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Ministry of Housing, Communities & Local Government

# Policy paper Local Voting Rights for EU Citizens Living in the UK

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## 1. Background

During the UK’s membership of the European Union, it was a requirement of membership that EU Citizens living in the UK could both stand and vote in local elections across the UK. These rights were reciprocated to UK citizens living in all EU Member States.

Now that the UK has left the European Union, and Freedom of Movement has ended and a new points based immigration system has been introduced, EU citizens’ voting and candidacy rights in local elections need to be updated to reflect our new relationship with the EU.

Voting rights for UK citizens living in EU Member States are now not the same across all countries and some EU Member States have not retained voting rights for our UK citizens living abroad. Each individual EU Member State has the authority to make their own voting agreements with the UK.

### 1.1 What are the proposed changes?

- All EU citizens who have been living in the UK since before the end of the Implementation Period, which ended at 2300 on 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 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.

### 1.2 Why are we making these changes?

- It’s right and fair that we consider the voting and candidacy rights of EU citizens alongside our own citizens living in EU Member States.
- Now that the UK has left the EU, some EU Member States have not retained voting rights for our UK citizens living abroad. Therefore, we are seeking to make agreements with each EU Member States that will enable UK nationals living in those countries to vote in their local elections, in return for local voting rights for citizens of these countries living in the UK.
- Individual EU Member States set their own rules for local voting rights, and so it is reasonable that we do likewise. Some EU Member States allow non-EU third country nationals to vote and stand (subject to minimum residency requirements) and others do not. Those who do not include France, Germany, and Austria.
- The UK will continue to invite EU Member States, who are interested, the opportunity to negotiate bilateral voting and candidacy rights agreements.
- We have already negotiated voting agreements with Spain, Portugal, Luxembourg and Poland. This means that citizens from these countries, who arrived in the UK after 31 December 2020, will retain their right to stand and vote in local elections.
- Our position has always been that after our exit from the EU, voting and candidacy rights should be maintained where possible, but based on agreements with EU Member States to ensure we are protecting the rights of British citizens living in EU countries in turn.
- Our approach is consistent with our commitment to respecting the rights of EU citizens who chose to make their home in the UK before this change.

### 1.3 How will these changes impact EU citizens living in the UK?

- EU citizens who have been resident in the UK since before 31 December 2020 and have lawful status will retain their voting and candidacy rights.
- For EU citizens who arrived in the UK after 31 December 2020, voting and candidacy rights will be granted only to citizens of those countries with which we have voting rights agreements. These agreements will enable UK nationals living in those countries to vote in their local elections, and citizens from those nations living here to vote in our local elections.
- For citizens of EU countries where there is no reciprocal agreement in place, they will no longer be able to vote or stand in local elections in England or Northern Ireland, NI Assembly elections, or PCC elections in England or Wales from the time these measures come into effect.
- EU citizens have never been able to vote in UK parliamentary elections and this policy does not impact eligibility for those elections.

### 1.4 How will these changes impact citizens of Ireland, Cyprus and Malta?

- Citizens of Cyprus and Malta, which are both EU and Commonwealth states, will retain the right to vote and stand as candidates in all elections for which the UK Government is responsible.
- The voting and candidacy rights of Irish citizens are also not affected by these measures, as these long-standing rights pre-date EU membership.

### 1.5 Which elections will these changes cover?

- These changes will apply to all UK elections which use the local election franchise and are reserved to the UK Government. This means that the changes will not affect any elections for which responsibility is devolved.

Elections covered by these measures are:

- Elections for local authority and combined authority mayors in England
- All levels of council election in England (parish, district, county, unitary, metropolitan and London boroughs)
- Police and Crime Commissioners elections in England and Wales
- the Greater London Assembly and Mayoral elections
- Northern Ireland Assembly elections
- Council elections in Northern Ireland
- All local elections in Scotland, and all local elections in Wales apart from PCC elections in Wales, are devolved, and thus not affected by these measures.
- These measures also cover the polls in which EU citizens have been eligible to vote as part of the local franchise: local authority governance referendums, local council tax referendums, neighbourhood planning referendums and parish polls.

### 1.6 Which EU countries have reciprocal voting agreements with the UK and can still stand and vote in local elections?

- Spain, Portugal, Luxembourg and Poland have reciprocal voting agreements in the UK. This means that citizens from these countries, who arrived in the UK after 31 December 2020, will retain their right to stand and vote in local elections.

### 1.7 Could voting rights change if reciprocal agreements are agreed in the future?

- Yes. The UK will continue to provide other EU Member States – which are interested in entering into reciprocal voting rights agreements – with the opportunity to negotiate them.

### 1.8 When will electors, who have arrived from the EU after the end of the Implementation Period, be removed from the electoral register?

- This is a complex area to implement and at this stage we cannot state which year of local elections may be affected. It is our priority to work with Electoral Registration Officers and engage with the sector to deliver this policy effectively. We will provide further updates on implementation in due course.

### 1.9 How will the policy changes impact EU citizens living in Scotland, Wales and Northern Ireland?

- Local and devolved elections in Scotland and Wales, including elections to the Scottish Parliament and the Senedd Cymru, are the responsibility of the Scottish and Welsh Governments respectively and will not be affected by these changes.
- Police and Crime Commissioners elections in England and Wales are the responsibility of the UK Government and as such, this policy will apply to all PCC elections.
- The voting and candidacy rights of Irish citizens are not affected by these measures, as these long-standing rights long pre-date EU membership.
- These changes will affect both local and Assembly elections in Northern Ireland, as responsibility for elections is not devolved.

### 1.10 How will these changes be made?

- Following the successful passage of the Government’s wider Elections Bill, measures to bring about these changes will be made using secondary legislation.

### 1.11 When will the changes come into force?

- We are committed to engaging with the sector on this and all implementation plans and will provide further updates in due course.
- Ministers are also clear that any further additions of a country to the schedule of bilateral agreements should be done in good time in advance of planned local elections.

### 1.12 Why wasn’t this done earlier, as part of EU Exit negotiations?

- Voting rights did not form part of the Withdrawal Agreement, as such matters are not within the competence of the European Union and are a matter for individual Member States.

### 1.13 What will happen to EU citizens who were elected into office in the May 2021 local elections?

- The Government has already confirmed that resident EU citizens elected in the May 2021 local elections in England, and the Police and Crime Commissioner elections in England and Wales will be able to serve their full term, and this will also apply to those elected before 2021. An EU citizen elected before these measures come into force, and who otherwise remains eligible, will be able to serve their full term.

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