

<p><b>Title:</b> The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023 and The Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023 Impact Assessment</p> <p><b>IA No:</b> DLUHC Elections 01 (2023)</p> <p><b>RPC Reference No:</b> N/A</p> <p><b>Lead department or agency:</b> Department for Levelling Up, Housing and Communities</p> <p><b>Other departments or agencies:</b> N/A</p>	<b>Impact Assessment (IA)</b>
	<b>Date:</b> 25/06/2023
	<b>Stage:</b> Final
	<b>Source of intervention:</b> Domestic
	<b>Type of measure:</b> Secondary Legislation
<p><b>Contact for enquiries:</b> electionsresearchanalysismailbox@levellingup.gov.uk</p>	

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> Not Applicable
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Cost of Preferred (or more likely) Option (in 2023 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Not a regulatory provision
-£1.4m	N/A	N/A	N/A

**What is the problem under consideration? Why is government action or intervention necessary?**

The Elections Act 2022 revised the voting and candidacy rights of EU citizens (EUVCR) to reflect the UK's new relationship with the EU. When commenced, the EUVCR provisions will remove the automatic right of individuals to vote and to stand in elections by virtue of being EU citizens. They will, however, ensure continued rights for EU citizens from member states with a bilateral treaty with the UK. They will also ensure continued rights for citizens of EU countries with which the UK does not have a bilateral treaty, providing they have been lawfully resident in the UK since before 31 December 2020. To enable this, changes are required to the registration and electoral administration framework.

**What are the policy objectives of the action or intervention and the intended effects?**

The changes will primarily:

1. Enable persons to register to vote under the new eligibility criteria for all future applications, and
2. require and enable review officers to conduct a one-time review of their registers (e.g. to review the eligibility of all already-registered EU citizens under the new criteria) in order to ensure the integrity of the register going forward. As part of the one-time review:
  - a. EROs will be obliged to identify those registered EU citizens who remain eligible under the new criteria, and to confirm their ongoing rights.
  - b. EROs will also be obliged to identify those who are no longer eligible, and to remove them from the electoral register (or, in Wales, confirm their loss of eligibility to vote in PCC elections).

The updated registers will incidentally update candidacy qualification where candidacy is dependent on being a local government elector and where a nomination must be subscribed to by local government electors to be validated.

Further minor changes, for example, the creation of a new franchise marker, changes to absent voting forms, and the introduction of a review process specially for determining eligibility to vote in PCC elections in Wales, will enable EROs to effectively maintain their registers and administer polls going forward.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

**Option 0: Do Nothing:** The EU voting and candidacy rights changes legislated for in the Elections Act would not be commenced and the current franchise would not be updated to reflect the UK's new relationship with the EU. Moreover, since voting and candidacy rights were granted to EU citizens under Freedom of Movement, there would continue to be no immigration-based eligibility criteria attached to them.

**Option 1 (Preferred option): Enable implementation of the changes to the voting and candidacy rights of EU citizens as legislated for in the Elections Act 2022.** Make changes to registration and electoral administration processes to enable EU citizens to register to vote and stand under the new eligibility criteria (ensuring continued rights for EU citizens from member states with a bilateral treaty with the UK and EU citizens who have been legally resident in the UK since before 31 December 2020) and to enable electoral registration officers ('registration officers') to effectively maintain their electoral registers, and to administer polls, going forward. Enable a one-off process by which registration officers will be obliged to review the eligibility of all already registered 'EU citizens' under the changed eligibility criteria.

**Will the policy be reviewed? It will not be reviewed. If applicable, set review date: N/A**

Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	Micro - No	Small - No	Medium - No	Large - No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	Traded: N/A		Non-traded: N/A	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister: SCOTT OF BYBROOK Date: 28/06/2023

# Summary: Analysis & Evidence

# Policy Option 1

## Description:

### FULL ECONOMIC ASSESSMENT

Price Base Year 2023	PV Base Year 2023	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -£1.1m	High: -£1.7m	Best Estimate: -£1.4m
COSTS (£m)		Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	£2.2m		0	£2.1m	
High	£3.6m		0	£3.5m	
Best Estimate	£2.9m		0	£2.8m	
<b>Description and scale of key monetised costs by ‘main affected groups’</b> <b>Communication costs</b> – The cost to local authorities of communicating the outcome to electors of the database review and correspondence-based review processes is estimated to cost <b>£1.4m</b> under the central scenario. <b>Staff costs</b> – The total cost of local authority staff processing time is estimated to cost <b>£0.6m</b> under the central scenario.					
<b>Other key non-monetised costs by ‘main affected groups’</b> <ol style="list-style-type: none"> <li><b>Wider costs to the justice system</b> – The SI will not create any new criminal offences nor amend any. The effect of the legislation will be to slightly increase the number of scenarios to which an existing offence (providing false information) will apply. Whilst an increased level of fraud cannot be ruled out, it is likely to be low and in proportion to the low volume of fraud cases that already take place annually.</li> <li><b>Impact on credit assurances on businesses</b> – The changes could impact on the success of future loan/credit applications by impacted EU citizens.</li> </ol>					
BENEFITS (£m)		Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	£0		£0.2m	£1.1m	
High	£0		£0.3m	£1.8m	
Best Estimate	£0		£0.2m	£1.4m	
<b>Description and scale of key monetised benefits by ‘main affected groups’</b> <ol style="list-style-type: none"> <li><b>Cost saving from fewer electors voting in elections</b> – This cost saving is estimated to be <b>£1.4m</b> under the central scenario over the ten-year period.</li> </ol>					
<b>Other key non-monetised benefits by ‘main affected groups’</b> <ol style="list-style-type: none"> <li><b>Improved integrity of UK’s electoral system</b> – The introduction of this policy will help ensure that the UK’s elections are modern, fair and secure and that the changes reflect the UK’s new relationship with the EU.</li> <li><b>Increased use of postage and printing businesses</b> – The increase in additional correspondence to EU citizens in the UK will see revenues and potentially profits increase for these businesses.</li> </ol>					
<b>Key assumptions/sensitivities/risks</b>				<b>Discount rate (%)</b>	3.5%
<ol style="list-style-type: none"> <li><b>Uncertainty around correspondence-based review volumes</b> – The current volumes have been taken using Individualised Electoral Registration Digital Service (IERDS) data and forecasted to cover the period that the policy is introduced. This is uncertain as it is based on forecasts, and the outturn data may vary.</li> <li><b>Response rates during the correspondence-based review process</b> – The response rate of electors to the review correspondence impacts the total cost. The analysis considers a response rate based on similar registration processes which could differ to that achieved when the review is undertaken.</li> </ol>					

**BUSINESS ASSESSMENT (Option 1)**

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>Score for Business Impact Target (qualifying provisions only) £m:</b>
<b>Costs: 0</b>	<b>Benefits: 0</b>	<b>Net: 0</b>	

# Evidence Base

## A. Problem under consideration and rationale for intervention

1. The purpose of these statutory instruments is to enable the implementation of the changes to the voting and candidacy rights of citizens of member States of the European Union ('EU citizens') of the Elections Act 2022. When commenced, these provisions will remove the automatic right of individuals to vote and stand by virtue of being EU citizens. They will, however, ensure continued rights for EU citizens of countries with which the UK has a voting and candidacy rights treaty (currently Poland, Spain, Luxembourg & Portugal) and for EU citizens of other member states who began living in the UK prior to the end of the Transition Period, on 31 December 2020, and who have retained lawful immigration status. (Note that these changes do not impact Irish citizens, whose rights are long-standing and are unconnected to EU membership; nor the rights of Cypriot or Maltese citizens, who derive their rights from being citizens of Commonwealth countries.)
2. This change will flow through to all polls for which responsibility is reserved to the UK Government and which use the local election franchise. In England, this includes local elections and polls such as local authority governance referendums, local council tax referendums, neighbourhood planning referendums and parish polls. In Northern Ireland, this includes local elections and elections to the Northern Ireland Assembly. This change also applies to Police and Crime Commissioner (PCC) elections in England and Wales.

**Table 1: EUVCR across the UK**

	<b>England</b>	<b>Northern Ireland</b>	<b>Wales</b>	<b>Scotland</b>
<b>Elections Impacted</b>  (note: EU citizens have never been eligible to vote in Parliamentary elections on account of being EU citizens)	Local elections, PCC elections and polls in which individuals can vote or stand based on being on the local government register.  These changes impact the rights of EU citizens to be registered to vote in England.	Local elections and elections to the Northern Ireland Assembly.  These changes impact the rights of EU citizens to be registered to vote in Northern Ireland.	PCC elections only.  These changes <b>do not impact the rights of EU citizens to be registered to vote in Wales</b> , since the local franchise is fully devolved. However, they <b>do impact the registered electors right to vote in PCC elections</b> .	<b>No impact</b>  These changes <b>do not impact the rights of EU citizens to be registered to vote in Scotland</b> , since the local franchise is fully devolved.

<p><b>Comms Required to review eligibility of registered electors</b></p>	<p>At the point of the franchise change, the registration officer will be required to conduct a review to determine:</p> <p>a) which already registered EU citizens remain eligible to remain registered under the new criteria; and b) which EU citizens are no longer eligible to remain registered under the criteria.</p> <p>Each person who is reviewed must receive notification of outcome of the review.</p> <p>Where a registration officer is unable to make a determination using the data already available to them as part of their registration duties, they will be required to review the elector by correspondence. Where this is required, the registration officer must make a minimum of three written contact attempts, plus a personal contact attempt before they may make a determination.</p> <p>Where an individual is removed from the register on the basis of non-response to these contact attempts, the outcome letter must include a registration form and pre-paid envelope.</p>	<p>At the point of the franchise change, the Chief Electoral Officer for Northern Ireland will be required to conduct a review to determine:</p> <p>a) which already registered EU citizens remain eligible to remain registered under the new criteria; and b) which EU citizens are no longer eligible to remain registered under the criteria.</p> <p>Each person who is reviewed must receive notification of outcome of the review.</p> <p>Where the Chief Electoral Officer is unable to make a determination using the data already available to them as part of their registration duties, they will be required to review the elector by correspondence. Where this is required, the registration officer must make a minimum of three written contact attempts (the final one to include a paper form and prepaid envelope), plus a personal contact attempt before they may make a determination.</p> <p>Where an individual is removed from the register on the basis of non-response to these contact attempts, the</p>	<p>At the point of the franchise change, the registration officer will be required to conduct a review to determine:</p> <p>a) which already registered EU citizens remain eligible to vote in PCC elections under the new criteria; and b) which EU citizens are no longer eligible to vote in PCC elections under the criteria.</p> <p>Each person who is reviewed must receive notification of outcome of the review.</p> <p>The review process and prescribed contact attempts will mirror that in England/NI. However, in Wales, where an individual is determined to be ineligible to vote in PCC elections on the basis of a non-response, the outcome letter <b>will not contain a registration form or pre-paid envelope</b> (as they will remain registered).</p>	<p><b>N/A</b></p>
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		outcome letter must include a registration form and pre-paid envelope.		
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3. At present, European citizens retain the rights to vote and stand that were conferred in consequence of our membership of the EU. Since these were held pursuant to the EU's Freedom of Movement and Voting Rights Directives, no immigration-based eligibility criteria are currently attached to them.
4. EU citizens were granted the right to vote and stand in local elections in the UK in 1995. This was done in accordance with the Council of the European Communities directive No.94/80/EC, which set out 'arrangements whereby citizens of the Union residing in a member state of which they are not nationals may exercise the right to vote and to stand as a candidate there in municipal elections.' These rights were reciprocated for British citizens living in EU member states.
5. The UK is no longer covered by these directives. Nor was the matter included in the EU Exit negotiations since voting rights for third country nationals are generally for sovereign states to determine. The EUVCR provisions in the Elections Act 2022 (EA 2022) recognise the political commitment that was made to respect the rights of those citizens who made their home in the UK before EU Exit. Going forward however, the local voting rights of EU citizens living in the UK should be considered alongside the rights and interests of British citizens living abroad. Therefore, in future, the rights of EU citizens living in the UK will rest on the principle of a mutual grant of rights, through agreements with EU Member States.
6. The UK currently has bilateral treaties with Poland, Spain, Luxembourg and Portugal, and remains open to negotiating treaties with other EU Member States.
7. These changes are part of a series of reforms, set out in the Elections Act (EA) 2022, which delivered on the UK government's objective to maintain the integrity of UK elections by ensuring that elections remain secure, fair and modern. A key part of the Act updated the franchise for European citizens to reflect the decision made by the UK people in 2016 to leave the European Union, and the new relationship we have with Europe.
8. These changes will impact EU citizens and the Electoral Services Sector in England, Northern Ireland and Wales. We have engaged with the Electoral Commission, the Association of Electoral Administrators, the Chief Electoral Officer for Northern Ireland, representatives from the electoral sector and relevant interest groups during the development of secondary legislation. Welsh Government officials have also been consulted on the development of the policy. These changes do not apply to Scotland.
9. The UK Government is responsible for franchise and registration policy for reserved elections therefore the issue cannot be resolved without DLUHC and NIO intervention.

## **B. Policy objective and Proportionality**

10. When commenced, the EUVCR provisions in the EA 2022 will remove the automatic right of individuals to vote and to stand in elections by virtue of being EU citizens. They will, however, ensure continued rights for two groups of EU citizens going forward:
  - 'Qualifying EU citizens': citizens of countries with which the UK has a bilateral voting and candidacy rights (VCR) treaty – at the time of writing this encompasses citizens of Poland, Spain, Luxembourg & Portugal who are, under the terms of the treaties, 'legally resident' in the UK. The treaties require that the relevant citizens are granted rights to vote and stand on 'the same grounds' as British citizens.
  - Citizens with retained rights': citizens of EU member states with which the UK does not have a treaty but who have been legally resident since before the UK left the EU on 31/12/2020. The rationale for the creation of this new category of electors was to enable HMG to uphold the commitment to respect the rights of those citizens who made their home in the UK before EU Exit.



11. Note that these changes will not affect the rights of either Cypriot or Maltese citizens who derive their voting rights from the status of those countries being Commonwealth countries; nor will they affect the rights of Irish citizens, whose rights are long-standing and are held independently of Ireland's status as a member of the EU.
12. These statutory instruments amend existing secondary legislation to enable persons to register to vote under the new eligibility criteria, and to enable electoral registration officers ('registration officers') to effectively maintain their electoral registers, and to administer polls, going forward. It also provides for a one-off process by which registration officers will be obliged to review the eligibility of all already registered EU citizens under the changed eligibility criteria. The amendments to the register will also update the right to stand where it is dependent on being a local government elector and where a nomination must be subscribed to by local government electors.
13. The changes have been designed to align with existing practices and processes as far as possible. The policy intention is to minimise, where possible, risks of additional burden and confusion for electoral administrators and electors alike and ensure parity of treatment between different groups of electors within the registration and franchise framework.
14. The primary indicator of success will be that registration officers will be able to maintain a complete and accurate register of electors. In England and Northern Ireland, EU citizens who are eligible under the new criteria will be able to register to vote (or remain registered to vote) and in Wales, EU citizens who are eligible under the new criteria will be able to vote (and will maintain their eligibility to vote) in PCC elections

### C. Description of options considered

15. The options considered for this Impact Assessment are:
  - **Option 0: Do Nothing:** The EU voting and candidacy rights changes legislated for in the Elections Act would not be commenced and the current franchise would not be updated to reflect the UK's new relationship with the EU. This would mean all EU citizens would continue to have voting and candidacy rights in local elections simply by virtue of being EU citizens. Moreover, since voting and candidacy rights were granted to EU citizens under Freedom of Movement, there would continue to be no immigration-based eligibility criteria attached to them.
  - **Option 1: Enable implementation of the changes to voting and candidacy rights of EU citizens as legislated for in the Elections Act 2022.** Make changes to registration and electoral administration processes to enable EU citizens to register to vote and stand under the new eligibility criteria (ensuring continued rights for EU citizens from member states with a bilateral treaty with the UK and EU citizens who have been legally resident in the UK since before 31 December 2020) and to enable electoral registration officers ('registration officers') to effectively maintain their electoral registers, and to administer polls, going forward. Enable a one-off process by which registration officers will be obliged to review the eligibility of all already registered 'EU citizens' under the changed eligibility criteria. This is the Government's preferred option.
16. Option 1 would deliver the UK government's objective of ensuring that elections remain secure, fair, modern and transparent.

### D. Summary and preferred option with description of implementation plan

17. These measures will come into effect on 7<sup>th</sup> May 2024. When commenced, these provisions will remove the automatic right of individuals to vote and stand by virtue of being EU citizens. They will, however, ensure continued rights for EU citizens of countries with which the UK has a voting and candidacy rights treaty (Poland, Spain, Luxembourg and Portugal) and for EU citizens of other member states who began living in the UK prior to EU exit.
18. Changes will be made to the existing registration application and determination process to enable eligible persons to apply to register to vote under the new criteria. Correspondingly, they will enable

registration officers to determine applicants' eligibility to register to vote under the new criteria. Additionally, the changes will ensure that persons are provided with accurate information about eligibility criteria, and the application process, at the point of application.

19. These measures will also establish the process for registration officers to complete a one-time review of the eligibility of already registered EU citizens. As far as possible, this review has been based on existing practice and processes in relation to registration, and seeks to be fair and transparent.
20. This review will comprise two parts. For the first part, registration officers will be able to conduct a 'data-based review' of already registered electors using data already available to them as part of their registration duties. Where the registration officer is unable to make a determination by way of data-based review, they will be required to conduct a 'correspondence-based review'.
21. A full cycle of the prescribed correspondence review requires the registration officer to send a minimum three written communications (two of which must be paper communications delivered to the review subject's address) and make at least one attempt to contact the elector in person (by telephone or by visiting their address) before they may make a determination as to a person's eligibility under the new criteria based on a non-response (e.g. determine them as ineligible under the new criteria). The full cycle of four contacts will not be required for individuals who respond adequately to an earlier stage of the process. The intention is to ensure that review subjects are given sufficient opportunity to confirm their eligibility.
22. In order to ensure a consistent approach, minimise voter confusion and burdens on registration officers, the minimum content of each review communication will be prescribed and will require, for England and Wales, the Electoral Commission (EC) to design the communications and obtain approval from the Secretary of State for Levelling Up, Housing and Communities, in consultation with Welsh Government Ministers where appropriate. The Chief Electoral Officer with the advice of the NIO and with reference to those for England and Wales, will design communications for Northern Ireland.
23. Review subjects may respond in writing (on paper or by electronic means), by telephone or in person. It is intended that for England and Wales, review communications will include a one-time submission link (OTSL) to enable review subjects to respond online. It is unclear if Northern Ireland will be able to implement a similar system.
24. Registration officers will be required to complete this review – barring very limited specified circumstances, which are set out in the legislation - by 31st January 2025. This creates a nine month 'implementation window' after commencement of the franchise change. To support this approach, registration officers will be enabled to delay the publication of the revised register from 1<sup>st</sup> December 2024 to 1<sup>st</sup> Feb 2025.
25. The revised register is published annually after the conclusion of the annual canvass (on the grounds that it is at its most accurate and complete at this stage in the electoral year). The annual canvass is, in effect, an audit of the electoral register entries for each residential property. Its purpose is to enable EROs to identify persons who are registered at an address who should no longer be registered; and to identify persons who are not registered at an address and to invite those persons to apply.
26. The extended EUVCR implementation period is intended to enable registration officers to plan and deliver the review of the register, alongside their other electoral duties, in the way that is best suited to their local contexts. It will enable registration officers to run the review process and the canvass separately and sequentially (thereby minimising the crossover of communications) where they deem that appropriate.

27. With regard to candidacy rules, one option to qualify to stand in a local election is to be a local government elector. Furthermore, local candidates must have their nomination subscribed to by a minimum number of local government electors to be valid. The updated registers will incidentally update these criteria to be in line with the new citizenship requirements. Other required amendments to candidacy processes are limited to updates of prescribed Consent to Nomination forms. Changes to qualification criteria for EU citizens will be implemented via separate secondary legislation, the Mayoral and Police And Crime Commissioner Elections, Recall Petitions And Referendums (Ballot Secrecy, Candidates And Undue Influence) Regulations 2023.

## **E. Monetised and non-monetised costs and benefits of each option (including administrative burden)**

### **E.1 Monetised impacts**

#### **E1.1 Methodology**

##### *Volumes*

28. A combination of IERDS, ONS Population Estimates and Census data has been used to estimate the total volume of **already registered** EU citizens that will be contacted in relation to the EUVCR franchise change. Contact will occur through two reviews: a preliminary database review and, if required, a correspondence-based review process.

##### *Volumes – Database review*

29. To estimate the number of EU citizens that will go through the database review in England, Wales and Northern Ireland, data from ONS Population Estimates has been taken. These figures provide a breakdown of the estimated number of EU citizens from each EU nation there are in each home nation. As Commonwealth and Irish citizens are not affected by the franchise change and will not be contacted, they have been removed from this estimate. The analysis estimates that 2.2 million EU citizens (i.e. all registered EU citizens) will go through the database review across England, Wales, and Northern Ireland.

30. To determine how many EU citizens receive a positive determination from the database review we estimate how many will have to be reviewed by correspondence (where the registration officer has been unable to make a determination using the data already available to them as part of their registration duties) and subtract this figure from the total volume going through the database review. We estimate that 1.2 million EU citizens will receive a positive determination at the database review stage.

##### *Volumes – Correspondence-based review*

31. Using data from IERDS showing how many EU20<sup>1</sup> voters have registered in local authorities since the Implementation Period Completion Date (IPCD) date, we have estimated how many EU20 voters will have registered by the EUVCR implementation date (7<sup>th</sup> May 2024) by forecasting the initial figure forward, assuming a constant rate of change.

32. To estimate a national total (how many EU20 voters will have registered by the EUVCR implementation date in all local authorities in England, Wales and Northern Ireland) a weighted estimate for each local authority has been taken using Census data to calculate EU20 citizens in

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<sup>1</sup> EU20 countries are all the EU countries except for Portugal, Spain, Luxembourg and Poland (EU4 countries with bilateral treaties on voting rights with the UK) and Ireland, Cyprus and Malta (EU+3 countries with special Irish and Commonwealth voting rights in the UK)

the local authority as a proportion EU20 citizens in England and Wales. We estimate that around a million people will go through the correspondence-based review process in total.

### *Costs*

33. The costs of contacting all of the EU20 citizens registering to vote between IPCD and the policy implementation involve the one-time fixed costs to set-up the OTSL functionality and a training allocation alongside costs of communication and staffing that vary depending on the volume going through the correspondence-based review process.
34. A range of data has been used to estimate the total cost of the franchise change, including survey data and commercial estimates. We have used internal survey data to estimate the average electoral registration admin staff wage per minute, and this is used in conjunction with the estimated staffing time required to perform each stage of the application process.
35. The staff unit cost and correspondence unit cost were combined for each stage to give a total unit cost, and then multiplied by the volumes to give an estimated cost per stage of the application.
36. The modelling also includes an uncertainty range of 25% around the central scenario. A breakdown of the costs can be found in the section below.

### *Candidacy Rights*

37. This analysis only estimates the costs relating to voting rights as there are expected to be no monetisable costs arising from the removal of candidacy rights for EU citizens who arrived in the UK from the 1<sup>st</sup> January 2021 onwards.

## **E1.2 Direct monetised costs**

### *Communication costs*

38. Registration officers will be required to communicate with all already registered EU citizens who are impacted by this change (e.g. this includes citizens of all EU member states less Ireland, Cyprus and Malta). Where a person is found to be eligible following the data-based review (e.g. if a data-based review satisfies the registration officer that they have been resident in the UK before 31 December 2020, or they are from an EU4<sup>2</sup> country), the ERO will be obliged to send the elector a communication informing them of the franchise change, and that the elector remains eligible under the new criteria. Where the registration officer is unable to make determination using data-based review (for example if the EU citizen had registered in the Local Authority from 1<sup>st</sup> January 2021 onwards), they would need to go through the correspondence-based review process.
39. For those who go through the data-based review, we model that 63% are contacted via email and 37% are contacted by post (i.e., a one-page letter) based on the data held by IERDS which states the proportion of correct email/postal addresses held by LAs.
40. For those who go through the correspondence-based process, the legislation dictates that, in the case of non-response from the review subject, the registration officer must make a minimum of three contact attempts in writing (two of which must be paper communications delivered to the review subject's address), and a personal contact attempt, *before* the registration officer can make a determination as to eligibility on the grounds of a non-response. The personal contact attempt may be a distinct step (e.g. a telephone call) or combined with another prescribed communication stage (e.g. delivering a written communication to the review subject's address with the intention of speaking to the review subject directly).

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<sup>2</sup> EU4 countries are Poland, Spain, Portugal and Luxembourg – countries which the UK has special bilateral treaties enabling citizens of each to vote in another's local elections

41. Four separate communication methods have been modelled based on communication preferences outlined in the IERDS and this has been weighted by the aforementioned data. These four communication methods are:
- *Communication method 1 (the registration officer has correct email, phone and postal details):* The three communication attempts will be (one email, one letter and one phone call) before the Notification of Removal (NoR[A]) is sent. It is estimated this will account for a quarter of the different communication methods, based on the IERDS.
  - *Communication method 2 (the registration officer has correct email address and postal details):* The three communication attempts will be one email, one letter and one door knock with the NoR(A) in hand. It is estimated that this will account for 42% of the different communication methods, based on the IERDS data.
  - *Communication method 3 (the registration officer has phone number and postal details):* The three communication attempts will be two letters and a phone-call before the NoR(A) is sent. It is estimated that this will only account for around 6% of the different communication methods, as it seems very few LAs only hold phone number and postal address data (i.e. most have emails too).
  - *Communication method 4 (the registration officer only has postal address):* The three contact attempts will be 2 letters and a door knock with the NoR(A) in hand. It is estimated that this will only account for over a quarter of the different communication methods.
42. The analysis estimates that around 1 million people will go through the correspondence-based review process. Of the 1 million people we expect to go through the correspondence-based review process, we estimate around 850,000 to receive a confirmation of continued eligibility, which would involve a 1-page letter costing £0.56 per letter. A further 171,000 would receive confirmation of removal which would again, include a 2-page letter costing £0.62 per letter.
43. These estimations are based on survey data from the Canvas reform pilot which provide an indication of the proportion of communication recipients that will respond to each stage of the communication process.
44. In each case, the registration officer must also send to the review subject a notification of the review outcome.
- 45. The total communication costs for registration officers is estimated to be between £1.1m and £1.8m, with a central estimate of £1.4m (23/24 prices, 10-year PV).**

#### *Staff costs*

46. The introduction of franchise changes will also increase the burden on staff within local electoral service teams as additional time will be required to communicate with electors (via the database review or the correspondence-based review process) but also, crucially, analyse the responses from the electors they have got in contact with. This will include analysing letters and emails, and responding where necessary during the correspondence-based review process.
- 47. The total staff costs for registration officers is estimated to be between £0.4m and £0.7m, with a central estimate of £0.6m (23/24 prices, 10-year PV).**

#### *Training costs*

48. Funding will be provided to local authorities' electoral services teams to support the delivery of the policy. Funding will be provided for the legislative changes and to support the delivery of the policy. Training attendance was estimated at £200 per day per trainee based on commercial pricing for face-to-face training. Funding is provided for all staff from electoral services teams, estimated based on the survey to electoral services teams which asked about staffing.
- 49. The total cost of training for registration officers is estimated to be between £0.1m and £0.2m, with a central estimate of £0.2m (23/24 prices, 10-year PV).**

#### *One-Time Submission Link (OTSLs) Set Up Costs*

50. The introduction and implementation of the OTSL system will have upfront costs to set up and test the system. The total cost of this has been provided to us by private providers.

**51. The total cost of setting up the OTSL is estimated to be between £0.5m and £0.8m, with a central estimate of £0.7m (23/24 prices, 10-year PV).**

### **E1.3 Indirect monetised costs**

52. There are no indirect monetised costs associated with this policy.

### **E1.4 Direct monetised benefits**

#### *Cost saving from fewer electors voting in elections*

53. The introduction of EUVCR will mean that there will be fewer EU20 citizens on the register after 7<sup>th</sup> May 2024 relative to the counterfactual. This could lead to a potential cost saving in terms of voting costs, which are estimated to be on average, £0.74 per voter based on internal elections data and absent vote data.

**54. The total saving is estimated to be between £1.1m and £1.8m, with a central estimate of £1.4m (23/24 prices, 10-year PV).**

### **E1.5 Indirect monetised benefits**

55. There are no indirect monetised benefits associated with this policy.

### **E1.6 Summary**

56. The total NPSV of EUVCR is estimated to be between **-£1.0m and -£1.7m, with a central estimate of -£1.4m over a ten-year appraisal period (23/24 prices, 10-year PV)**. This has been outlined in the table below.

**Table 2: Summary of EUVCR NPSV**

	<b>Lower</b>	<b>Central</b>	<b>Upper</b>
Communication costs	-£1.1m	-£1.4m	-£1.8m
Staff costs	-£0.4m	-£0.6m	-£0.7m
Training costs	-£0.1m	-£0.2m	-£0.2m
OTSL set up costs	-£0.5m	-£0.7m	-£0.8m
<b>Total costs</b>	<b>-£2.1m</b>	<b>-£2.8m</b>	<b>-£3.5m</b>
Cost savings from fewer EU electors on the register	£1.1m	£1.4m	£1.8m
<b>Total benefits</b>	<b>£1.1m</b>	<b>£1.4m</b>	<b>£1.8m</b>
<b>NPSV</b>	<b>-£1.0m</b>	<b>-£1.4m</b>	<b>-£1.7m</b>

*Figures may not sum due to rounding*

## **E.2 Non-monetised impacts**

### **E2.1 Direct costs**

#### *Impact on EU citizens living in the UK*

57. Citizens from EU Member states who arrived after IPCD, and who are not citizens of Commonwealth countries, Ireland or countries where bilateral agreements already exist, will not

be able to vote and stand for local elections in England, local and Assembly elections in Northern Ireland and PCC elections in England and Wales without voting and candidacy rights agreements being in place.

58. The full version of the electoral register is used for electoral administration purposes (such as sending out poll cards before elections) and campaigning activities (for example, candidates and political parties sending election communications to voters, surveying opinions and fundraising). Registration officers are obliged to provide copies of the full electoral register to credit reference agencies upon request. Credit referencing agencies use the electoral registers to help confirm the individuals' identities and addresses. Being registered can speed up access to credit, etc because lenders do not need to separately confirm an applicant's name and address (as required by money laundering regulations).

#### *Impact on electoral service teams in Local Authorities*

59. Throughout this review process, EU electors will be given the opportunity to provide requested information to registration officers, and (if they have responded to requests for information) will have the right to request a hearing before a registration officer before (in England and Northern Ireland) they are removed from the register and (in Wales) they are determined to be ineligible to vote in PCC elections. Where representations have been made through a hearing, and the individual is determined as ineligible, they will have right to appeal decision. The existing rules for appeals process, under regulation s.56(1)(a) and s58 of the Representation of the People Act 1983, will apply. This enables individual to appeal to the county court a decision by a registration officer to remove them from the register. The EUVCR SI will create an equivalent right for EU citizens in Wales to appeal against a determination that they are not eligible to vote in PCC elections.

60. As a result of the changes there will be an additional burden on local authorities to handle these reviews and appeals, however it is anticipated that the likelihood of this is low.

#### *Impact on international relations*

61. These measures will not prevent the UK from signing further voting and candidacy rights agreements with EU Member States.

#### *Impact on Electoral Commission to update current guidance*

62. There will be an associated cost for the Electoral Commission to update guidance and forms on the electoral registration and electoral processes to reflect these changes. However, the length of this guidance is uncertain and therefore the familiarisation cost to registration officers has not been quantified.

#### *Impact on credit rating agencies, jury summoning and political parties*

63. Some registration officers may delay the publication of the revised register from 1<sup>st</sup> December 2024 to 1<sup>st</sup> Feb 2025. However, it is difficult to estimate how many will do this. Any delays in the publication of the electoral register may impact credit rating agencies, juries and political parties as they will be required to wait for an additional two months to receive their annual copy of the revised full electoral register.

#### *Voting and candidacy rights of UK citizens resident in the EU*

64. These measures will not directly affect the rights of UK citizens in the EU. As set out above, these measures will not prevent the UK from signing further voting and candidacy rights agreements with EUMS. When such agreements come into force, UK nationals will be able to vote and stand in local elections, as they were before the UK left the EU. However, it is worth noting that many EUMS already offer UK nationals voting and candidacy rights, as they do to other third country nationals, but that these will have varying minimum residency requirements.

## **E2.2 Indirect costs**

### *Monitoring and enforcement costs*

65. Once the measures are in force, when applying to register as a qualifying EU citizen or EU citizen with retained rights, applicants will be required to confirm they meet the appropriate eligibility requirements, and a registration officer must be satisfied that an applicant meets these requirements upon registration.

### *Wider costs to the justice system*

66. There is a possibility that the introduction of this policy could lead to a minor increase in the number of individuals submitting fraudulent applications to register (providing incorrect nationality data or immigration status information) in order to get access to credit. In 2016, the Pickles report on electoral fraud also identified the possibility of increased registration fraud linked to foreign nationals living in the UK legally, but not having voting rights<sup>3</sup>.

“Some registration fraud may be low-level and simply be motivated to help an individual get (otherwise legitimate) credit, utilities or a mobile phone. Improving credit referencing for eligible foreign nationals could have the potential to mitigate a motivating factor behind registration fraud and, as a result, have the effect of reducing such fraud.”

67. It is considered unlikely the policy changes would significantly increase the number of ineligible individuals seeking to register to vote. The potential impact on the judicial system is also minimal, as should a registration officer detect that an application has been made supplying incorrect data, they would simply reject the application. There would be no need in most instances for the police or courts to be involved.

68. The full version of the electoral register is also used for jury summoning in England, Wales and Northern Ireland<sup>4</sup>. As eligibility for jury service is contingent on electoral registration, these measures may, in the long term, have some indirect impact on the make-up of juries. However, in the first five years at least, we do not believe there will be any meaningful impact in England, as a person is qualified for jury service in England if they are registered to vote, and have been resident in the UK, the Channel Islands or the Isle of Man for at least five years since the age of thirteen

### *Impact on credit assurance on businesses*

69. There is a direct cost for impacted EU citizens living in the UK as the changes will impact on their success of future loan or credit applications. This cost has the potential to pass on an indirect cost to businesses, as restricting access to credit would impact on the markets in which the credit would have otherwise been spent. This has not been quantified as the scale of lending amongst EU citizens living in the UK is not known.

## **E2.3 Direct benefits**

### *Integrity of the UK's electoral system.*

70. This change feeds into the wider objectives of the Elections Act which to ensure that the UK's elections are modern, fair and secure. This change ensures that the electoral franchise reflects our new relationship with the EU. All EU citizens who have been living in the UK since 31 December 2020, will retain their local voting and candidacy rights, provided they retain lawful immigration status. This is in line with the Government's commitment to respecting the rights of EU citizens who chose to make their home in the UK before the end of the Implementation Period. The local voting and candidacy rights of EU citizens who arrived in the UK after this point will rest on the

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<sup>3</sup> 'Securing the ballot Report of Sir Eric Pickles' review into electoral fraud' (2016).

<sup>4</sup> GOV.UK: The electoral register and the 'open register



principle of a mutual grant of rights, through agreements with EU Member States, ensuring we are protecting the rights of British citizens living in EU countries in turn.

## E2.4 Indirect benefits

### *Increased use of postage and printing businesses*

71. There is a cost for local authorities of additional correspondence being sent to EU citizens. This cost passes on a benefit to the printing and postage firms contracted by the local authorities for the production of this correspondence, as they will increase the value of the contracts. This has not been quantified as the increase in profit for these businesses is not known.
72. However, our modelling assumes that not all LAs may choose to post material to electors as some may choose to email it to them instead.

## E.3 Sensitivity Analysis

73. The above analysis models the central scenario. However, there is inherent uncertainty with the modelling the proportion of people who are expected to go through the correspondence review process and the response rate to each stage of communication. Sensitivity analysis has been conducted below to estimate the change in costs if these two parameters are changed, and the potential implications on cost. This is in line with Green Book principles.

### *E.3.1 Low cost scenario*

74. In this scenario, it is assumed that the proportion of people who go through the correspondence review process is 25% lower than modelled in the central scenario. It also assumes that the response rate for each stage is 10 percentage points higher than the central scenario. Under this scenario, **the estimated total costs and benefits are £2.1m and £1.4m respectively, leading to a central NPSV of -£0.7m (10-year PV, FY 2023/24 prices).**

### *E3.2 High cost scenario*

75. In this scenario, it is assumed that the proportion of people who go through the correspondence review process is 25% higher than modelled in the central scenario. It also assumes that the response rate for each stage is 10 percentage points lower than the central scenario. Under this scenario, **the estimated total costs and benefits are £3.7m and £1.4m respectively, leading to a central NPSV of – £2.3m (10-year PV, FY 2023/24 prices).**

**Table 3: Sensitivity Analysis**

	<b>Low cost</b>	<b>Central</b>	<b>High cost</b>
Costs	£2.1m	-£2.8m	-£3.7m
Benefits	£1.4m	£1.4m	£1.4m
NPSV	<b>-£0.7m</b>	<b>-£1.4m</b>	<b>-£2.3m</b>

## **E. Impact on businesses, trade and investments**

76. **The Business Net Present Value is expected to be £0** as there are no impacts on businesses which could be included in the scope of the BNPV. Whilst some businesses (for example, service providers, such as OTSL companies) may benefit from increased profit as a result of the introduction of this policy, it is not possible to quantify the BNPV due to a lack of available information around the profit margin of the businesses involved and is therefore excluded from the BNPV. Some businesses will receive additional revenue from postal and production, but this takes place via local authorities and thus is deemed indirect. It is therefore excluded as a business impact.

77. There are no impacts for trade since this domestic policy affects the electoral system rather than businesses. There are no direct impacts for investment.

## **F. Risks**

### *Correspondence-review process volume estimates*

78. The primary driver behind the costs in the model is the total volume of people who are expected to go through the review process. The modelling currently takes the total number of EU20 citizens who have registered to vote after the 1st of January 2021 (that is, post-IPCD) and April 2023, and it is then extrapolated forward to 7<sup>th</sup> May 2024 to estimate the total number of people who need to go through the correspondence-based review process. However, a risk of this approach is that extrapolating forward may not be entirely accurate as it is a projection. Registrations are likely to be cyclical in relation to upcoming elections. As the data was pulled near a local election, we hope to have captured registrations to the end of one full cycle of registrations.

### *OTSL functionality*

79. A huge driver behind the current cost saving and therefore a key risk is the OTSL (one-time submission link) functionality. The analysis is currently designed on the assumption that there will be the functionality to provide a one-time submission link for electors which will significantly reduce response costs and the administrative burden on registration officers, compared to pre-paid envelopes. However, this is dependent on the digital functionality and the risk of the OTSL functionality not working is likely to be low.

### *Response rate of electors*

80. The review process is entirely new which means there is limited evidence as to how electors will react to the perceived risk of losing their right to vote in relevant elections. The response rates of electors in the model have been taken to be identical to the response rates seen in the Canvass Reform pilots in 2016/17. It is possible that in the instance of EUVCR, response rates are higher which will result in reduced costs given the risk of being removed off the register/being unable to vote in relevant elections (compared to the Canvass Reform Impact Assessment). To mitigate this risk, sensitivity analysis has been undertaken in section E.3.

## **G. Wider impacts (consider the impacts of your proposals)**

81. As a result of the changes some EU citizens living in England and Northern Ireland will no longer be listed on the electoral register and could have their success of applying for loan or credit applications reduced. In addition, the changes could impact the civic engagement of these citizens, which has associations with individual outcomes like employment and health outcomes, and societal trust and reciprocity<sup>5</sup>.

82. The policy changes will impact EU citizens from EU Member States without a voting and candidacy rights agreement, migrating to the UK after the implementation period completion day.

83. There is no available demographic data for those individuals who would have otherwise chosen to register to vote amongst the EU citizens annually migrating to the UK. The closest comparable data is for all EU citizens in the UK or individuals born in EU countries and living in the UK.<sup>6</sup>

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<sup>5</sup> Dr Rod Dacombe, Department of Political Economy, Kings College London– written evidence (CCE0174), Select Committee on Citizenship and Civic Engagement 'The Ties that Bind: Citizenship and Civic Engagement in the 21st Century'

<sup>6</sup> Data in this section refers to citizens from all EU countries outside the UK, or citizens born in EU countries outside the UK. It does not exclude Ireland, Cyprus and Malta.

Residents with EU citizenship are more likely to be younger than the overall resident population in the UK (an estimated 24% were aged 15- 29 and 44% were aged 30-49 in 2017-18, compared to an estimated 19% and 26% respectively for the UK as a whole in 2017-18).<sup>7</sup> There are smaller differences by sex, disability and religion (the latter two using data of country of birth).<sup>8</sup> We were unable to identify data for gender reassignment, marriage, and maternity.

### *Devolution impacts*

84. Responsibility for local and devolved elections in Wales and Scotland is devolved and there are already differences between local voting and candidacy rights in Wales and Scotland, and England and NI. Specifically, the Welsh and Scottish Governments recently legislated to allow all qualifying foreign citizens to stand and vote in elections for which they hold responsibility. The changes within these statutory instruments will apply only to the franchise, registration processes and electoral administration for local elections in England, Local and Assembly elections in Northern Ireland and PCC elections in England and Wales.
85. Responsibility for the PCC franchise, including PCC elections in Wales, is not devolved. Currently, EU citizens over the age of 18 who are registered to vote in local government elections are able to vote in PCC elections, including in Wales. When these measures are commenced, some EU citizens will not be able to stand or vote in PCC elections, while continuing to be able to stand and vote in elections to the Welsh Parliament and to local authorities in Wales. The impact of this will be that new procedures will need to be created to produce the register of voters entitled to vote in PCCs and new guidance will need to be provided to electoral administrators and electors to clarify eligibility for PCC elections, because eligibility will differ from other local elections in Wales. This is not a new situation, as changes to the Welsh local government franchise to allow 16 and 17 year olds to vote in local authority and Welsh Parliament elections already mean that some electors can vote in Welsh Parliamentary and local authority elections, but not in PCC elections (where the minimum age remains 18).

## **I. Monitoring and Evaluation**

86. Government will monitor the effectiveness and success of this policy by collecting monitoring data to track progress against the policy objectives. The legislation compels local authorities in England and Wales to provide specific administrative data relating to the review process to the Electoral Commission (EC). The Chief Electoral Officer for Northern Ireland will be advised that the data must be produced.
87. Monitoring data will include the number of individuals who need to be reviewed in order to determine their eligibility to vote and stand in elections under the new criteria at the commencement of the process, and the number of those determined as eligible or ineligible following correspondence-based review at the conclusion of the process. Additional data will also include data relating to the conduct of the correspondence-based review and the number of individuals that did not respond to communications and the number of hearings requested. The full list of data points to be collected are set out in the statutory instrument.
88. Local authorities will provide this data to the EC as soon as practicable following the completion of the review process (31<sup>st</sup> January 2025). It is anticipated that the Secretary of State will use existing powers in s.6 of PPERA to require the EC to produce a report on EUVCR implementation. The EC will share the monitoring data collected with DLUHC.
89. In addition to monitoring data, a survey of electoral teams in Local Authorities and complementary qualitative research with Electoral Administrators will be carried out to gather evidence on how the measure is being delivered and the impact it has on the sector.

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<sup>7</sup> Annual Population Survey estimates 2017-18, (EU citizens; UK population).

<sup>8</sup> APS estimates for mid-2018 find an estimated 47% of EU citizens aged 15+ residing in the UK were male, and 53% were female, compared to an estimated 40% male and 60% female for all UK residents aged 15+. Census data for 2011 finds 14% of residents in England and Wales born in the EU had a disability, compared with 18% of all other residents. Census data also suggests residents born in the EU and living in England and Wales are more likely to be Christian (70% compared with 59% of all other residents).

90. DLUHC will conduct and publish an impact and process evaluation of the policy on this basis.