

Voter Registration for owners of second homes and holiday lets in Wales

Y Pwyllgor Deisebau | 12 Ionawr 2020
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Reference: RS20/14837/5

Petition Number: P-05-1081

Petition title: Ensure owners of second homes & holiday lets in Wales register to vote only at their primary address, in devolved and local elections.

Text of petition: The Electoral Commission has confirmed there are no systematic checks on whether someone has voted twice. We do not believe that the mere fact that electoral fraud is illegal in itself provides sufficient safeguarding if no systematic checks are made. This is akin to having speeding laws in place but no functioning speed cameras. The serious potential for fraud & the harmful impact of that on our country is immense and should be urgently addressed prior to the 2021 elections.



1. Background: Registering to vote in the UK

The rules governing voter registration entitlement in each part of the UK are set out in Section 4 of the Representation of the People Act 1983 ("RPA 1983").

To register to vote at an address in the UK, a person must be a 'resident' at the address.

The Electoral Commission's [website](#) states that a person is normally resident at an address for electoral purposes 'if it is their permanent home address'. It also confirms that 'residence' has a particular meaning in electoral law and is not equivalent to residence for other purposes, such as income tax or council tax.

Section 5 of the RPA 1983 sets out the specific rules to determine if a person is resident at an address (the "Residency Rules").

In Wales, every council has an [Electoral Registration Officer](#) ("ERO") which is responsible for compiling and maintaining the register of electors. EROs apply the Residency Rules to determine a person's eligibility for voter-registration. This is discussed further below in the context of determining applications for voter-registration at second homes.

2. Registering to vote at more than one address

Some electors may be entitled to register to vote at more than one address in the UK.

However, to do this, the person would need to satisfy the Residency Rules (i.e. establish that they were a 'resident') in more than one property in the UK. For example, students may be eligible to register to vote at their home and term time addresses.

In considering applications, the Electoral Commission's [website states](#) that a 'person would need to be able to demonstrate their degree of permanency at both addresses'. It also states that EROs 'must consider each case on its own merit' and that:

- a person may have more than one home, **but property ownership is not sufficient to establish that someone is resident at an address** - it is unlikely that owning a second property which is visited only for recreational purposes would meet the residency qualification;
- **owning and paying council tax on a property alone is not sufficient to satisfy the residence qualification**, this may give an indication of connection to an address but is not evidence of residence;
- how the second home is used will affect whether or not someone may be considered to be resident at an address;
- **temporary presence at an address does not make a person resident there;** and
- temporary absence does not deprive a person of their residence.

[RS Emphasis]

3. Checking if a person has voted twice

The text of the petition states that *"the Electoral Commission has confirmed there are no systematic checks on whether someone has voted twice."*

In its response to this petition, the Minister for Housing and local Government, Julie James MS stated:

Whilst, as the Electoral Commission have stated, there are no systematic checks to ensure a person does not vote twice in the same election, there is no evidence to suggest that this routinely occurs, and if it did, action could be taken where an electoral offence had been committed.

4. Electoral Commission Response

Responding to this petition on the North Wales Chronicle's website, an Electoral Commission spokesperson stated:

People who are registered at two addresses are entitled to vote in local government elections at each of those addresses, provided they are not in the same local government area.

It is an offence under Section 61(2)(a) of the RPA 1983, for an elector to cast more than one vote on their own behalf in a UK Parliamentary general election or at a referendum. This offence carries a penalty of an unlimited fine in England and Wales, or a fine not exceeding £5,000 in Scotland.

Finally, the UK has low levels of proven electoral fraud. However, in our **report** on the UK Parliamentary General Election in May 2017, we highlighted concerns raised at that election about double voting.

We said that we wanted to work with the UK Government to explore possible mechanisms to reduce the risk of people voting in more than one constituency.

We also said that the Government should consider other options for reducing this risk, such as requiring people who are lawfully registered to vote in local government elections for more than one local authority area to choose which of those addresses they will vote at for UK Parliamentary general elections.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.