



Electoral franchise: who can vote?

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A person can only vote if they are registered to vote and they are not subject to any legal incapacity to vote. Otherwise, the franchise for each type of election in the UK is as given in this note.

Contents

A.	Entitlement to vote	2
1.	Parliamentary elections	2
2.	European Parliamentary Elections	2
3.	Local government elections	3
4.	National Assembly for Wales <i>and</i> Scottish Parliament elections	3
5.	Northern Ireland Assembly	4
6.	Greater London Authority	5
B.	Legal incapacities to vote	5
C.	The Electoral Commission	5

A. Entitlement to vote

A person can only vote if they appear on the electoral register and they are not subject to any legal incapacity to vote. Otherwise, the franchise for each type of election in the UK is as follows.

1. Parliamentary elections

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day:

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period prior to the relevant date of 15 October
- British nationals living overseas are entitled to vote for up to 15 years after moving abroad. An overseas voter should register in the constituency covering the address for where they were last registered within the UK. (someone who has never been registered as an elector in the UK is not be eligible to register as an overseas voter unless they left the UK before they were 18, providing that they left the country no more than 15 years ago)
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners

Citizens of EU countries other than the UK or Irish Republic (or Cyprus or Malta, which are Commonwealth countries as well as EU countries) cannot vote in Westminster parliamentary elections, although they can register to vote at local government, devolved legislature and European Parliament elections. Citizens of any other countries are not eligible to register. People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

2. European Parliamentary Elections

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- Citizens of other European Union (EU) countries who are resident in the U|K
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period prior to the relevant date of 15 October

- British nationals living overseas are entitled to vote for up to 15 years after moving abroad. An overseas voter should register in the constituency covering the address for where they were last registered within the UK. (someone who has never been registered as an elector in the UK is not be eligible to register as an overseas voter unless they left the UK before they were 18, providing that they left the country no more than 15 years ago)
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners
- Members of the House of Lords

Citizens of any other countries are not eligible to register. People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

3. Local government elections

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day:

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- Citizens of other European Union (EU) countries who are resident in the UK
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period prior to the relevant date of 15 October
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners
- Members of the House of Lords

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in local elections (although service personnel serving overseas can – see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

4. National Assembly for Wales *and* Scottish Parliament elections

The persons entitled to vote at an election of either the Scottish Parliament or National Assembly for Wales are those who on the day of the poll-

- would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Assembly constituency, and

- are registered in the register of local government electors at an address within the Assembly constituency.

That is:

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- Citizens of other European Union (EU) countries who are resident in the UK
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners
- Members of the House of Lords

as long as they are aged 18 or over on polling day (an elector can register once they are 16 but cannot vote until their 18th birthday)

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in these elections (although service personnel serving overseas can- see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

5. Northern Ireland Assembly

A person is entitled to vote at an Assembly election in a constituency if on the day of the poll he would be entitled to vote as an elector at a local election in a district electoral area wholly or partly comprised in that constituency. That includes:

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- Citizens of other European Union (EU) countries who are resident in the UK
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period prior to the relevant date of 15 October
- Service/Crown personnel serving overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners
- Members of the House of Lords

as long as they are aged 18 or over on polling day (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day.

6. Greater London Authority

The franchise used is the local government franchise. The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day:

- British or Commonwealth citizens who are resident in the UK
- Citizens of the Irish Republic who are resident in the UK
- Citizens of other European Union (EU) countries who are resident in the UK
- Service/Crown personnel serving overseas in the armed forces or with Her Majesty's Government
- Homeless people can register using a declaration of local connection
- Residents of mental hospitals (but see B below) and remand prisoners
- Members of the House of Lords

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in these elections (although service personnel serving overseas can – see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

B. Legal incapacities to vote

At a general election, the following cannot vote

- Anyone under 18 years old on polling day
- Members of the House of Lords, including life peers, Church of England archbishops and bishops and hereditary peers who have retained their seat in the House of Lords. These people can, however, vote at elections to local authorities, devolved legislatures and the European Parliament
- European Union citizens (who can however vote at local government, devolved legislature and European parliamentary elections)
- Citizens of any country apart from the Irish Republic and Commonwealth countries;
- Convicted persons detained in pursuance of their sentences (though remand prisoners, unconvicted prisoners and civil prisoners in default of fine or breach of recognisances can vote if they are on the electoral register) This includes offenders detained in mental hospitals;
- Anyone found guilty within the previous five years of corrupt or illegal practices in connection with an election
- Under common law, people with mental disabilities if, on polling day, they are incapable of making a reasoned judgement

C. The Electoral Commission

Much of the material on electoral franchise comes from the Electoral Commission, an independent body that was set up by the UK Parliament in November 2000. It aims to

increase public confidence in the democratic process within the United Kingdom - and encourage people to take part - by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties. Its website is at <http://www.electoralcommission.org.uk/> and a '*Who can vote*' Factsheet is available at http://www.electoralcommission.org.uk/files/dms/Whocanvote_14157-6144_ENSW.pdf.

Responsibility for elections in Northern Ireland rests with the Electoral Office for Northern Ireland, whose website is at <http://www.electoralofficeni.gov.uk/>.