958 as the Senate) and that within the latter French people living abroad should be represented. By way of realising this, in December of that year a resolution was passed entrusting this representation to three “councillors of the Republic” (i.e., later senators), one each for Europe, America, and Asia/Oceania. However, this official recognition was complemented by four organisations directly involved: those for the chambers of commerce, teachers, veterans living abroad, and the union of French overseas (UFE). These four lobbied to present their own candidates for the National Assembly in addition to the “councillors” to ensure that their voice was heard.

### 2) Le Conseil supérieur des Français de l'étranger (CSFE)

The result was the inauguration of this council for French living abroad in July of 1948 to be run under the auspices of the Ministry of Foreign Affairs. This had 55 members comprising the three councillors, the president and director of UFE plus the presidents of the other three organizations mentioned above, and 42 elected and five other members nominated by the Ministry. The aim was to better understand the situation of expats by having them register at consulates as a prerequisite for voting and encouraging them to join recognized locally-based French associations and the like. Subsequently, upon the establishment of the Fifth Republic in 1958, the new constitution stated that French persons living outside France were to be represented by the Senate. A follow-up ordinance stipulated that there be three senators elected through a college system (referred to below) for Europe, America and Asia/Oceania. The number of such senators was increased to 12 in 1982. Meantime, a constitutional amendment in 1965 had brought in the direct election of the president by the citizens of France, and in 1976 this was extended to those living abroad who could thenceforth vote at their local consulates.

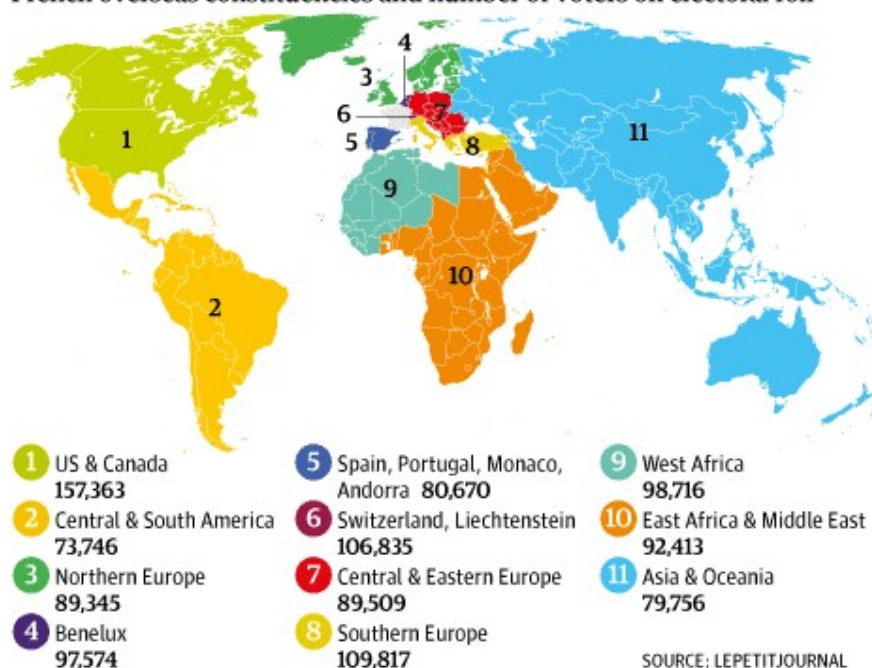
### 3) L'Assemblée des Français de l'étranger

By the end of the twentieth century, however, it was all too clear that voter turnout was poor. So in 2004 the CSFE was re-designated as the Assembly of French Citizens Abroad or AFE, a name intended to signify recognition of the particular concerns of French living abroad. Thereafter, in 2008, a constitutional revision incorporated the provision that French citizens living abroad be represented in the National Assembly and the Senate, and not just the Senate as hitherto. Eleven deputies were to be voted in at the upcoming legislative elections in 2012. This did not result in an increase in the number of deputies in the Assembly. Rather, there was some readjustment to domestic constituency boundaries to accommodate the newcomers. Finally, in 2013, there was a radical update of the system for senatorial representation, although, as described below, it is still based on the electoral college (as is that for domestically elected senators).

## Means and Costs

Thus the French citizen living abroad can now vote for the president, National Assembly deputies, and senators (plus MEPs). The first two of these are straightforward and not very demanding of the would-be voters. They simply go to the embassy or consulate to cast their vote, or indeed in many cases now do it electronically. The presidential election is a convenient conduit with the potential for capturing the general mood of the electorate with which the overseas citizen is now associated. Likewise, to an extent, the election of deputies, although their constituencies as yet tend to be limited, amorphous, and somewhat arbitrary. They are shown in the map below.

French overseas constituencies and number of voters on electoral roll



But the whole system has a history which reflects a tripod of control comprising the CFSE (AFE), Ministry of Foreign Affairs, and the Senate. It is, not surprisingly, an attempt to duplicate the system back home. Hence, the so-called radical reform for the election of Senators is a quagmire of Gallic complexity, although there are hints that the method could be further adapted for more effective citizen representation across the board. For a start, the membership of the college for electing senators was increased from 178 to 534, made up of the eleven deputies, the twelve senators, 443 consular advisers, and 68 delegates of said advisers. The 443 consular advisers are elected for six-year terms by direct universal suffrage at 130 consular councils. The world is divided into 15 areas or constituencies, each with one to nine consular advisers. From among the 443 consular advisers, 90 are elected by their peers to sit on the AFE for two plenary sessions per year in Paris. The 68 consular advisers are elected for three years to participate in senatorial elections.

Easier to grasp is the problem of organization and the attendant expense. This was already becoming very apparent early on last decade. A report prepared for the National Assembly

dated September 2013, noted that the various consulates worldwide were by then responsible for handling more elections for their compatriot communities than any other country. Britain, for instance, handled none. The French consulates had to keep records of more than a million compatriots enrolled. Organizing the presidential and legislative elections overseas in 2012, to give an example, exceeded €20 million. While three quarters of this was covered by the Ministry for the Interior, it did not extend to the cost of the personnel mobilized for the task. Moreover, and a very important point to keep in mind when advocating voting facilities for compatriots abroad, are the per capita discrepancies especially when it came to those who actually voted. For the presidential election of 2012, the per capita cost per overseas registered elector was €6.12 as against €4.30 for the domestic elector, while restricted to actual voters the figures were €14.53 and €5.28. Repeat that for the election of deputies and you get €12.77 against €3.38; €61.67 against €5.76. True, electronic voting is making a difference, especially in Europe and North America, but there is still a long way to go to close the gap.

***Pre-Meeting Paper/Report from Ferguson Evans***

***Sarah Page*** who has pursued research into the issues surrounding Overseas Constituencies, has put together the following list of topics, which are intended to be in no way exclusive, as we consider the possibilities concerning voting rights for UK citizens living abroad.

Suggestions for Discussion

1. All UK Citizens living abroad to register with the nearest UK Embassy.
2. Decision to be made by HM Government whether registration is regulated or voluntary. If voluntary, then a controlling mechanism to be in place for failure to register.
3. Method of voting, and where counting to take place, e.g. UK or in the Embassies.
4. How many constituencies e.g. by continent, country or region?
5. How many MP's to represent overseas constituents?
6. Where should overseas MPs be based and how should they deal with their surgeries and constituent queries and issues? Zoom for instance by booked time.
7. Will there be a Ministerial position specifically to represent UK Citizens abroad, will this be attached to the FCO?
8. In the absence of a written constitution protecting UK citizens abroad, will legislation be raised to allow a policy of protection?
9. Voting security and how this can be ensured.
10. Should cost be an acceptable issue for not ensuring overseas constituencies and meeting the Human Rights of UK residents overseas?
11. Should overseas citizens also have the right to vote in the country that they now reside?

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