

P-05-1081 Ensure owners of second homes & holiday lets in Wales register to vote only at their primary address, in devolved and local elections, Correspondence – Petitioner to Committee, 06.01.21

Dear Julie James & members of the Senedd Petitions Committee,

We thank you for submitting our petition and for Julie James's response to it. In that response, Ms. James states that in order to register to vote in Wales, second homeowners must prove that they are resident in the area and residency is prescribed in the Representation of the People Act 1983 and is well-established in case law and that there are well-established residency criteria. We have asked our local council what specific criteria they use for this purpose and sadly have not received a clear response. We would appreciate it therefore if you could please specify clearly the meaning of residency as defined by case law and to confirm whether or not all EROs across Wales have been made aware of it and given specific guidelines and criteria that must be met before allowing second homeowners to register to vote here in Wales. If yes, please may we have a copy of it?

We do not believe that second homeowners who spend less time in that constituency than at their primary address, and therefore are unfamiliar with local issues and needs, should be allowed to skew democracy and undermine the views, needs and representation of those who live there throughout the year. There are thousands of second homes in Wales and the figure is increasing at a very worrying rate (although we note that you stated in response to a letter to one of our group members that you are unable to confirm the exact numbers, which is in itself a cause for concern).

Why should anyone be able to register to vote more than once in any election simply by virtue of personal wealth? The issue of second homeowner voter registration has been the subject of debate for many years and is said to be “under review”, yet nothing has changed. On 26 January 2011, Lord Teverson asked the UK Government “what plans they have to regulate the ability of second homeowners to register to vote in more than one constituency?” (illustrating the point that this issue is not just an England v Wales issue as Ms. James appears to imply in her response). Lord Taylor of Holbeach replies that “there are no plans to change the current system but that it will be kept under review”. Lord Teverson goes on to say: “...is it not a principle, just as we have for one person one vote, that for a national election an individual should be able to cast their vote where they really are a resident and a stakeholder in the community? Will the Minister make sure that that is clarified for returning officers, and will the Government take steps to ensure that people are able to vote in national elections only where their main residence is located?” We agree with Lord Teverson and believe that the same should apply to all elections, including our Senedd and Local Government elections. Baroness McIntosh of Hudnall makes an important point: “My Lords, the noble Lord has properly reminded the House that it is illegal to vote twice in the same general election. Will he say, under the present arrangements, how it is possible to police that law; and how many people does he think, or does he know, have actually been prosecuted for doing that?” Note Lord Taylor of Holbeach's response: “I can answer the second question by saying that

we are not aware of any prosecutions. As with so many British institutions, **it depends on trust.**"

And there we have it! It depends on trust, which is thin on the ground currently. Note also that Lord Taylor fails to respond to the question of how that law will be policed.

Ms. James states that "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." Isn't that the point? How will you find evidence of fraud if no one is systematically looking for it? Even on the rare occasion where electoral fraud is detected (usually at the polling station rather than at registration according to Electoral Commission data) – there is little or no deterrent. According to the Electoral Commission, 592 cases of alleged electoral fraud were investigated by the police. Of these, three led to a conviction and an individual was given a police caution. Hardly a deterrent!?

For the benefit of those who claim that voter fraud doesn't happen or is not encouraged, please find in the references below an article from the Isle of Wight in 2011, describing: "the letter that Ian Ward sent out from the Isle of Wight Conservative Association encouraging second home owners to register to vote on the Island. It's causing quite a stir." ... "The letter – sent to those registered for postal votes on the Isle of Wight – encourages voters who have two homes to vote both on the Island and mainland – without stating the limited conditions that would apply."

Here is a selection of comments from our group members:

Cornwall County Council voted in 2011 to prevent holiday home owners from registering to vote there and two of the county's Members of Parliament publicly supported that. Why can the Welsh Government not be as supportive of the democratic processes in Wales? Why is the Welsh Government repeatedly willing to prioritise the interests of wealthy people with complete ignorance of Wales and its problems and institutions, over and above the well-being of local democracy and the well-being of our permanent communities? On what basis do you wish to adhere to English rules when a council in England (Cornwall) does not feel the same necessity at all? Is this the Welsh Government, or a government for the benefit of wealthy people who are already expressing their disrespect for our country, our people and our language? The Welsh Government's decision will reinforce their view that they are above any law of fairness and that they can continue to treat our country as a playground and treat its people as fools whose only value is to serve and to know their place, i.e. second-class citizens.

We would be grateful if you could let us know your intentions with regard to addressing this situation,

Sincerely,

Gorau I Gymru – Best for Wales.

References:

<https://hansard.parliament.uk/Lords/2011-01-26/debates/11012651000355/ElectionsSecondHomeOwners>

https://onthewight.com/conservatives-urge-second-home-owners-to-register-to-vote-here/?fbclid=IwAR0wxGaC1Z3bpe8iHTwaayrCixdjURwDw0x6_rhU0rNKG7eNeXTnqvU4NuY

https://www.channel4.com/news/cornwall-stops-second-home-owners-from-voting?fbclid=IwAR1O8EMny5OGASzcfO_kqedQqA1-mOv3Ridpr-7BwA_ObI0wWC7vQyd62hQ

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>