

DERBYSHIRE COUNTY COUNCIL

CABINET

30TH JULY 2013

Report of the Director of Legal Services

ELECTORAL COMMISSION REVIEW – ELECTORAL FRAUD IN THE UK

1. Purpose of the Report

To inform Cabinet of the current review regarding electoral fraud in the UK which is being undertaken by the Electoral Commission and to invite Cabinet to comment in response to the consultation by the Electoral Commission upon its suggestions for review of the current electoral system regarding postal and proxy voting.

2. Information and Analysis

In October 2012, the Electoral Commission commenced a review of electoral fraud, focussing on potential vulnerabilities in the electoral system. The Electoral Commission has now published “Electoral Fraud in the UK – evidence and issues paper”. This document is attached at Appendix 1. The review focuses principally on areas of the electoral process which the Electoral Commission has identified as possibly being vulnerable to fraud. The areas of vulnerability identified are:

- (a) Absent vote applications (postal and proxy)
- (b) Postal voting processes
- (c) Proxy voting processes
- (d) Polling station security and voting processes.

The paper sets out potential proposals to address the areas of vulnerability and identifies specific issues upon which the Electoral Commission would like to hear views and new evidence, as follows:

- (a) Electoral integrity in the UK – roles and responsibilities (paragraphs 2.6 to 2.32)
- (b) Evidence of electoral fraud in the UK (paragraphs 3.99 to 3.112)
- (c) Postal voting options for change (paragraphs 4.37 – 4.41)
- (d) Proxy voting options for change (paragraph 4.63)

- (e) Voting in polling stations options for change (paragraphs 4.92 to 4.93)
- (f) Electoral registration (paragraphs 4.94 to 4.95)

The Electoral Commission has indicated that it is seeking comments on the proposals within its report by 9th August 2013. The final conclusions and recommendations for change are due to be published in the autumn of 2013.

Cabinet may wish to restrict its responses to the proposals for change regarding proxy and postal voting.

Cabinet's anticipated responses to the consultation are indicated below and, subject of course to Cabinet's approval, would form the basis of a formal response by the County Council to the Electoral Commission.

Postal voting options for change (paragraphs 4.37 – 4.41)

The review highlights three specific areas of concern in respect of postal voting namely:

- (1) The security of postal voting
- (2) The risk of legitimate postal votes being intercepted or postal voting being used to facilitate fraud by fictitious 'ghost' voters
- (3) That postal voting erodes the secrecy of voting and leaves some people more vulnerable to pressure to vote in a certain way

The review outlines a number of measures which have been implemented to improve the security of postal voting, including the requirement for electors to provide their signature and date of birth which, when applying for a postal vote, is then checked against the identifiers provided on the postal voting statement returned with the completed ballot paper; the implementation and regular updating of the Commission's Code of Conduct for campaigners and the work with the police, Election Registration Officers and Returning Officers to minimise the scope of fraud in ensuring that postal ballots are properly handled and processed; and the introduction of individual electoral registration in Great Britain which will make it much more difficult to create and use false entries on the electoral register to apply for postal votes. The report stipulates that this will provide an effective way of preventing forms of postal voting fraud that rely upon the creation of 'ghost' voters on the electoral register which are then used fraudulently to apply for postal votes. However, the review also indicates that the implementation of individual electoral registration would not prevent the

use of false personal identifiers to apply for a postal vote on behalf of a verified registered elector.

Concerns have also been raised about the role of political parties, candidates, canvassers and campaigners handling postal vote applications and postal ballot papers. The report also identifies that delivery of postal votes to residential homes may provide further scope for fraudulent postal vote activity.

The review identifies that there is no guarantee of secrecy or privacy when completing a postal vote, meaning that anyone can influence an elector to vote in a particular way and then watch them cast their vote to make sure they do so.

In light of these factors, the review outlines a number of options upon which specific views are sought:

- (1) Abolishing postal voting on demand to restrict postal voting only to those who are unable to attend the polling station for reasons of disability, illness, occupation or holiday;
- (2) Temporarily restricting postal voting on demand for a defined period in constituencies or other electoral areas where there have been recent proven cases of postal voting fraud;
- (3) Completely suspending postal voting for all electors for a defined period in constituencies or other electoral areas where there have been recent proven cases of postal voting fraud.

The review seeks an indication as to whether the changes are supported or opposed, in light of a number of factors detailed in paragraph 4.5. It also queries the criteria which should be applied to determine whether postal voting on demand should be abolished or restricted and who should make such a determination.

In balancing the need to maintain the integrity of the election process and the need to prevent fraud with the need to encourage participation and promote the accessibility of the electoral process, Cabinet may consider that the measures which have already been implemented or are in the process of being implemented are sufficient, and that maintaining the current system of postal voting to encourage increased participation in elections, bearing in mind the security measures currently in place, outweighs the need to increase security and secrecy measures. Upon consideration of the evidence of fraud and opportunities for fraud set out within the report, whilst appreciating and supporting the need to be vigilant regarding electoral fraud, Cabinet may also consider that the further measures for change which are

suggested, in consideration of the cost and impact on the voting system, are not proportionate, particularly in light of the actual number of cases of fraud identified.

The review also seeks views on alternatives to postal voting and in particular whether mobile polling facilities or a system of advance voting would offer a viable alternative for electors should the availability of postal voting in Great Britain be restricted or whether allowing elector to 'cancel' their postal vote and then vote in person at a polling station would offer an effective solution to concerns about undue influence and postal voting.

In consideration of the factors stipulated at paragraph 4.5 of the consultation document, particularly if it is Cabinet's view that the current postal voting system should not be restricted, Cabinet may consider the measures not to be proportionate or necessary, and that any measures to restrict postal voting are not in the interests of maintaining the integrity of the electoral process or in the interests of voters or political parties. However, should the Electoral Commission determine that alternatives should be implemented, the more alternatives which can be implemented should be implemented, in order to encourage participation and the accessibility of the electoral process.

Cabinet may also be of the view that any restriction on postal voting is likely to have a greater impact on those who cannot attend a polling station, such as those who suffer from a disability or have caring responsibilities. In light of this, Cabinet may be of the view that the alternatives, particularly the introduction of mobile polling facilities, would seek to address this concern. Nevertheless, the restrictions on postal voting are likely to impact on the equal treatment of electors.

The review indicates that a further range of options focuses on restricting the involvement of political parties, canvassers and campaigners in the postal voting process by significantly reducing the extent to which they are able to handle postal votes (page 57 – issue 5). It is stipulated that these options aim to reduce the opportunities for the exertion of undue influence over an elector in the completion of their postal ballot papers. The review asks whether the proposals are supported or opposed in light of the factors listed at paragraph 4.5.

As with the other suggested changes, Cabinet may consider that these additional measures are not proportionate in light of the evidence of the level of fraud as presented in the report, and are not necessary to

support the integrity of the electoral process. Further, they may operate to limit participation and the accessibility of the electoral process.

Proxy voting options for change (paragraph 4.63)

The review highlights three potential vulnerabilities in the proxy voting process namely:

- (1) Abuse of a voter's trust
- (2) Coercion and deception
- (3) Perceptions of impropriety.

The report suggests the following measures to address those potential vulnerabilities:

- (1) requiring proxy vote applicants for a particular election to have their application attested, as is the case for those wanting a proxy vote for a definite or indefinite period. This would potentially make it more difficult for some electors to be coerced into applying for a proxy vote;
- (2) restricting the number of electors who can be appointed as proxy either by (a) restricting the proxy appointment limit to two family members plus two others, or (b) completely removing the criteria on close relatives and limiting the overall number of electors for which a person can act as proxy to two.
- (3) Restricting the availability of proxy votes to special category electors, i.e. service voters, overseas voters and Crown servants.

The review seeks an indications as to whether the changes are supported or opposed in light of the factors highlighted in paragraph 4.5.

Cabinet may consider that the measures proposed are likely to address the potential vulnerabilities of voting by proxy, and therefore, would support the integrity of the electoral process and be in the interests of voters and political parties. However, as with the measures regarding postal voting, the changes may limit the accessibility of the electoral process and the levels of participation and Cabinet may consider that any measures which would have this effect are not proportionate or in the interests of voters or political parties.

With regard to the proposed measures in respect of both postal and proxy voting, Cabinet may wish to indicate that whilst it believes that electoral fraud is of serious concern and must be addressed, it would

not support any measures which would reduce access to the electoral system or make the process for voters more onerous. Cabinet may also wish to suggest that measures to deal with the incidents of fraud should be implemented rather than amending the electoral process.

3. Considerations

In preparing this report the relevance of the following factors have been considered: legal, financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations

4. Background Papers

As referred to in the report.

5. Key Decision

No

6. Is it necessary to waive the call-in period?

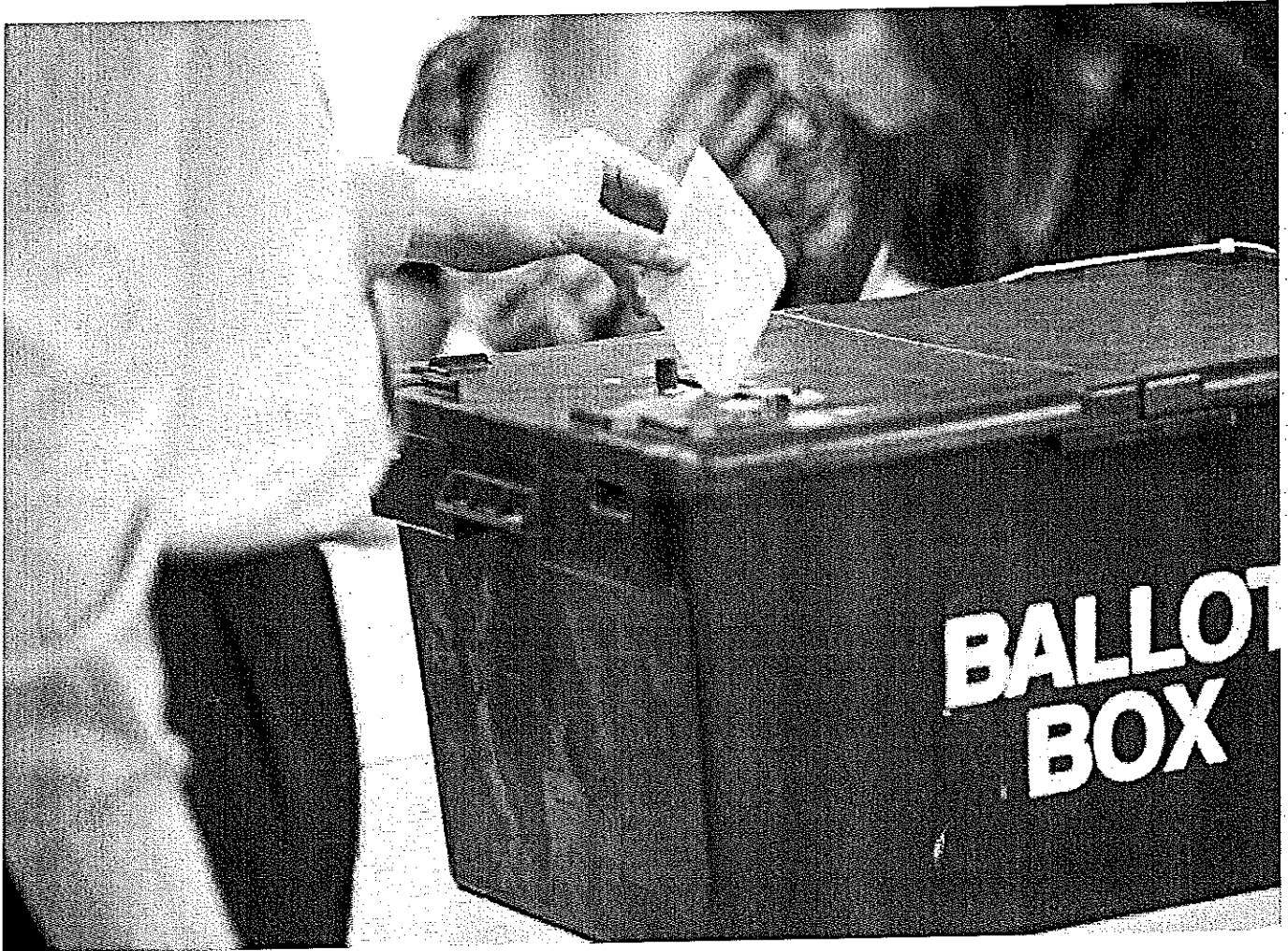
No

7. Officer's Recommendation

That Cabinet notes the review being undertaken by the Electoral Commission and considers the proposed response to the consultation detailed in the report.

JOHN McELVANEY
DIRECTOR OF LEGAL SERVICES

The Electoral Commission



Electoral fraud in the UK

Evidence and issues paper

May 2013

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact the Electoral Commission:

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Electoral fraud in the UK – summary of evidence and issues

Why we are carrying out this review

There is a consistent underlying level of concern among voters about electoral fraud in the UK. These concerns are shared by a broad range of people with experience of standing for election or running elections, and are particularly focused on specific areas of the country.

It is unlikely that these concerns will diminish in the immediate future.

While we have welcomed changes to improve the security of the electoral registration process in Great Britain by introducing individual electoral registration, there remains the potential for other areas of the electoral process to be exploited by unscrupulous campaigners or others who want to benefit from undermining the collective will of voters.

We have commenced this wide-ranging review to identify whether there are opportunities to improve confidence in the security of electoral processes in the UK. There is, however, an important balance to be sought between ensuring the integrity of electoral processes while guarding against risks to effective voter participation.

We now want to hear views on a range of possible changes to current electoral processes. Some of these changes would have an impact on voters; some would have a greater impact on candidates, political parties and campaigners.

Evidence of electoral fraud in the UK

The evidence currently available to us – summarised in Chapter 3 of this paper – does not support the conclusion that electoral fraud is widespread in the UK.

There is, however, evidence to suggest that electoral fraud is more likely to be reported as having taken place on a significant scale in certain specific places in England. Those places are currently concentrated in a small number of local authority areas – although we should be very clear that we do not believe fraud is likely to have been attempted in more than a handful of wards in any particular local authority area. It is also clear that the majority of cases of alleged electoral fraud relate to local government elections, rather than elections to the UK Parliament or other legislative bodies.

The principal common factor linking those who commit electoral fraud is that they want to secure the power and status of elected office: **electoral fraud tends to be committed by candidates or their supporters, not by voters.** Where significant cases of organised electoral fraud have been found to have taken place, they have been committed and coordinated by a relatively small number of individuals. **The majority of people in communities affected by electoral fraud are victims rather than offenders.**

The people who are likely to be the victims of electoral fraud can be described as vulnerable in a number of different ways: they may be vulnerable because they have limited English language ability, or have little understanding of electoral traditions in the UK; they may be more vulnerable physically because of their age or gender; they may be more vulnerable because they are dependent on others for their accommodation or general welfare.

There are strongly held views, based in particular on reported first-hand experience by some campaigners and elected representatives in particular, that electoral fraud is more likely to be committed by or in support of candidates standing for election in areas which are largely or predominately populated by some South Asian communities, specifically those with roots in parts of Pakistan or Bangladesh. These concerns reflect issues also highlighted by a small number of previous studies of political and electoral participation.

These studies have suggested that extended family and community networks may have been mobilised to secure the support of large numbers of electors in some areas, effectively constituting a 'block vote' – although this does not necessarily involve electoral fraud. They also argue that the wider availability of postal voting in Great Britain since 2001 may have increased the risk of electoral fraud associated with this approach, as the greater safeguards of secrecy provided in polling stations are removed.

Evidence from police data and prosecutions does show that people from these communities are represented among those accused of electoral fraud and also among those convicted of fraud. But white British people and people from other communities are also represented, and it would be a mistake for any Returning Officer or police force to think that electoral fraud only happens within these specific communities. Our analysis over a number of years has enabled us to identify particular police forces and local authorities where allegations of electoral fraud have been most frequent and we will continue to target our monitoring activities in these areas.

The evidence and views we have heard about the extent to which electoral fraud affects or originates from within specific communities are, however, of particular concern to us, as they raise questions about whether individuals within these communities are able effectively to exercise their right to vote. **Given the current absence of robust evidence, we will carry out further work to test the validity of these specific concerns.**

Issues and options for change

Any proposed changes to the electoral process need to take into account their potential impact on both the security and accessibility of elections:

- **Security:** ensuring everyone can be confident that their vote gets counted, that no one can steal or interfere with their vote, and that any fraudulently cast vote does not affect the result of an election.
- **Accessibility:** ensuring that everyone who is eligible to vote gets the chance to vote without facing unnecessary or disproportionate barriers.

We want to hear views on changes in the following key areas, which are set out in detail in Chapter 4 of this paper:

Postal voting

Since 2001, anyone on the electoral register in Great Britain has been able to apply to vote by post instead of in person at a polling station. In Northern Ireland, postal voting is only available to people who can demonstrate that they are physically unable to vote in person at a polling station. Approximately 15% of all electors in Great Britain chose to vote by post rather than in a polling station at the 2010 UK Parliamentary general election, and people who vote by post report high levels of satisfaction with the process.

We have heard concerns from campaigners, electoral administrators and members of the public that postal voting is vulnerable to abuse and electoral fraud. Those concerns relate to the potential for postal votes to be stolen and completed by someone other than the individual elector, and also to the potential for unacceptable pressure to be placed on electors to vote in a particular way against their individual choice.

Proven cases of postal voting fraud remain relatively rare, compared with the number of votes cast in elections each year. Concerns remain, however, that these vulnerabilities could be exploited without changes to the way electors apply for and return postal votes, or changes to the regulation of campaigners' involvement in the postal voting process.

We want to hear views on suggestions which involve:

- **Restricting the availability of postal voting in Great Britain**, so that it is only available to people who can demonstrate that they are physically unable to vote in person at a polling station (as is already the case in Northern Ireland), or introducing these restrictions in specific areas where there has been a recent history of cases of electoral fraud.
- **Providing alternatives to postal voting**, including advance voting, mobile voting facilities for people who are physically unable to vote in person at a polling station, or giving electors the option of 'cancelling' their postal vote.
- **Restricting the handling of postal vote applications and postal ballot packs by campaigners and prohibiting the availability of**

absent voters' lists before elections, so that there is a much clearer safeguard against suggestions of improper activity by campaigners, backed by the sanction of offences.

Proxy voting

Proxy voting provides an alternative method of voting for those who are physically unable to vote in person at a polling station in Great Britain, but is much less frequently used than postal voting. Approximately 144,000 proxy votes were cast at the 2010 UK Parliamentary general election, representing around 0.3% of the eligible electorate. Electors in Great Britain applying to appoint a proxy for an indefinite period must have their application attested, but those requesting a proxy vote for a particular election are not required to have their application attested. In Northern Ireland, electors must give an attested reason for needing to appoint a proxy at any time.

Voting by proxy involves an elector appointing another person to vote on their behalf, either in the designated polling station or by post. We have heard concerns that proxy voting is vulnerable to abuse and electoral fraud, including the potential for unacceptable pressure to be placed on electors to appoint a proxy who may not vote in the way the individual elector would choose.

Proven cases of proxy voting fraud are also relatively rare, compared with the overall number of votes cast in elections each year. Police data indicate, however, that – given the small proportion of votes cast by proxies compared with other methods of voting – cases of alleged electoral fraud involving proxy voting have been relatively frequently reported in recent years.

We want to hear views on suggestions which involve:

- **Requiring all proxy vote applications to be attested**, so that Electoral Registration Officers can have greater reassurance that the application is based on the elector's need rather than the result of pressure from someone else.
- **Restricting the number of electors for whom a proxy can be appointed**, so that it is harder to influence the result of an election by organised proxy voting fraud.
- **Restricting the availability of proxy voting**, to specific categories of elector such as service voters or overseas voters.

Polling station voting

Most electors in the UK vote in person at a designated polling station: more than 22 million votes were cast at polling stations at the 2010 UK Parliamentary general election. People generally consider voting in person at a polling station to be a convenient way to vote. While electors in Northern Ireland are required to show a specified form of photographic identification before being issued with a ballot paper, there is no such requirement for voting at polling stations in Great Britain.

Our review has identified some concerns about vulnerabilities relating to the polling station voting process, including: the risk of personation in Great Britain in the absence of a requirement for electors to provide proof of their identity; and concerns about intimidation of electors by campaigners outside polling stations in some specific areas.

Police forces have reported cases of alleged personation in polling stations in recent years, although we have heard that in some cases it has been difficult to identify suspects or provide reliable evidence to support prosecutions.

We want to hear views on suggestions which involve:

- **Requiring all voters at polling stations in Great Britain to provide proof of their identity (this is already a requirement in Northern Ireland), so that the risk of personation is minimised.**
- **Introducing statutory restrictions on the activities of campaigners outside polling stations, so that electors can be confident that their access to the polling station will not be obstructed.**

We would like to hear any views in response to this issues paper by Friday 9 August 2013 in order to take them into account during the next stage of the review.

1 Background and purpose of this review

1.1 Elections must be conducted in a fair and inclusive manner in accordance with the law. The Electoral Commission's principles for free elections that support a healthy democracy include:

- **Trust:** people should be able to trust the way our elections and our political finance system work
- **Participation:** it should be straightforward for people to participate in our elections and our political finance system, whether voting or campaigning; and people should be confident that their vote counts
- **No undue influence:** there should be no undue influence in the way our elections and our political finance system work

1.2 Proven cases of electoral fraud are relatively rare in the UK, but electoral fraud has the potential to affect the outcome of elections (particularly where electoral contests are very close) as well as undermining trust and confidence in our democracy.

1.3 Public opinion measures continue to find that, when asked about electoral fraud, a significant minority of the public remain concerned it is a problem. A growing group with experience of standing for election or running elections also remain concerned. It is unlikely that these concerns will diminish in the immediate future.

1.4 The introduction of individual electoral registration (IER) in Great Britain from summer 2014 will help tackle electoral registration fraud by ensuring that details of electors' identities are verified before they can be added to the electoral register. While this change is extremely important, it may further expose the potential for other areas of the system to be exploited, particularly in relation to polling station voting and unsupervised absent (postal and proxy) voting.

1.5 The Commission keeps a constant focus on electoral integrity and is concerned to ensure that there is no complacency on this issue. The challenge in any democracy is achieving the appropriate balance between accessibility and security of the electoral system. We are alert to this challenge – while it is important to ensure the integrity of all electoral processes in the UK, this must be balanced against the risks to effective voter participation.

1.6 The Commission is now conducting a wide-ranging review of electoral vulnerabilities to ensure that our electoral processes are as robust as they can be, continuing to support participation while at the same time retaining public confidence and trust in election results. This chapter explains the next steps and process for our review, and also sets out the current roles and

responsibilities in relation to supporting electoral integrity and addressing allegations of electoral fraud.

About our review

1.7 Our review aims to achieve consensus about the best balance between ensuring both the integrity and the accessibility of electoral processes in the UK. The review focuses on identifying potential weaknesses and problems with the current system that need to be addressed in order to enhance public confidence in the electoral process. It does not therefore seek to fundamentally redesign the system.

1.8 Our review takes account of the different electoral arrangements and issues specific to integrity that have arisen across the various parts of the UK.

1.9 The review has three distinct phases:

- **Phase 1**, which began in autumn 2012 and was completed earlier this year, was about understanding the issues and developing an evidence base from which options for change could be identified. This stage involved external engagement and consultation with a range of individuals and organisations, and qualitative research with members of the public. This paper summarises the evidence base and brings Phase 1 of the review to an end, setting out options for change and the rationale and basis for further engagement in Phase 2.
- **Phase 2** involves developing and consulting on possible solutions outlined in this issues paper, drawing on the evidence received during Phase 1. Phase 2 will run from spring to summer 2013 and will also 'test out' possible options for change with members of the public as part of a programme of qualitative research.
- **Phase 3:** Our final report, including any proposed changes (including the rules, regulations and responsibilities in relation to ensuring electoral integrity) and practice recommendations, will be published during autumn 2013 to ensure that any necessary legislative change can be brought forward during the life of this Westminster Parliament.

1.10 The review focuses principally on areas of the electoral process which we believe may be vulnerable to fraud. Some of these have been highlighted through evidence from police data and raised directly with us by voters, campaigners, election officials and police and prosecutors. The areas of vulnerability we have identified are:

- Absent vote applications (postal and proxy)
- Postal voting processes
- Proxy voting processes
- Polling station security and voting processes

1.11 Electoral registration is not a key focus of our review, although we are considering the extent to which vulnerabilities will remain even with IER and, if so, what should be done to address these.

1.12 We will also continue to monitor the implementation of IER and produce regular assessments of its impact on the accuracy and completeness of electoral registers in Great Britain.

1.13 Issues relating to the candidate nomination process are being addressed separately under our review of the current procedures for standing for election in the UK. We intend to issue a consultation paper in September 2013 and to publish our final report and recommendations in early 2014.

1.14 Nor does the review cover the rules for challenging the outcome of elections, which has been included in the Law Commission review of electoral law.¹

1.15 Issues relating to the financial regulation of political parties, organisations and individuals engaged in campaigning are also out of the scope of the review.

Actions which need to be in place before the 2014 and 2015 elections

1.16 The Electoral Commission has a unique role in relation to preventing detecting electoral fraud: we are not responsible for delivering electoral administration processes at a local level, nor are we responsible for investigating allegations. Nonetheless, we recognise that people may look to us to provide assurance that effective procedures are in place to prevent and detect electoral fraud, and that allegations are treated with the seriousness they deserve.

1.17 The elections which are scheduled to take place in 2014 and 2015 are particularly significant: local government and European Parliament elections are scheduled to take place in May 2014; in 2015 a UK Parliamentary general election is expected to be held at the same time as local government elections in England, and elections may also be held in Northern Ireland. Based on where cases of alleged electoral fraud have previously arisen, the risk of further cases may be higher in some areas of England where elections are expected in both 2014 and 2015.

1.18 Recent high-profile cases of alleged electoral fraud have highlighted areas for improvements to current approaches to preventing and detecting electoral fraud, particularly to ensure well-managed and coordinated relationships between police forces, Electoral Registration Officers (EROs) and Returning Officers (ROs). These improvements will require action from EROs and ROs and police forces, particularly in areas of higher risk, but they

¹ Further information about the Law Commission's work on reforming electoral law can be found on our website at the following link:
<http://www.electoralcommission.org.uk/elections/law-commission-review-of-electoral-law?>

will also need to be supported by commitments from political parties, candidates and campaigners.

1.19 **EROs and ROs** need to begin detailed planning now to ensure their approach to preventing and detecting electoral fraud is as thorough and robust as possible. EROs and ROs also need to take specific steps to improve confidence in their approach for future elections, particularly among elected representatives, candidates and campaigners: they should make sure they do more to tell people in their local areas what they are doing to prevent and detect electoral fraud, and they should make information publicly available wherever possible, to support improved transparency about the integrity of electoral registration and election processes.

1.20 **Police forces** need to review their plans for policing elections in 2014 and 2015 in conjunction with EROs and ROs. They should ensure that plans developed by EROs and ROs reflect the specific role of police forces in relation to both operational policing on the ground during the pre-election period, and also in dealing with and investigating allegations of electoral fraud. Given the considerable public interest in allegations of electoral fraud, police forces should review their communication strategies for future elections to provide an appropriate level of assurance that they are responding to concerns about electoral fraud and thoroughly investigating allegations.

1.21 The activities of **candidates, political parties and other campaigners** will be monitored against the Code of Conduct for campaigners, which we have recently revised and agreed with the political parties represented in the UK and Scottish Parliaments and National Assembly for Wales.² We have sent the Code to all registered political parties in Great Britain and have asked ROs to give copies to all candidates including independent candidates.

1.22 Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. We also recognise the important role of local campaigners in identifying electoral register inaccuracies and highlighting suspicious patterns of registration or absent vote applications. It is equally important, however, to ensure that the activities of campaigners do not bring into question or undermine the integrity of the electoral process.

1.23 **The Electoral Commission** will focus our activity on those areas where there has been a history of cases of alleged electoral fraud and where there may be a greater risk of electoral fraud taking place.

1.24 We will review and comment on plans published by EROs and ROs for those areas during the next 12 months leading up to the May 2014 elections, including actions agreed with relevant police forces, to ensure that what they

² *Code of conduct for campaigners: postal voting, proxy voting and polling stations* (March 2013) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf

propose will be an effective response to improve confidence in the integrity of future elections. If we are not satisfied that the right measures have been identified or implemented we will say so, and will make clear what further actions need to be taken by the ERO, RO or by others.

1.25 We will continue to report on the outcome of police investigations into cases of alleged electoral fraud each year, to ensure there is transparency about the extent and nature of cases of alleged electoral fraud in the UK.

About this issues paper and how to respond

1.26 This issues paper provides an analysis of the evidence base on electoral fraud in the UK, drawing on police data and engagement with a range of people and organisations including elected representatives, political parties, professionals working in the elections field, the police and prosecuting authorities, academics, voluntary organisations and think tanks to find out about their experiences both in the past and in the run up to these elections. We have also conducted research with, and sought views from, members of the public.

1.27 This paper outlines the types of electoral fraud that people are most concerned about, together with the reasons why they are concerned and outlines the key players with a role in maintaining the integrity of the electoral process. It also provides an analysis of the vulnerabilities identified by people responding during the first phase of the review and invites views on some options for addressing these vulnerabilities.

How to respond to this issues paper

This paper identifies specific issues on which we would like to hear views and any new evidence. You can find them at:

- Issue 1: Electoral integrity in the UK – roles and responsibilities (paragraphs 2.6 to 2.32)
- Issue 2: Evidence of electoral fraud in the UK (paragraphs 3.99 to 3.112)
- Issues 3 to 6: Postal voting options for change (paragraphs 4.37 to 4.41)
- Issue 7: Proxy voting: options for change (paragraph 4.63)
- Issues 8 to 10: Voting in polling stations options for change (paragraphs 4.92 to 4.93)
- Issue 11: Electoral registration (paragraphs 4.94 to 4.95)

We would like to hear your views by **Friday 9 August 2013** in order to take them into account during the next stage of the review.

Please send your response to:

By post: The Electoral Commission
 3 Bunhill Row
 London
 EC1Y 8YZ

By email: fraudreview@electoralcommission.org.uk

By phone: 020 7271 0592 (Public Information Line)

Please provide your name and, where relevant for people responding in a professional capacity or on behalf of an organisation, your position.

We will assume that you will be happy for us to refer to and attribute any part of your response in any future report as part of this review – please ensure you make clear if you do not want us to attribute any part of your response to you.

2 What do we mean by electoral fraud, and who is responsible for dealing with it?

Defining electoral fraud

2.1 Evidence from research with voters and responses to the first phase of this review indicates that there is no clear view about what electoral fraud is, or how it should be defined. Similarly, there is little agreement internationally about definitions of electoral fraud:

The relative nature of election fraud and the widely variant historical, cultural and institutional contexts in which election fraud has occurred make the development of a clear and consistent definition (of electoral fraud) a complicated, if not impossible, undertaking.

Alvarez, Hall and Hyde,
*Election Fraud: Detecting and Deterring Electoral Manipulation*³

2.2 Electoral fraud may be defined in terms of offences currently specified in electoral law. Issues which might not be included within this strict statutory definition, however, may be perceived as electoral fraud by electors or other participants. We have previously used the broad term 'electoral malpractice' to describe attempts to manipulate the electoral process, including some actions – such as false or misleading statements about the personal character or conduct of a candidate, for example – which might not specifically be considered a type of fraud.

2.3 We are concerned, however, that these distinctions may not be sufficiently clear or useful for the majority of people who are involved participating in elections, including both electors and campaigners. For the purposes of this review, therefore, we believe it is important to establish some working definitions of electoral fraud or malpractice, so that we can be clear about which issues we are referring to and which issues we will not consider during this review.

Working definitions of electoral fraud for this review

2.4 The key determinant of electoral fraud is whether the intention is to distort the will of the electorate. For the purposes of this review we have

³ Alvarez, Hall and Hyde (2008), *Election Fraud: Detecting and Deterring Electoral Manipulation* (Brookings Series on Election Administration and Reform)

developed working definitions for three aspects of electoral fraud or malpractice.⁴

- **Electoral fraud:** Deliberate wrong-doing in the electoral process, which is intended to distort the individual or collective will of the electorate.
- **Electoral malpractice:** The breach by an election professional of his or her relevant duty, resulting from carelessness or neglect rather than deliberate intent.
- **Non-electoral fraud:** Deliberate wrong-doing involving the electoral process, but which is intended to influence or defraud an individual or body unrelated to the electoral process.

2.5 A more detailed explanation of each of the definitions is outlined in Appendix 1 to this report.

Electoral integrity in the UK – roles and responsibilities

2.6 While this review principally focuses on policy, some of those we have talked to during Phase 1 of our review raised concerns with us about the response of electoral officials and/or the police to allegations of electoral fraud. For example, it has been suggested that in some cases police investigations have been insufficient or indecisive, or that prosecutions are not always pursued despite what is considered or perceived as clear evidence. This section sets out the main roles and responsibilities in ensuring electoral integrity in the UK, and seeks views on the effectiveness of those people and organisations.

2.7 The structure of electoral administration in Great Britain is decentralised, with local Electoral Registration Officers (EROs) and Returning Officers (ROs) respectively being responsible for managing electoral registration and running elections in the electoral areas for which they are responsible. The localised nature of electoral administration is largely reflected in the approach for dealing with electoral integrity issues, which sees EROs, ROs and local police forces each having a role to play in helping to prevent and detect electoral fraud. These roles are outlined in more detail below.

⁴ In developing these definitions we have drawn on those proposed in the May 2012 International Foundation for Electoral Systems paper *Assessing Electoral Fraud in New Democracies: Refining the Vocabulary* ([http://www.ifes.org/Content/Publications/White-Papers/2012/~/media/Files/Publications/White%20PaperReport/2012/Assessing Electoral Fraud Series Vickery Shein.pdf](http://www.ifes.org/Content/Publications/White-Papers/2012/~/media/Files/Publications/White%20PaperReport/2012/Assessing_Electoral_Fraud_Series_Vickery_Shein.pdf))

Electoral Registration Officers and Returning Officers

2.8 To support public confidence in the electoral process, it is vital that every effort is made to ensure integrity in the process of compiling and maintaining electoral registers and absent voter lists. To ensure the risks of fraudulent or ineligible registration and absent voting applications are minimised, it is essential to have clear plans in place to assess, monitor and address integrity concerns.

2.9 EROs in England and Wales are responsible for maintaining electoral registers for a specific local authority area. EROs and the Chief Electoral Officer for Northern Ireland are also required to provide information about changes to the electoral register and lists of postal and proxy voters to elected representatives, political parties and candidates. EROs have the power to instigate a review of a person's entitlement to be registered if they have any concerns or suspicions about electoral fraud.

2.10 In Scotland (with the exception of the City of Dundee and Fife) local authorities have appointed the local Assessor as ERO. Elections in Northern Ireland are administered centrally by the Chief Electoral Officer who acts as the registration and RO for all elections. He is responsible for maintaining the electoral register and reports to the Secretary of State for Northern Ireland on how he has discharged his functions.

2.11 In England and Wales, ROs are responsible for administering the poll in their specific area. ROs are normally either the same person as the local authority ERO, or someone appointed by the authority. In Scotland the RO is normally the Chief Executive of the local authority, or another senior local authority officer.

2.12 In Scotland, an Electoral Management Board (EMB) has been established with statutory powers to coordinate the administration of local government elections, although it seeks to do this for all other elections, i.e. elections to the UK Parliament, Scottish Parliament and European Parliament. As well as a coordinating role, the EMB seeks to ensure that electoral administration reflects best practice, achieves consistency where possible and puts voters first.

2.13 Each ERO and RO should take any allegations of electoral fraud seriously. Each police force across the UK now has an election Single Point of Contact (SPOC) officer committed to preventing electoral fraud and providing a fast and positive response to allegations. EROs and ROs should report any suspicion deemed worthy of referral to the SPOC for investigation, and assist where possible.

2.14 EROs and ROs should also have detailed checks and processes in place to identify any patterns of activity that might indicate potential integrity problems – identifying large numbers of registration or absent vote applications from one address, for example – and what steps are to be taken

to deal with any such problems. We monitor the extent to which EROs and ROs meet these standards and provide support to assist them in doing so.

The police and prosecutors

2.15 Any allegations of fraud made in relation to elections or registration (or simply electoral fraud) should be investigated by the relevant police force because they are potentially criminal offences.

2.16 In England and Wales, the police will investigate the allegation until, following consultation with the Special Crime and Counter Terrorism Division of the Crown Prosecution Service (CPS), either they are satisfied that no further action is necessary, or they forward the file to the Special Crime Division of the CPS with a view to prosecution.

2.17 Anyone who has evidence that an offence may have been committed should report this to the police. Every police force in the UK has an officer who is responsible for dealing with allegations of electoral fraud.

2.18 Prosecutions for election offences in England and Wales, including electoral fraud, are conducted by the special crime division of the Crown Prosecution Service. In Scotland the decision on whether to undertake a prosecution in respect of a breach of the election rules are taken by the Crown Office (and for breach of spending rules, the Procurator Fiscal Service). In Northern Ireland, this role is performed by the Public Prosecution Service.

2.19 Police forces also have an important role to play in encouraging and supporting EROs and ROs in developing robust strategies to prevent electoral fraud. Police forces should work closely with EROs and ROs to identify electoral integrity risks, particularly in areas where there has been a history of allegations of electoral fraud, and should also support EROs and ROs in communicating to voters and campaigners their joint commitment to tackling electoral fraud.

The Electoral Commission

2.20 Preventing electoral fraud is a key priority for the Commission. We work with EROs, ROs, political parties, Royal Mail, the Association of Chief Police Officers (ACPO), the Association of Chief Police Officers in Scotland (ACPOS), the CPS and the Crown Office & Procurator Fiscal Service to promote electoral integrity and to make sure that elections are safe and secure.

2.21 The Electoral Commission has a comprehensive programme of activity in place designed to support and challenge all those involved in preventing and detecting electoral fraud. We:

- * Provide advice, guidance, and training to those involved in the electoral process.

- Issue a Code of Conduct for campaigners setting out what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.
- Work closely with and regularly meet ROs and EROs, political parties, Royal Mail, the police and prosecutors to support electoral integrity.
- Work with ACPO and CPS to provide specific guidance to police alerting forces to issues that may arise in the run-up to polling day, on polling day itself and at related events. We also offer guidance on factors to consider when carrying out a police force risk assessment.
- Support a network of SPOCs, which is designed to provide electoral administrators and others with one contact for electoral issues in each police force
- Set standards⁵ and monitor the performance of those responsible for delivering elections, including a strong focus on preventing and detecting electoral fraud
- Check to ensure that our standards are being met, with a particular focus in areas where there has been a history of allegations of electoral fraud where we provide extra scrutiny and support. We work more closely with EROs and ROs in these areas, ensuring that enhanced electoral fraud plans and robust processes are in place and that those policies are being implemented in practice.
- Produce an annual analysis of all cases of electoral fraud reported to the police
- Report on the administration of elections and referendums held under the Political Parties, Elections and Referendums Act 2000 and keep electoral law under review

2.22 In March 2013 we published our analysis of the Metropolitan Police Service investigations into cases of alleged electoral fraud in Tower Hamlets.⁶ Our report highlights key issues relating to cases of alleged electoral fraud in the London Borough of Tower Hamlets in 2012, and sets out our conclusions and recommendations for actions to improve integrity and confidence for future elections in Tower Hamlets.

Campaigners

2.23 Local campaigners, including elected representatives, candidates and agents, and political party activists, can play an important role in highlighting potentially inaccurate electoral registration records or identifying suspicions about possible electoral fraud. They are entitled to receive copies of electoral

⁵ The Commission's current performance standards for EROs include standards 4 and 5 which are directly related to the integrity of the register. The performance standards for ROs include standard 1a on planning for an election, including identifying any patterns of activity that might indicate potential integrity issues.

⁶ Our report can be accessed at the following link:
http://www.electoralcommission.org.uk/data/assets/pdf_file/0019/154531/Tower-Hamlets-report-2013.pdf

registers and lists of postal voters, which they can use to monitor the accuracy of registration information as well as supporting their campaign activities.

2.24 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the ERO or RO for the area. They may be able to explain whether or not an election-related crime has been committed, and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation directly. The police should take any allegation of electoral fraud seriously and, if substantiated or evidenced concerns are brought to them in good time, they should be properly investigated.

2.25 For the 2013 May elections and beyond, we have strengthened the Code of Conduct for campaigners (first introduced in 2005) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.⁷ This Code does not currently apply to the conduct of campaigners in Northern Ireland elections.

2.26 This Code was agreed by the political parties represented on the House of Commons Parliamentary Parties Panel and the parties' panels for the Scottish Parliament and the National Assembly for Wales, and endorsed by members of the Electoral Commission's UK Electoral Advisory Board of senior Returning and Electoral Registration Officers and Electoral Integrity Roundtable.

2.27 The Code was sent to all registered political parties in Great Britain, and ROs will draw it to the attention of all candidates and parties contesting elections.

2.28 The Commission has no powers to investigate allegations of electoral fraud under the Representation of the People Act 1983 – this is carried out by the police. However, any new first-hand evidence of fraud reported to us as part of this review has been, and will continue to be, dealt with swiftly within the Commission and, where appropriate, passed to the police for further investigation.

Legislative responsibilities

2.29 The Cabinet Office is the UK Government department with overall responsibility for electoral law and policy (including matters relating to electoral registration, the conduct of UK-wide elections, electoral reform and modernisation). Although the Cabinet Office is largely responsible for policy and legislation relating to the conduct of local government elections in England and Wales, the Department for Communities and Local Government

⁷ The Code of Conduct is available at the following link:
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf

retains responsibility for the timing of local government elections and governance arrangements within local authorities.

2.30 Responsibility for the conduct and funding of elections to the Scottish Parliament also lies with the UK Government (through the Secretary of State for Scotland), while the Scottish Parliament and Government are responsible for local government elections in Scotland.

2.31 The Secretary of State for Northern Ireland is responsible for electoral policy and legislation in Northern Ireland. Electoral matters there are not devolved to the Northern Ireland Assembly.

2.32 Since 2006 the Electoral Commission has pushed for a number of important legislative changes to be introduced to strengthen the integrity of electoral processes in Great Britain, including:

- Checks on voters' signatures and dates of birth provided on returned postal ballot packs, to help ensure that fraudulently completed postal votes are not counted.⁸ The UK Government has now also accepted our long-standing recommendation that ROs should be required by law to check these personal identifiers on all returned postal ballot packs, rather than a minimum 20% sample, which will be introduced in time for the scheduled 2014 elections.
- The creation of new offences of supplying false information to an ERO and making false applications for a postal or proxy vote, so that some of the more common attempted electoral fraud crimes can now be prosecuted.⁹
- New powers for EROs to request more evidence to verify the identity and eligibility of people applying to register to vote, and to carry out reviews of register entries where they suspect they may not be accurate.¹⁰
- The introduction of individual electoral registration in Great Britain from summer 2014.¹¹ EROs will be required to verify electors' National Insurance numbers and dates of birth against data held by the Department for Work and Pensions Customer Information System before they can be registered, and this will mean that it will be much harder to create false or fictitious electoral register entries.
- Provisions requiring EROs to notify electors that their postal ballot paper has been rejected and request fresh personal identifiers, except in circumstances where they suspect that electoral fraud may have taken

⁸ Introduced by the Electoral Administration Act 2006

⁹ Ibid.

¹⁰ Ibid.

¹¹ Introduced by the Electoral Registration and Administration Act 2013

place, which will be introduced in time for the scheduled 2014 elections.¹²

- Provisions enabling Police Community Support Officers (PCSOs) to enter polling stations, as Police Constables are currently allowed to, which will also be introduced in time for the scheduled 2014 elections.¹³

Issue 1: Electoral integrity in the UK – roles and responsibilities

- What more would you want the people and organisations outlined above to do to tackle electoral fraud in the UK?
- Do you think any of the roles and responsibilities set out above should change? If so, why?

¹² Ibid.

¹³ Ibid.

3 What evidence is there about electoral fraud?

3.1 Evidence about the nature and extent of electoral fraud in the UK is unclear and often contested. Some people argue that the number of cases investigated by the police represents only a small proportion of actual instances of electoral fraud, many of which they believe are not reported to the police at all. Others argue that public concerns about electoral fraud are driven not by first-hand experience, but by high-profile media coverage of a relatively small number of cases.

3.2 This chapter provides an analysis of the evidence currently available on electoral fraud including police data on cases of alleged electoral fraud, views from members of the public and evidence from campaigners, electoral officials and others who have so far contributed to this review. It outlines the types of electoral fraud that people are most concerned about and why, and what suggestions they have for changes to improve the integrity of the current system.

3.3 This evidence forms the basis for developing the options we have identified in Chapter 4 of this report to address vulnerabilities within the current electoral system. We recognise, however, that there may be limitations to each of these sources of evidence, and we make clear at the end of this chapter our understanding of the implications of those limitations.

Sources of evidence

3.4 The Commission currently has three main sources of evidence on electoral fraud in the UK:

- Public opinion survey data gathered as part of our annual 'winter tracker' trend data¹⁴ and on separate post-poll surveys on attitudes to fraud.
- Anecdotal information relating to fraud from a variety of interested individuals and organisations including feedback from candidates, agents, Electoral Registration Officers (EROs), and Returning Officers (ROs).
- Data about cases of alleged electoral fraud¹⁵ reported to police forces across the UK, gathered through our rolling survey of police forces in collaboration with the Police National Information and Co-ordination Centre (PNICC) since 2008.

¹⁴ Our 2012 *Winter tracker public opinion survey* included a Black and Minority Ethnic Boost which was funded by the Cabinet Office.

¹⁵ Defined in this context as cases relating to alleged offences under the Representation of the People Act 1983.

3.5 To inform the first phase of this review, we undertook qualitative research with members of the public.¹⁶ We also sought views from a range of campaigners, elected representatives, electoral officials and others involved in preventing and detecting electoral fraud (see Appendix 4 for a list of people and organisations who contributed to the first phase of the review).¹⁷ From this, we have been able to obtain a deeper understanding of why levels of concern about electoral fraud are relatively high when compared to the number of cases reported to the police and the public's own experience of fraud. We outline some of the limitations of this research in paragraphs 3.91 to 3.94 below.

3.6 A full report of our research is published on our website along with the data provided by the police on the number of allegations of electoral fraud and their outcomes.¹⁸

Electors' views about electoral fraud

What do people understand by electoral fraud

3.7 In general, people do not find electoral fraud a topic that they feel they understand much about. It is not a 'top of mind' consideration for people, nor a pre-existing concern for them. Sixty per cent of respondents to our survey said they knew 'hardly anything' or 'nothing at all' about electoral fraud; one third (32%) said they knew 'a little'.¹⁹

3.8 Respondents to our post-election survey²⁰ were asked an unprompted question, i.e. not given a list of answers, about what they understood by the term 'electoral fraud'. The top two answers given were someone using someone else's vote (44%) and cheating, corruption and vote rigging (24%).

3.9 Subsequently, people were asked which scenarios, from a list of examples, they thought involved electoral fraud. These examples were drawn from the findings of previous public opinion surveys together with definitions of

¹⁶ Define Research and Insight are conducting a two stage qualitative research project '*Perceptions of fraud among the public*', due to conclude in Summer 2013. This was via a letter and meetings with MPs. Those who participated in the research said during the recruitment process that they think electoral fraud happens 'a lot' or 'a little'. The analysis in this paper should therefore be considered as reflective of the 'concerned' population rather than the general population.

¹⁷ This was via a letter and meetings with MPs.

¹⁸ See <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

¹⁹ TNS-BMRB / Electoral Commission, *Winter tracker public opinion survey* (Dec 2012).

²⁰ http://www.electoralcommission.org.uk/data/assets/pdf_file/0006/154437/PCC-Nov-2012-Post-election-survey-Report-ICM-FINAL-website.pdf

electoral fraud offences as set out in the Representation of the People Act 1983 (these are set out in Appendix 2).²¹

3.10 Most agreed that pretending to be someone else to influence the election result (95%) is electoral fraud. Four in five (83%) said that 'a person registering to vote under somebody else's name to get a mortgage', and four in five (81%) believed that 'someone making another person vote for a party or candidate they don't want to vote for', is electoral fraud.

3.11 In addition, people also regarded other activities as 'electoral fraud'. For example, about one-third (35%) said 'A candidate that breaks a campaign promise once elected' was electoral fraud. These findings were broadly supported by the qualitative study, although when given time to deliberate what is or is not electoral fraud respondents were less sure that examples such as candidates breaking campaign promises were actually electoral fraud. These findings have implications for the interpretation of the results of our regular larger-scale public opinion research surveys, given that attitudes on electoral fraud appear to be mixed up with more general frustrations or dissatisfaction around a political situation or dissatisfaction with individual MPs.

3.12 Our qualitative research found that although some people have a broad understanding of what they think electoral fraud involves, respondents had very little spontaneous understanding of how prevalent or serious specific issues are. People therefore find it hard to make a judgement based on their own experience about how much of a problem they feel electoral fraud is in the UK.

3.13 This conclusion is supported by the findings of public opinion survey research conducted following the November 2012 Police and Crime Commissioner elections, when respondents who said that electoral fraud happened 'a lot' or 'a little' at the elections were asked why they thought this was the case.²² Nearly four in ten respondents (38%) attributed their view to a perceived increase in identity fraud. Almost as many (34%) said they simply had a general impression that fraud is a problem, rather than giving a specific reason.

Do people think that electoral fraud is a problem?

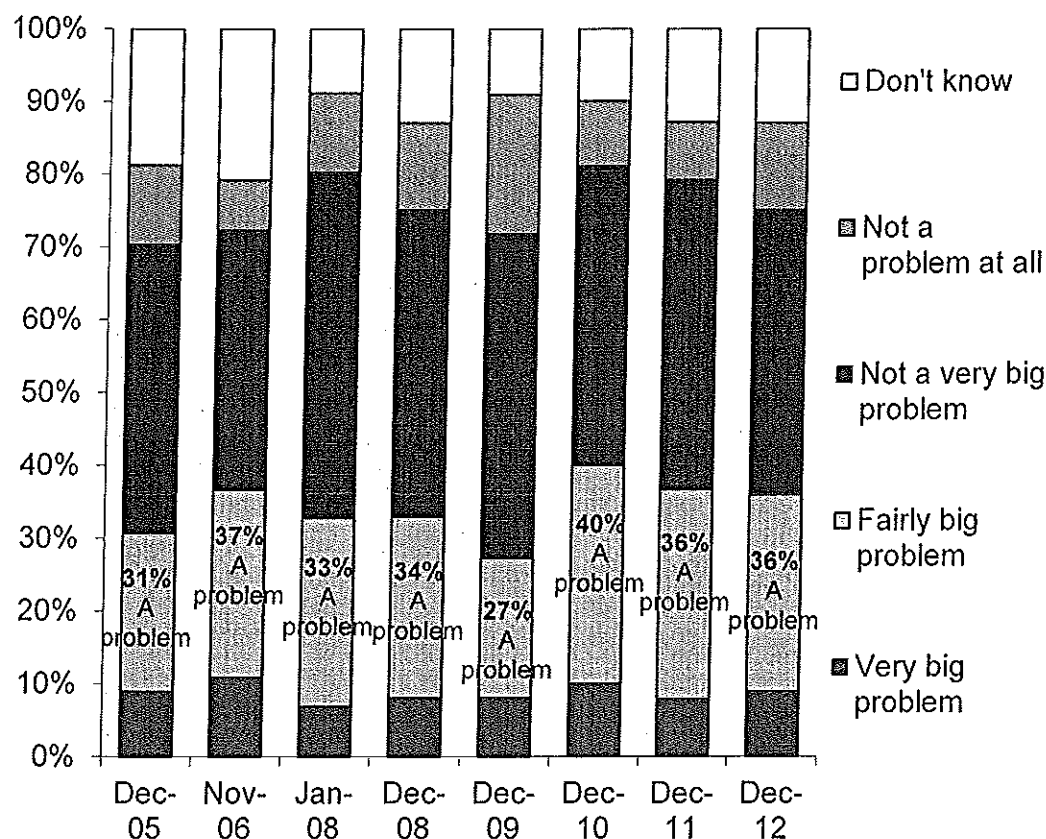
3.14 Our survey research continues to find that around a third of respondents think that electoral fraud is at least a fairly big problem. Chart 1 below shows

²¹ In previous surveys we have asked an open, unprompted question on why respondents believe electoral fraud is a problem. Responses to this question informed some of the prompted examples used in our most recent surveys. For example, our May 2011 survey 7% of respondents said 'Politicians who can't be trusted'.

²² ICM / Electoral Commission, *November 15 2012 Polls, post polling day opinion research report: GB* (Dec 2012)

how much of a problem people feel electoral fraud has been each year since 2005.

Chart 1: How much of a problem do people think electoral fraud is?



Base: All respondents UK Source: winter tracker - 2005-09: Ipsos MORI Source 2010: ICM Source 2011, 2012: TNS BMRB

Q. As you may know, there are many types of fraud such as benefit fraud and insurance fraud. How much of a problem, if at all, do you think electoral fraud, that is fraud relating to elections and voting, is in Great Britain/Northern

3.15 In addition to the nationally representative UK-wide 2012 winter tracker, a booster survey was conducted among black and minority ethnic (BME) groups aged 18+ living in the UK.²³ Opinion on whether fraud is a problem was broadly the same among both White and BME respondents. Within the BME sample, however, Bangladeshi respondents were more likely to say that electoral fraud was a problem (50% of the Bangladeshi sample compared to 34% of the overall BME sample).

²³ TNS-BMRB / Electoral Commission, *Winter tracker public opinion survey – BME Boost* (Dec 2012). The BME boost was funded by the Cabinet Office to enable more detailed analysis of winter tracker survey data among BME sub-groups as part of the transition to Individual Electoral Registration.

3.16 Comparing the UK with other countries, Gallup polls place the UK in the middle of the table in terms of confidence in the honesty of the electoral process.²⁴ In 2007-08, 40% of UK respondents said they did not have confidence in the honesty of elections in the UK. This figure is higher than the findings from New Zealand (33%) Australia (31%), Canada (31%) and Bangladesh (26%), but lower than those from Pakistan (46%), the United States of America (53%) and Jamaica (62%).²⁵

What drives people's concerns about electoral fraud?

3.17 Our qualitative research explored why people are concerned about electoral fraud and identified the following key drivers of concern.

- **Lack of knowledge about voting processes**, with concern highest among people who know least about voting and its safeguards and had less experience of voting.
- **Being asked about the topic of electoral fraud raised anxiety**
- **Thinking about or discussing new information relating to electoral fraud and the voting process** heightened concern for all, irrespective of how much they knew or had experience fraud before the research.
- A 'blurring' of electoral fraud with more general concerns around **politics and politicians**; attitudes on the extent of fraud become muddled with wider concerns of distrust and disaffection with politicians and the political system.
- A 'blurring' of electoral fraud with more general concerns around **community issues and local politics**. While there were some reports of specific instances of electoral fraud within a community (gleaned from the media), there were also 'general impressions' of electoral fraud among ethnic minority communities. One participant said:

²⁴ Gallup Research *Worldwide views diverge about honesty of elections*
<http://www.gallup.com/poll/111691/Worldwide-Views-Diverge-About-Honesty-Elections.aspx>
(Nov 2008, accessed 06/03/13)

²⁵ <http://www.gallup.com/poll/111691/Worldwide-Views-Diverge-About-Honesty-Elections.aspx>

This is the most recent, freely available data. Some later data is sporadically available, although it is not complete and cannot be used to place the UK in the context of other nations. It does suggest that in recent years the figure for the UK has improved (to closer to 30% not having confidence in the honesty of elections). For example, the results for 2011 are available by gender but not for the population as a whole (in 2011, 71% of men and 66% of women said they had confidence in the honesty of elections in the UK).

Certain groups in society – such as the Asian community – husbands could be likely to vote for themselves and their wives – that's a possibility just because it's a male orientated social group.

Perceptions of electoral fraud: qualitative research

What activities raise the most concern?

3.18 Our survey research found that people were most concerned about a person 'registering to vote under somebody else's name to get a mortgage', 'someone making another person vote for a party or candidate they don't want to vote for' and a 'candidate that breaks a campaign promise once elected'.²⁶

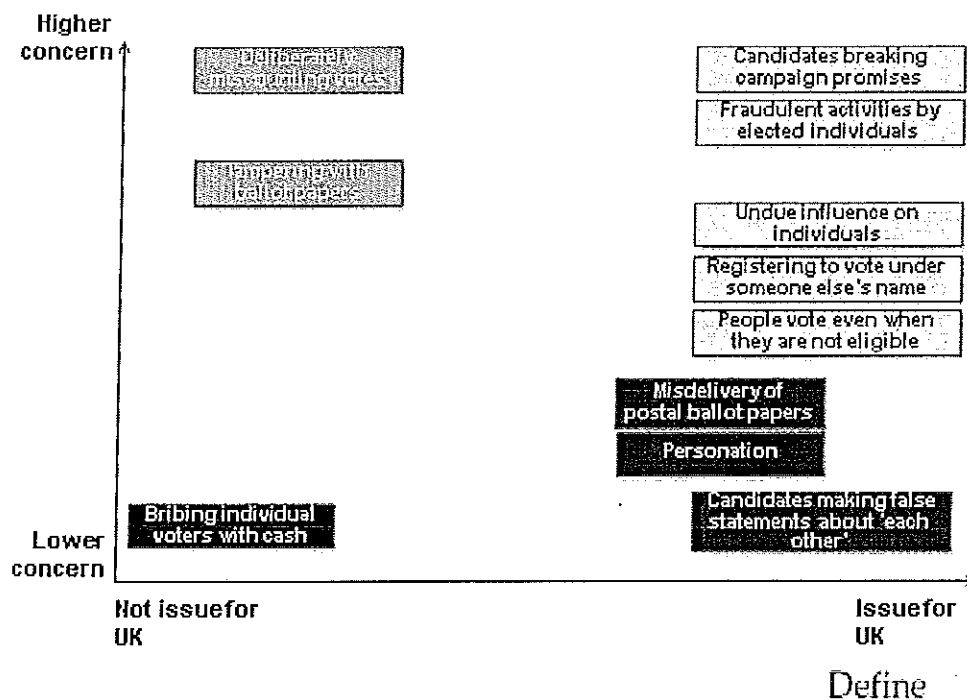
3.19 This was explored in more detail in our qualitative research. Participants were presented a list of activities that might be considered electoral fraud, and then asked participants to evaluate them using set criteria (including perceived level of impact on the outcome of the voting event and likelihood and frequency that it happens in the UK). Although respondents to our qualitative research had difficulty reaching a confident conclusion it was possible to build up a perception matrix on the of level of concern about the activity by whether it was an issue for the UK. The activities were clustered into the following four groups (as shown in Chart 2 overleaf):

- Activities considered by participants to be higher concern and presenting an issue for the UK (Pink).
- Activities considered by participants to be higher concern but with doubts as to whether they are an issue for the UK (Light blue).
- Activities considered to happen in the UK at least sometimes but of lower overall concern (Dark blue).
- Activities considered by participants to be lower concern and not to happen in the UK (Black).

²⁶ Respondents were asked which of the given examples that they had, in a preceding question, defined as electoral fraud were most concerning to them.

ICM Research / The Electoral Commission, *post-polling data public opinion survey* (November 2012).

Chart 2: Prioritisation of issues by the public



3.20 Of those activities that participants recognised after deliberation as 'actual' electoral fraud, there was more concern around issues which appear planned such as undue influence on individuals or registering to vote in someone else's name.²⁷

3.21 As illustrated above, people's perceptions of electoral fraud may also be associated with wider dissatisfaction and trust with political situations, or grievances with national or local politicians. Candidate activity (pre and post-election) was considered by participants to be a 'grey area'. Specific activities by candidates or elected representatives, such as breaking campaign promises or making false statements about another candidate, were not, generally considered to be electoral fraud. People thought these are 'simply part of politics' or to take place outside of the electoral event. As one respondent said:

Candidates breaking promises and smear campaigns – they all do that. That's just politics not fraud!

²⁷ Our post PCC public opinion survey asked respondents which activities, from those they had previously identified as electoral fraud, most concerned them. 'Someone pretending to be another person so they can vote more than once to influence the election result' to be electoral fraud was sort of fraud that concerned the most people (46%).

3.22 Respondents also referred to MPs undertaking activities such as claiming fraudulent expenses and accepting legal donations in relation to 'common fraud' and not 'electoral fraud'.

3.23 These activities were felt to contribute to overall perceptions of 'fraudulent practice' and the overall concern about fraud with the general electoral and democratic process.

Where do people get their information from on electoral fraud?

3.24 Our qualitative research found that the media and second hand information passed on by word of mouth (often based on media stories) are key sources of information for people about electoral fraud. Media coverage in recent years has focused on issues ranging from the integrity of the electoral registration system and allegations of postal voting fraud to personation and the intimidation of voters at polling stations.

3.25 The media have the potential to shape public perceptions, understanding and levels of concern about electoral fraud. They can encourage people to report allegations to the police and to come forward as witnesses, and they can help people to understand the importance of keeping their vote safe. By reporting the sentencing of offenders they can help to make clear that fraud is a crime. But poorly-founded media reporting can present a distorted image and, through the sensationalisation of cases, may simply heighten public concern.

3.26 Our survey research found the media was the most common source of information about electoral fraud, and that people who thought fraud was a 'very big' or 'fairly big' problem were more likely to have seen stories in the media than those that didn't think it was a problem (49% compared with 32%).²⁸

3.27 Very few people appear to have had any first hand personal experience of electoral fraud.

What do people think would tighten the electoral system from fraud?

3.28 Both our quantitative and qualitative research show that people think that requiring electors to show identification at the polling station would be a very or fairly effective method of preventing electoral fraud.²⁹

²⁸ TNS-BMRB / Electoral Commission, *Winter tracker public opinion survey* (Dec 2011).

²⁹ Photo identification is currently a requirement in Northern Ireland. This is something that the Commission has been calling for the Government to review since 2010.

3.29 In our most recent post- election public opinion research respondents were asked to rate the effectiveness of a list of potential preventative measures.³⁰ The most effective measure from the list was requiring people to show identification at the polling station with over nine in ten (92%) saying it would be a very or fairly effective method of preventing electoral fraud.

3.30 A suggested requirement for electors to show proof of identity before being issued with a ballot paper in polling stations was supported by range of respondents in England, Wales and Scotland during the qualitative research study. Many participants with experience of voting at a polling station in Great Britain specifically noted that they had not been asked for identification, while those with little or no experience of voting thought that such a requirement was already in place. The absence of an identification requirement was seen as a weakness in the process which opened up opportunities for impersonation. Most participants were supportive of this measure being introduced in Great Britain.

3.31 The move to individual electoral registration (IER) was also seen by participants as an improvement on the current registration system in terms of providing safeguards against fraud. In general, people across England, Scotland and Wales felt that the current voting process in Northern Ireland, which includes IER, restrictions on the availability of postal voting and requiring electors to provide proof of identity in polling stations, offered more security, seeing it as the 'gold standard'.

3.32 However, there was concern among some participants that increasing the effort of voting may impact on participation, as well as put some sections of society at a disadvantage. For example, respondents recognised that photographic ID might be the ideal but at the same time might pose difficulties for those without passports or driving licenses.

3.33 Our quantitative research also found that 77% of respondents said stopping candidates/campaigners from handling postal votes would be an effective way of tightening up the electoral system from electoral fraud. This was also an issue raised in responses to the first phase of our review as, outlined in the next section.

Evidence and views from people during the first phase of the review

3.34 To inform phase one of our review, we contacted a range of people and organisations with an interest in preventing and detecting electoral fraud including elected representatives, political parties, professionals working in the elections field, the police and prosecuting authorities, academics,

³⁰ ICM Research / The Electoral Commission, *post-polling data public opinion survey* (November 2012).

voluntary organisations and think tanks. We invited contributions in the following areas:

- Concerns about vulnerabilities within the current electoral process
- Submission of evidence – either first-hand or indirect – about the extent and nature of electoral fraud which may have taken place in the UK

3.35 We received just over 80 submissions from a wide cross section of individuals and organisations. We held several face-to-face meetings, including discussions with some Members of Parliament and local government councillors, to discuss the review and obtain their views on electoral fraud.

3.36 The highest concentration of responses came either from those directly involved in supporting the delivery of elections – EROs/ROs; or MPs, Councillors, and political party Nominating Officers, who are key participants in the electoral process. A list of respondents to our consultation is included at Appendix 4.³¹

3.37 All information offered to us as part of this review feeds into our risk analysis and targeted monitoring of specific areas across the UK.

3.38 A majority of the responses we received were concerned that vulnerabilities exist in the current system, that the system is based on trust, and that the potential for fraudulent activity was a concern that should be addressed. However, evidence or examples of alleged fraud tended to be very localised and did not provide us with any indication that electoral fraud is widespread.

3.39 When discussing whether fraud took place, most respondents used cases of proven fraud, or allegations currently under investigation, to illustrate their point. We heard a limited number of first-hand accounts or evidence of actual (as opposed to anecdotal or second-hand) fraudulent activity, and even fewer which had not already been reported to the police.

It is important not only that there is the highest level of integrity in the electoral process, but also that people feel that there is integrity in the process ... we deplore the few examples there have been, but [we] do not believe there is any evidence to support this being a widespread problem. Any changes should be proportionate to the actual problem.

Local Government Association

³¹ This broke down into four groups: political parties and party officers 31.5%; election professionals (RO/ERO/Electoral services staff) 28.7%; elected officials (MPs, AMs, Councillors) 27.4%; and others (including police and members of the public) 12.3%.

In my opinion, electoral fraud is not as widespread as the media might lead us all to believe but it would be naïve of any ERO/RO to think that it does not happen in their area.

Electoral Services Officer

3.40 However, a number of responses registered concern that constituents rarely have the courage to make a complaint when they see or experience electoral fraud. It was also mentioned that it is difficult to obtain hard evidence if undue influence takes place in the private sphere.

Key concerns identified by respondents

3.41 The key elements of concern that were expressed, along with the suggestions offered for how both the system and processes might be improved are outlined below.

Absent voting by post or proxy: the application process

3.42 By far the areas of most concern were the potential for fraud in the absent voting process³². Concerns included:

- **Fraudulent applications for proxy votes:** A small number³³ of respondents thought that there was the potential for fraudulent applications to take place due to there being no requirement for proof of identity when applying for a proxy vote.
- **The role of political parties and campaigners:** There was concern among some respondents that the ability of political parties and campaigners to produce their own forms, and handle postal and proxy vote applications could lead to both perceived, and actual, irregularities in the integrity of the application process. Based on their concerns it was proposed that parties and campaigners should be prevented from doing this.³⁴

3.43 Other concerns raised about the application process for an absent vote included:

- The difficulty of determining whether a postal vote application is genuine.
- Instances where family members have been encouraged to sign application forms on behalf of relatives who are away or unable to complete their postal vote.

³² Almost three quarters of the responses we received mentioned this. 18 were from elected representatives, 16 electoral professionals, 12 party representatives, 2 other.

³³ This was mentioned by 8 respondents.

³⁴ This was mentioned by 26 respondents

Absent voting by post or proxy: casting a vote

3.44 Almost half of respondents³⁵ who identified potential issues with postal voting raised concern about the possibility of undue influence or intimidation being exercised 'behind closed doors' when people completed their ballot paper at home. This was thought more likely to be the case among vulnerable groups.³⁶

Electors from vulnerable groups whose families or communities encourage them to have postal votes can find themselves under undue pressure to cast their votes in a certain way.

Association of Electoral Administrators (AEA), Southern Branch

3.45 One MP related the experience of being invited to dinner at a supporter's house, at which he was surprised to find around 25 people in attendance, all of whom were asked to present and complete their postal ballot papers in front of the MP, as a way to demonstrate their support for the party. This MP registered his concern and asked them to stop, which they did.

3.46 Others said that they had heard of incidents where campaigners had approached vulnerable people and either placed pressure on them to complete their postal ballot papers in a certain way, or offered to fill them in for them. This was also raised as a concern in a number of our meetings with MPs. It was suggested that this practice could occur within families in some BME communities, with the father or other family member taking control of the postal votes. Young people and women were considered to be more susceptible to these pressures.³⁷

3.47 Other responses highlighted reports of campaigners turning up at polling stations in recent years to act as proxies for a number of voters³⁸ without the campaigner knowing the names of the voters they were representing.

3.48 Residential and nursing homes were also flagged as places where there was potential for undue influence to take place or for postal votes to be controlled by someone other than the registered elector, particularly in cases where a signature waiver³⁹ had been granted on grounds of disability or inability to read or write.

³⁵ 25 out of 48 respondents who raised concerns about absent voting

³⁶ As described later in this report the people who are likely to be the victims of electoral fraud can be described as vulnerable in a number of different ways: they may be vulnerable because they have limited English language ability, or have little understanding of electoral traditions in Great Britain; they may be more vulnerable physically because of their age or gender; they may be more vulnerable because they are dependent on others for their accommodation or general welfare.

³⁷ This is a finding also reported by Stuart Wilks-Heeg (2011) in *Postal voting and electoral fraud*, Democratic Audit, who refers to 'anecdotal evidence' of such practices.

³⁸ A person may not have more than one proxy at any one time - paragraph 6(2)(a), RPA 2000.

³⁹ Where an applicant is unable to provide a signature, they may request that the Electoral Registration Officer waive the requirement for a signature to be provided. Any such request

3.49 Suggestions were made for improvements to the absent voting process, including:

- Abolishing postal voting on demand, or restricting postal voting to a very limited number of categories, such as illness or employment.
- Banning the publication of absent voter lists before elections.
- Temporarily suspending postal voting in specific areas where there have been significant problems relating to electoral integrity or recent proven cases of postal voting fraud.
- Further restricting and/or safeguarding proxy voting by requiring identification to be produced by the person voting on behalf of an elector that either identifies them as a family member or validates their appointment as a proxy.
- Strengthening the Code of Conduct for campaigners by either giving it statutory force so that it is clear that parties must abide by it or by changing the law so that parties and campaigners have no role in dealing with absent votes at all.
- Renewed focus on voter education, including targeting communities more at risk from fraudulent activity.
- Installing mobile polling stations or providing 'mobile' polling staff to go out into the community to help voters complete their postal vote and/or their initial postal vote application form.

Polling station voting

3.50 Concerns about the process of voting at polling stations centred around the absence of any requirement for ID. It was thought a lack of ID presented a risk of, and the potential for, personation, and is not in line with the security measures in place for absent voting. As one electoral administrator told us:

There is a fundamental mismatch in the respective processes for voting at a polling station and voting by post. Postal voters are required to identify themselves before their vote may be counted [which is part of a process that leads to a significant number of rejected votes]. Those voting in person are not required to identify themselves in any meaningful way.

Democratic and Electoral Services Manager, South West England

must include the reason(s) for the request along with the name and address of any person who has assisted the applicant with the completion of the application. The Electoral Registration Officer should satisfy themselves that 'the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write'. Paragraphs 3(8), 4(5) and 7(11), Schedule 4, RPA 2000; Articles 8(8), 9(5) and 12(12), NAW (RoP) Order 2007; Articles 9(7), 10(7) and 12(7), Scottish Parliament Order.

3.51 Requiring polling station voters to produce some form of photographic voter ID, as in Northern Ireland, would improve the security of the system. At the same time, respondents recognised the need to ensure that electors who do not have the required forms of photographic ID are not disenfranchised as a result.

3.52 The other emerging concern was the intimidation of voters by activists standing outside polling stations. One respondent mentioned seeing as many as forty to fifty campaigners outside polling stations:

I know that I lost votes because voters, particularly women were unwilling to brave this threatening gauntlet.

Elected representative, London

3.53 However, it was suggested in a number of meetings with MPs that wider issues of cultural influence and the potential for intimidation of voters need to be considered carefully as part of this review and in considering any suggestions for change. One MP added that this is particularly the case in communities where there is a genuine culture of political activism and campaigning which could appear unusual and even threatening to people with less understanding of the specific cultural context.

3.54 Suggestions were made for improvements to the polling station voting process, including:

- Requiring polling station voters to produce some form of photographic ID.
- Limiting (in law) the number of representatives per party allowed to be present outside the polling station to one.
- Having a local authority representative or police officer present at polling stations to monitor any potential fraudulent activity outside them.

Electoral registration

3.55 Many responses covered what they saw as potential vulnerabilities within the existing registration system. For example, the lack of need to prove identity, residency, or to provide a signature at the point of registration which could lead to fictitious identities.

3.56 The availability of registration forms online without the need for supporting evidence as proof of residence or identity was seen as another factor contributing risk of abuse in the system. These forms will continue to be available under IER and the UK Government also intends to make available online registration. However, IER will require those applying to register (whether online or on a paper form) to supply personal identifiers (National Insurance number and date of birth), enabling future registration applications to be verified.

3.57 At the same time these responses offered wide support for the introduction of IER in Great Britain, seeing this as an important change for addressing some of these vulnerabilities.

3.58 Some additional suggested improvements to the registration process included imposing a duty on EROs to proactively investigate where large numbers of voters are registered at any one address, rather than leaving it to discretionary local practice; and providing a clearer definition of residency, applied consistently throughout the UK. It was also suggested by some that individuals should only be permitted to register at one address at a time, and should provide their previous 12 months of addresses, in order to help prevent fraudulent dual registration.

The role of EROs, ROs and the police in preventing and detecting electoral fraud

3.59 Other respondents expressed views about the extent to which they felt EROs, ROs and the police took electoral fraud allegations seriously, and gave allegations the attention and resources they believed they deserved. Some, for example, highlighted what they saw to be a 'variable level of response' by the police, ranging from 'excellent as always' in some areas to 'less than interested' in others.

3.60 This mixed picture was attributed by the Association of Electoral Administrators (AEA) to numerous factors, including the history of electoral fraud within the area and the development of expertise and positive working relationships with local electoral staff; the turnover of officers, resulting in a loss of expertise and lack of continuity; and a perception of resource shortages and competing police priorities. The AEA argued that 'Any lack of engagement on prevention or lack of responsiveness by the police to allegations would effectively result in vulnerability in the system within that area'.

3.61 Several other respondents – including councillors, local political parties and electoral administrators – were more specific in their assessment of the police's performance, giving examples where they felt more action should have been taken. For example, one councillor cited electoral integrity issues in their local area – including alleged registration fraud, personation in polling stations, the misuse of postal votes and intimidation at polling places – and suggested that the continuation of these problems could be attributed to the failure of the police and Crown Prosecution Service (CPS) to conduct meaningful investigations when evidence is placed before them; deeming prosecutions as 'not in the public interest'; and the failure to take decisive action on polling day to deal with problems as they arise (for example, problems concerning alleged aggression and intimidation by tellers).

3.62 Cultural sensitivities were also given as a possible reason why allegations sometimes were not investigated. It was suggested by one local political party that the police and ROs had been reluctant to get involved where there were perceived to be concerns about respecting cultural sensitivities in relation to some South Asian communities.

3.63 A further theme centred on the timescale of police investigations, with one electoral administrator suggesting that the length of time between initial investigations and the determination to prosecute or otherwise is too long, leading to some witnesses becoming disheartened or disinterested.

3.64 Balanced against these comments, however, was a general recognition that recent years had seen significant improvements by the police with respect to their overall engagement with electoral issues; the level of information on electoral integrity available to the police; better coordination between the police and other electoral bodies and officials; and the system of Single Points of Contact (SPOCs) within police forces, which gives an individual officer responsibility for leading on allegations of electoral fraud and providing a source of expertise and knowledge for colleagues.

3.65 The SOLACE (Society of Local Authority Chief Executives and Senior Managers) Elections and Democracy Network Board highlighted the 'extreme difficulty of proving offences ... particularly with regard to absent votes', stressing that the police were 'very reluctant to pursue these given how difficult it is to find substantive evidence'. They also suggested that mutual allegations between political parties 'while not necessarily amounting to or provable as fraud are a distracting and draining experience for all concerned'.

3.66 A small number of respondents commented more specifically on the role of EROs and ROs. While some suggested that electoral officials had not, in some cases, taken allegations of fraud seriously enough or refused to take any action at all, others focused on the positive actions being taken against fraud in some areas, e.g. electoral services teams working closely with other council departments and the police to check concerns linked to electoral registration entries; and the development of protocols to help manage risks surrounding postal vote identifier checking and applications.

The role of political parties, candidates and campaigners in preventing electoral fraud

3.67 We also received some comments on the role of political parties, candidates and campaigners in preventing fraud and maintaining electoral integrity. The AEA, for example, focused on the important role that the political parties have to play in agreeing, and ensuring compliance with, the terms of the Code of Conduct for campaigners.⁴⁰

3.68 They also commented on the problems created by political parties handing in large numbers of the electoral registration and postal vote applications close to the application deadline, which, they argued 'does not provide administrators with the best environment in which to maintain vigilance to identify potential attempts at fraud'. The AEA questioned whether it was appropriate at all 'that our electoral system allows political parties and other campaigners to have a role in administrative processes such as the creation, dissemination and return of applications to register, and applications to vote by post or by proxy'.

⁴⁰ *Code of conduct for campaigners: postal voting, proxy voting and polling stations* (March 2013) http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf

3.69 The SOLACE Elections and Democracy Network Board offered a similar perspective, highlighting what they saw as the limited protection offered by voluntary self-regulation of campaign activities by political parties:

The voluntary code of conduct on the handling of postal votes by the political parties is an anachronism. The failure to have this enforced is regrettable. If fraud is to be taken seriously, it should not be left up to the goodwill of the political parties and/or the candidates in this respect.

SOLACE Elections and Democracy Network Board

Data about cases reported to the police

3.70 We have worked with the UK's Associations of Chief Police Officers to collect data from police forces about cases of alleged electoral fraud⁴¹ each year since 2008.⁴² We now receive monthly returns from all 52 police forces across England, Scotland, Wales and Northern Ireland.⁴³

3.71 Each year we publish an analysis of this data, and this section summarises the key trends in cases of alleged electoral fraud over recent years.⁴⁴ We have also published separately data relating to the nature and outcome of every case of alleged electoral fraud recorded by police forces in 2012 and a summary analysis of the data, which are both available on our website.⁴⁵

Number of cases of alleged electoral fraud

3.72 Our annual analysis of police data suggests that, relative to the scale of participation by candidates and electors, only a small number of cases of alleged electoral fraud are reported to the police each year. Table 1 below shows the number of cases of alleged electoral fraud recorded by police forces during the last three years, compared with the number of votes cast, number of contests and the number of candidates standing in elections each year. The period 2010-12 included a UK Parliamentary general election, elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, election of the Mayor of London and London, the first Police and Crime Commissioner elections in England and Wales, and local elections in England, Scotland, Wales and Northern Ireland.

⁴¹ Defined as an offence under the Representation of the People Act 1983.

⁴² Prior to 2008, there was no formal collection of data on allegations of electoral fraud.

⁴³ From 1 April 2013 the eight regional police forces for Scotland were merged into a single service, Police Scotland.

⁴⁴ Reports on cases of alleged electoral fraud from previous years are available on our website at: <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

⁴⁵ Available at: <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

Table 1: Number of cases of electoral fraud reported during 2010-12, compared with scale of participation by voters and candidates

	Number of votes cast	Number of contests	Number of candidates	Number of cases reported
2010-12	98,400,000	20,127	63,724	946

3.73 Overall, the number of cases of alleged electoral fraud reported to police forces each year has increased since we began collecting this data in 2008. In part, this increase is likely to be the result of changes to our methodology after 2009, since when we have asked forces to record and report cases all year round, rather than only at election times, and the collection of data from Police Service of Northern Ireland (PSNI) providing a UK-wide picture rather than GB. Evidence from other areas of policing also suggests that an increased focus on recording particular offences can lead to a rise in the number of cases reported, as forces improve their capacity to identify relevant cases.⁴⁶

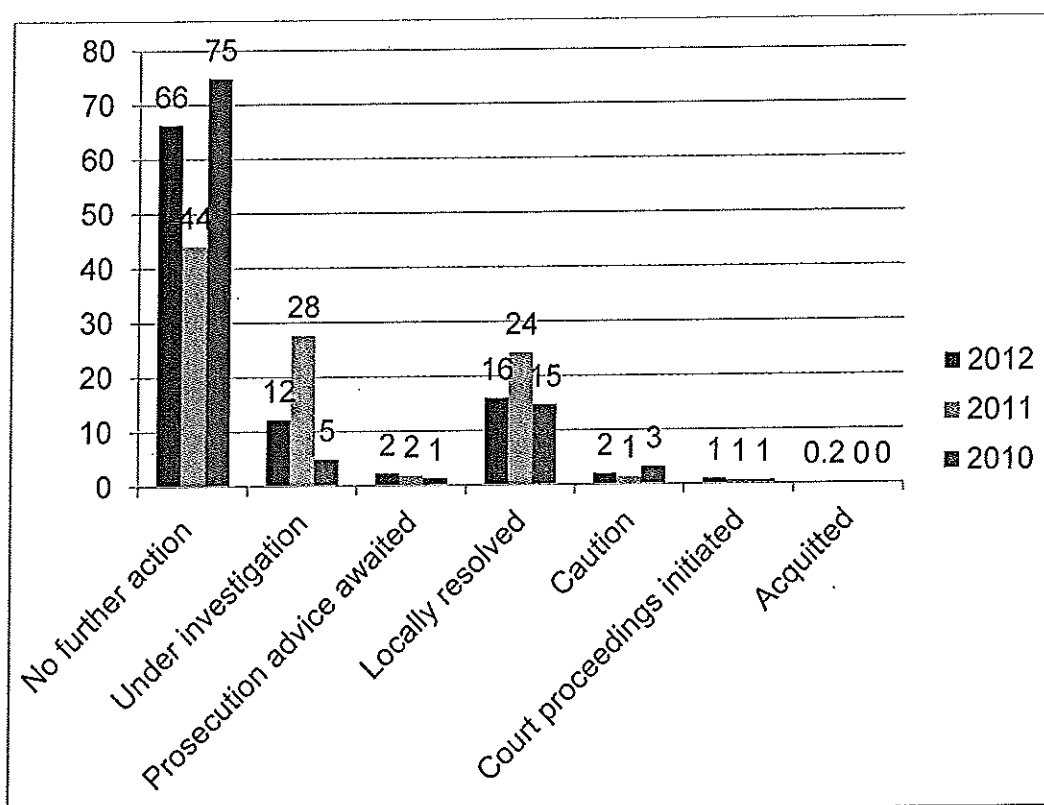
3.74 This increase in the number of reported cases of alleged electoral fraud does not necessarily correspond with an increase in the number of proven cases of electoral fraud. The next section outlines key trends in the outcome of cases of alleged electoral fraud in recent years.

Outcomes of cases of alleged electoral fraud

3.75 A relatively small proportion of the reported cases of alleged electoral fraud actually lead to prosecution or custodial sentences each year. Chart 3 below shows the outcome of cases of alleged electoral fraud since 2010. Prior to 2010 we collected data around the election period and for Great Britain only and therefore it is not comparable with 2010, 2011 and 2012.

⁴⁶ See <http://fds.oup.com/www.oup.co.uk/pdf/bt/maguire/ch11.pdf> for further information.

Chart 3: Outcome of cases of alleged electoral fraud 2010-12



3.76 Following initial enquiries, police investigators may conclude that no further action is able to be taken. This has been the most common outcome for cases recorded by the police. In the majority of cases which involve no further action police investigators find that no offence had been committed or find no evidence that an offence had been committed. In some cases, however, investigators find that while an offence may have taken place, they are unable to identify sufficient evidence to identify a suspect or bring a prosecution. Investigators may also conclude that it is appropriate to resolve the case locally, without seeking a prosecution, either by cautioning a potential suspect or offering informal advice to avoid a repeat of the offence.

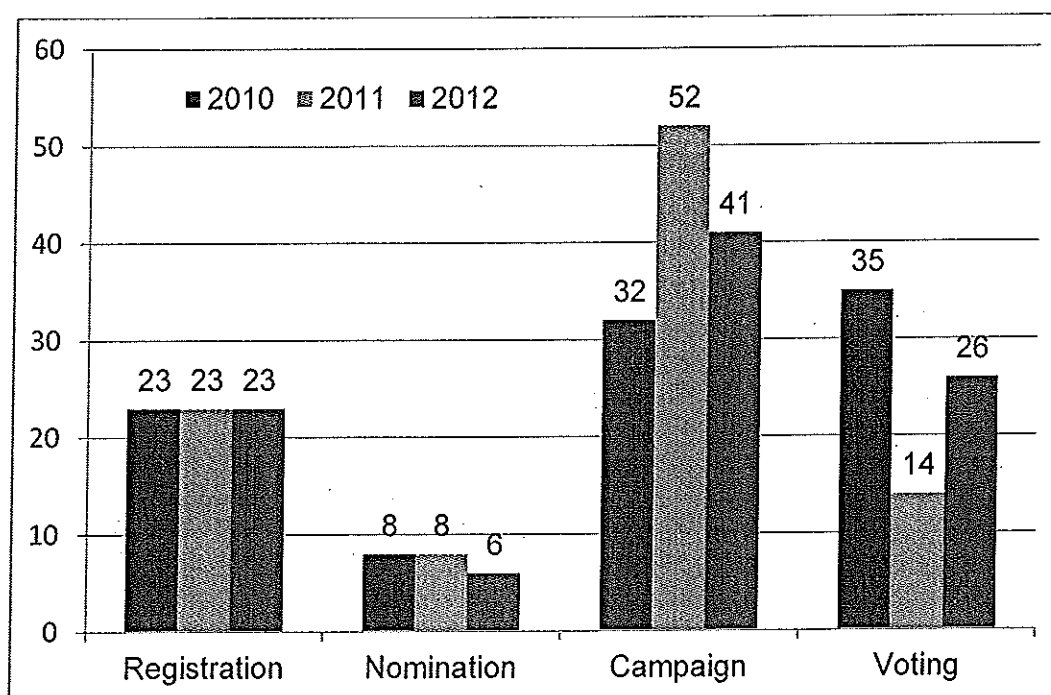
3.77 There have been a number of successful prosecutions for electoral fraud offences relating to elections in recent years, resulting in custodial sentences of up to four and a half years for those convicted. A summary of significant successful prosecutions of cases of electoral fraud relating to elections since 1998, which have resulted in custodial sentences, is provided in Appendix 3.

Types of cases of alleged electoral fraud

3.78 The data from recent years shows that cases of alleged electoral fraud relating to campaigning offences are increasingly the most commonly reported type of case. Around 40% of campaign cases relate to allegations that campaign literature did not contain a correct imprint providing information about the printer or publisher of the material⁴⁷. A further 40% were allegations that false statements had been made about a candidate⁴⁸.

3.79 Chart 4 below shows the proportion of different types of cases reported each year since 2010.

Chart 4: Breakdown by category of offence – percentage of all alleged cases reported



3.80 A significant proportion of cases of alleged electoral fraud relating to campaigning offences are found by police to have involved no offence, or not to have involved an offence under the RPA 1983. In particular, cases alleging that false statements have been made about a candidate must involve a person knowingly making a false statement of fact about the personal character or conduct of a candidate: complaints often relate to statements about a candidate's policy position rather than their personal conduct. Cases relating to incorrect or missing imprints on campaign material are frequently

⁴⁷ 45% of all campaign cases were imprint cases in 2010; 42% in 2011 and 40% in 2012

⁴⁸ 45% of all campaign cases were about false statements being made in 2010; 39% in 2011; 36% in 2012.

resolved locally by the police warning campaigners about the implications of repeating such errors in future.

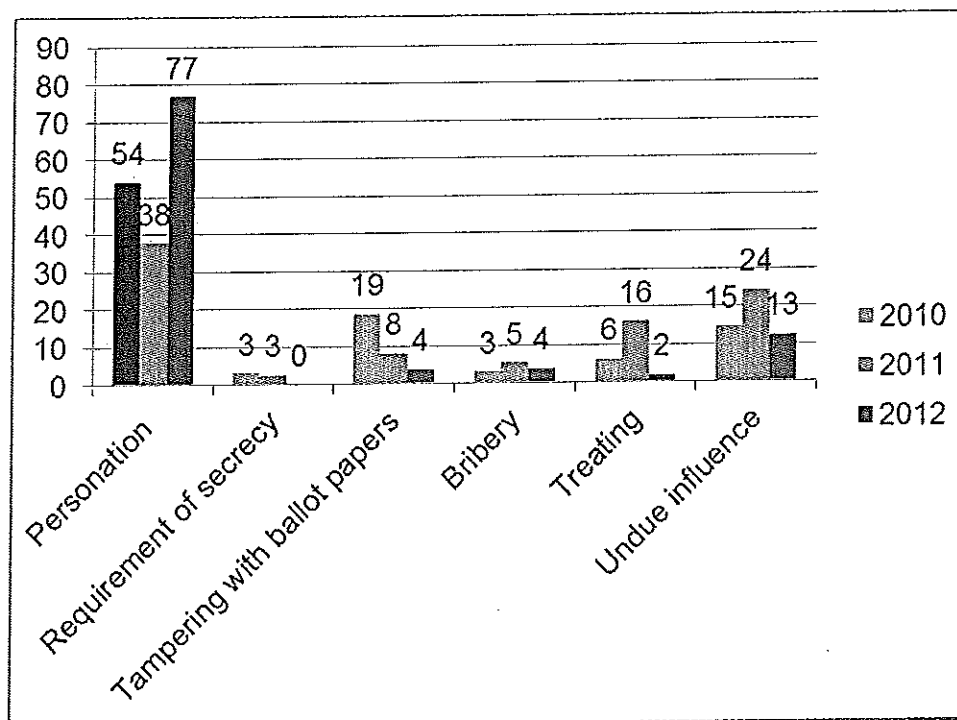
3.81 Alleged nomination cases have remained constant since 2010 and continue to be predominantly where a false statement had been made on a nomination form.⁴⁹

3.82 The proportion of registration cases has not increased over the last few years; 23% of all alleged cases. The majority of cases reported involved the provision of false information when registering to vote. Looking at individual registration cases, particularly some of the larger ones, we find that this is often related to economic fraud rather than for electoral purposes, for example to support fraudulent credit applications.

3.83 The proportion of alleged voting offences reported has increased from 2011 but is lower than in 2010. Since 2010 there has been an increase in the proportion of alleged personation offences – 77% in 2012, compared with 40% in 2011 and 24% in 2010. These have particularly involved allegations of postal vote personation as shown in Chart 5 below.

⁴⁹ These include instances where it is claimed that the signature on the nomination paper was not made by that person, or instances where a candidate is accused of falsely stating that they meet the qualification criteria for standing in the election.

Chart 5: Breakdown of alleged voting offences – percentage of all voting cases reported



3.84 At the same time, 2012 saw a decline from 2011 in the proportion of voting cases relating to someone tampering with the ballot papers (24% to 4%), treating⁵⁰ (16% to 2%) and undue influence (24%- 13%) being reported. The proportion of bribery cases remains roughly the same as previous years at 4%.

3.85 The majority of voting cases (80%) have an outcome of no further action either due to no evidence found, no offence or being undetectable.

3.86 Cases which are recorded as involving no further action do not always indicate that electoral fraud has not taken place. For example in some cases, investigators find that while an offence may have taken place, they are unable to identify sufficient evidence to take their investigation further. In addition, there is insufficient evidence to identify a suspect or that the available evidence is not sufficiently robust to support a prosecution.

Distribution of cases of alleged electoral fraud

3.87 Table 2 below shows the geographical distribution of cases of alleged electoral fraud.

⁵⁰ A person is guilty of treating if either before, during, or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting – Section 114 (2) RPA 1983.

Table 2: The geographical distribution of alleged cases of electoral fraud across the UK

	Number of cases (proportion of total)		
	2012	2011	2010
England	312 (77%)	192 (86%)	219 (85%)
Scotland	25 (6%)	6 (3%)	7 (3%)
Wales	69 (17%)	6 (3%)	6 (2%)
Northern Ireland	0 ⁵¹	20 (9%)	25 (10%)
Total	406	224	257

3.88 While the data reported by the police shows that every force has investigated cases of alleged electoral fraud in the last three years, it is clear that there are some areas where cases are more likely to be reported and therefore investigated. These are often characterised by being densely populated with a transient population, a high number of multiple occupancy houses and a previous history of allegations of electoral fraud.

3.89 These areas are generally limited to individual wards within a number of local authority areas: Birmingham, Blackburn with Darwen, Bradford, Burnley, Calderdale, Coventry, Hyndburn, Kirklees, Oldham, Pendle, Peterborough, Slough, Tower Hamlets, Walsall, and Woking.

3.90 We will continue to target our monitoring activities in these areas, evaluating the plans and approach of the EROs and ROs, as well as working with police forces to ensure that they have appropriate measures in place to prevent and detect electoral fraud.

Limitations of the evidence about electoral fraud

Limitations of evidence about public opinion

3.91 Both quantitative (large scale surveys) and qualitative (focus groups and depth interviewing) research have limitations as sources of evidence on electoral fraud.

3.92 It is clear from our research that electoral fraud is a low salience issue – something that most people do not think about proactively or understand in detail. Attitudes and opinions expressed in surveys, focus groups and depth interviews should therefore be considered in this context.

3.93 This is particularly an issue for surveys, where respondents are asked questions with no opportunity to provide much contextual information.

⁵¹ There were no elections held in Northern Ireland in 2012.

3.94 Qualitative research provides further opportunities to explore the impact of low levels of understanding. For example, it clearly shows that some caution is required when interpreting the survey data on levels of concern/how much a problem it is, by providing insight into how people are deciding what option to give as their answer.

3.95 On the other hand, because qualitative research aims to provide insight into the perceptions, feelings and behaviours of people, rather than make estimates of how many people hold particular views, the findings cannot be used to draw statistical conclusions about the extent to which views expressed in qualitative research are held across the wider 'concerned' population.

Limitations of evidence from police data about cases of alleged electoral fraud

3.96 The quality and coverage of the evidence about cases of alleged electoral fraud reported to the police has improved significantly in the last five years. We now have access to a comprehensive record of cases reported to every UK police force each year. There are, however, some significant limitations to the conclusions which can be drawn from this evidence.

3.97 First, as a record of *reported* cases, the police data excludes possible cases which people have not reported. A perceived reluctance to report cases of electoral fraud to the police – whether because of fears for personal safety or because of a lack of confidence that the complaints would be investigated – was a relatively common theme in submissions which we received during the first phase of our review. It is not possible, however, to make any reliable estimate of the potential scale of unreported cases of electoral fraud.

3.98 Second, cases which are investigated by the police and recorded as involving no further action do not always indicate that electoral fraud has not taken place. In the majority of cases which involve no further action police investigators find that no offence had been committed or find no evidence that an offence had been committed. In some cases, however, investigators find that while an offence may have taken place, they are unable to identify sufficient evidence to take their investigation further.

3.99 It may be that while there is evidence to suggest that fraud has taken place, there is insufficient evidence to identify a suspect – for example in cases of alleged personation where there is no CCTV or witness evidence from the polling station to identify who may have committed the offence. It may also be that the available evidence is not sufficiently robust to support a prosecution – where physical evidence does not allow for fingerprint or other analysis, for example, or where victims or witnesses are not prepared to cooperate or substantiate allegations.

Evidence of electoral fraud in the UK – our conclusions

3.100 Public opinion research suggests that there is a consistent underlying level of concern about electoral fraud in the UK. These concerns are shared by a broad range of people with experience of standing for election or running elections. Research with voters also shows, however, that people do not have a deep understanding about electoral fraud, and their views are very rarely influenced by first-hand experience of electoral fraud.

3.101 The evidence currently available to us – summarised in this chapter – does not support the conclusion that electoral fraud is widespread in the UK. There is, however, evidence to suggest that electoral fraud is more likely to be reported as having taken place on a significant scale in certain specific places in England. Those places are currently concentrated in a small number of local authority areas – although we should be very clear that we do not believe fraud is likely to have been attempted in more than a handful of wards in any particular local authority area. It is also clear that the majority of cases of alleged electoral fraud relate to local government elections, rather than elections to the UK Parliament or other legislative bodies.

3.102 The principal common factor linking those who commit electoral fraud is that they want to secure the power and status of elected office. Electoral fraud tends to be committed by candidates or their supporters, not by voters. Where significant cases of organised electoral fraud have been found to have taken place, they have been committed and coordinated by a relatively small number of individuals. The majority of people in communities affected by electoral fraud are victims rather than offenders.

3.103 The people who are likely to be the victims of electoral fraud can be described as vulnerable in a number of different ways: they may be vulnerable because they have limited English language ability, or have little understanding of electoral traditions in Great Britain; they may be more vulnerable physically because of their age or gender; they may be more vulnerable because they are dependent on others for their accommodation or general welfare.

3.104 There are strongly held views, based in particular on reported first-hand experience by some campaigners and elected representatives, that electoral fraud is more likely to be committed by or in support of candidates standing for election in areas which are largely or predominately populated by some South Asian communities, specifically those with roots in parts of

Pakistan or Bangladesh. These concerns reflect issues also highlighted by a small number of previous studies of political and electoral participation.⁵²

3.105 These studies have suggested that extended family and community networks may have been mobilised to secure the support of large numbers of electors in some areas, effectively constituting a 'block vote', although this does not necessarily involve electoral fraud. They also argue that the wider availability of postal voting in Great Britain since 2001 may have increased the risk of electoral fraud associated with this approach, as the greater safeguards of secrecy provided by polling stations are removed.

3.106 Evidence from police data and prosecutions does show that people from these communities are represented among those accused of electoral fraud and also among those convicted of fraud. But white British people and people from other communities are also represented, and it would be a mistake for any RO or police force to think that electoral fraud only happens within these specific communities. Our analysis over a number of years has enabled us to identify particular police forces and local authorities where allegations of electoral fraud have been most frequent and we will continue to target our monitoring activities in these areas.

3.107 The evidence and views we have heard about the extent to which electoral fraud affects or originates from within specific communities are, however, of particular concern to us, as they raise questions about whether individuals within these communities are able effectively to exercise their right to vote. **Given the current absence of robust evidence, we will carry out further work to test the validity of these specific concerns.**

Further work

3.108 We have begun further work to identify relevant evidence in order to help address two key questions. First, do demographic or cultural factors mean that specific communities are more vulnerable to electoral fraud? Second, is there evidence to support the suggestion that electoral fraud is based on political practices which are more common in other countries?

3.109 The objective of this work is not to attempt to 'quantify' electoral fraud in these communities. Rather, recognising that allegations arise more frequently from or about some of these communities, we want to better understand how and why electoral fraud might take place so that we can design better strategies to prevent it. We expect to use the findings from this work to help develop approaches for ROs, EROs, police forces and the Electoral Commission to more effectively address any risks to the integrity of elections in specific areas.

⁵² Stuart Wilks-Heeg (2008) *Purity of Elections in the UK: Causes for Concern*, Joseph Rowntree Reform Trust; Eleanor Hill (2012), *Ethnicity and Democracy: A Study into Biraderi*, BA thesis School of Historical Studies, University of Bradford.

3.110 We are considering carefully the best way to approach this work and we are discussing possible options with relevant experts in the field including both academics and social research contractors.

3.111 We aim to have concluded the initial stages of this work in time to provide some evidence to inform our consideration of options for change and the final recommendations from this review in autumn 2013. The initial analysis may, however, highlight additional questions or issues which require further work, and we expect the full findings of the project to inform our fraud prevention work leading up to the May 2014 elections.

Implications of our conclusions

3.112 Given this overall assessment of the nature and extent of electoral fraud in the UK, one approach would be not to consider comprehensive changes to legislation and policy for the UK as a whole, but to target preventative efforts in those areas, on those potential victims and on those people who may be more likely to be tempted to commit electoral fraud. The introduction in 2002 of changes to electoral registration and polling station identification requirements in Northern Ireland to address concerns about electoral fraud (as well as maintaining restrictions on the availability of postal voting when postal voting on demand was introduced in the rest of the UK in 2001), is one relatively recent example of this approach.

3.113 This approach, however, risks allowing vulnerabilities in the electoral process to be exploited by other people in other areas of the UK. It also risks creating a 'two-tier' electoral system in which people living in some ('higher-risk') parts of the UK must deal with a different electoral process from people in other areas.

3.114 The final chapter of this paper sets out a range of options for addressing the systematic vulnerabilities in the electoral process which we have identified during the first phase of this review.

Issue 2: Evidence of electoral fraud in the UK

- Do you agree with our overall assessment of the evidence of electoral fraud in the UK?
- If not, what further evidence do you have to suggest that this assessment is not accurate?

4 Where are the main electoral fraud vulnerabilities, and what options are there for reducing them?

4.1 Any proposed changes to the electoral process need to take into account their potential impact on both security and accessibility. Security is about ensuring everyone can be confident that their vote gets counted, that no one can steal or interfere with their vote, and that no bogus votes can cancel their vote out. Accessibility is about ensuring that everyone who is eligible to vote gets the chance to vote without facing undue barriers.

4.2 All democracies face the challenge of balancing these considerations and the UK is no exception. Although we have not at this stage ruled out any particular options for change – including some changes which would represent a significant departure from current electoral processes – we are conscious of the need to ensure that any changes recommended strike the right balance between these considerations. We therefore invite those commenting to bear them equally in mind.

4.3 It is also important that any proposed changes strike a balance between the interests of voters on the one hand, and the interests of political parties on the other. While the electoral process is there to help voters express their political preferences, political parties and candidates also play a crucial role in setting out and promoting alternative platforms to inform voters' choices about those preferences at elections. Protecting the interests of voters while continuing to ensure that political parties are able to carry out their democratic role effectively is a further significant consideration for the Commission. We therefore invite those commenting to bear this issue in mind also.

4.4 Our analysis in this chapter is focused on the following areas of the electoral process:

- Postal voting
- Proxy voting
- Voting at polling stations
- Electoral registration

4.5 The options presented range from relatively modest adjustments to legislation and practice, to more fundamental changes to the system. We are especially interested in hearing people's considered views and evidence about the likely impact of the possible changes we have set out, particularly in relation to:

- The integrity of the electoral process, including security and secrecy of the ballot
- The accessibility of the electoral process
- Levels of participation
- The equal treatment of electors
- The interests of voters and political parties
- Proportionality
- The workability and efficiency of electoral administration
- Cost

Commenting on options for change

In commenting on the options set out below, we encourage respondents to take into account the evidence summarised in Chapter 3 and consider whether the proposals are proportionate, with particular reference to the key themes set out in paragraph 4.5 above.

Postal voting

4.6 Since 2001, anyone on the electoral register in Great Britain has been able apply to vote by post instead of in person at a polling station. Following concerns raised by the Commission and others about the security of postal voting, the Electoral Administration Act 2006 (EAA) and subsequent Regulations brought in a system requiring anyone wanting a postal vote to provide the personal identifiers of a signature and date of birth – further information about this system is provided at paragraphs 4.23–4.24 and paragraph 4.28 below. The Electoral Registration and Administration Act 2013 provides for the implementation of individual electoral registration (IER) in Great Britain from summer 2014, which will help to address vulnerabilities in the electoral registration process.

4.7 At the most recent UK Parliamentary general election in May 2010, postal ballot packs were sent to 6.9 million electors, representing 15% of all electors.⁵³

4.8 The constituencies with the highest proportion of postal ballots issued were Newcastle Upon Tyne North (40.6% of electors) and Houghton and Sunderland South (38.9% of electors).⁵⁴ Those (outside Northern Ireland) with the lowest were Hull North (5.9% of electors) and Hull East (6.7% of electors).

4.9 The proportion of electors in Northern Ireland who were sent a postal vote for the UK Parliamentary general election (1.4%) – was much lower than

⁵³ For the 2011 UK-wide referendum, 15.8% of the electorate were issued with a postal vote; 16.5% in May 2012 and 16.1% for the Police and Crime Commissioner elections, November 2012.

⁵⁴ Note in the North East, the 2004 election (June) and referendum (November) were all-postal polls.

elsewhere in the UK. Postal voting is only available in Northern Ireland to those who are unable to vote in a polling station, rather than to any elector. Postal voting rates in Northern Ireland are comparable to those seen in Great Britain prior to the changes introduced in 2001 – for example, in 1999 the uptake of postal voting among the electorate in Great Britain was just 1.2%.⁵⁵

4.10 Turnout among postal voters is consistently higher than people who vote at polling stations. At the 2010 UK Parliamentary general election 83% of people who were sent a postal ballot pack returned their ballot paper. Across the UK as a whole, 19% of all votes counted were postal ballots, while in Newcastle upon Tyne North and in all three Sunderland constituencies, a majority of all votes were cast by post.⁵⁶ By contrast, 63% of those who were only able to vote at a polling station turned out to cast their vote.

4.11 People who vote by post report high levels of satisfaction with the postal voting process. Following the 2010 UK Parliamentary general election around six in 10 people in our public opinion research (62%) said that voting by post was a very or fairly convenient way to cast a vote. Almost all (99%) of those people who said they had voted by post were satisfied with the voting process, and 77% of them were very satisfied. We have continued to see satisfaction among people who chose to vote in this way at more recent elections. Postal voting offers a straightforward and convenient method of voting for those people who are, for whatever reason, unable to attend the polling station.

4.12 A common alternative for people who cannot attend the polling station on polling day is advance voting. Advance voting enables voters to cast their ballot in person in secret at specified locations during a designated period prior to polling day. Many countries – including Australia, Canada, Finland, New Zealand, Norway, Sweden and several US states – have recognised the benefits that advance voting offers in terms of improved convenience and provide these facilities for voters. The UK does not offer such an option, however, and although we have previously recommended that the UK Government should look at this option seriously it has not to date taken our recommendation forward.

4.13 In Northern Ireland, anyone applying to vote by post must give a reason why they are unable to go to the polling station and the application must be attested. Reasons include blindness or other disability, a person's occupation, service or employment. At the 2010 UK Parliamentary general election postal ballot packs were sent to 16,001 electors in Northern Ireland, representing just 1.4% of all electors there. 78% of people issued with a postal ballot pack

⁵⁵ Colin Rallings and Michael Thrasher (2010) *The 2010 General Election: aspects of participation and administration*, LGC Elections Centre University of Plymouth

⁵⁶ Ibid.

in Northern Ireland at the 2010 UK Parliamentary general election returned their ballot paper.⁵⁷

Main features of the current postal voting process

Postal vote applications

4.14 Any elector wanting to vote by post in England, Scotland and Wales must submit an application to the Electoral Registration Officer (ERO) for their area no later than 5pm, 11 working days before polling day. The application can be for a specific period of time, for particular types of elections, or for all elections on a permanent basis.

4.15 The postal vote application must include the elector's name, address, date of birth and signature (although the ERO may waive the requirement for a signature if they are satisfied that the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write). If the elector wants their postal ballot pack to be sent somewhere other than the address at which they are registered to vote, they must provide a reason why, although there is no prescribed list of acceptable reasons.

4.16 An ERO must accept a properly completed application to vote by post, but may inspect other records held by the local authority or Returning Officer (RO) if needed to satisfy themselves that the application is genuine. The ERO must send a confirmation letter to every elector who has successfully applied to vote by post, at their registered address.

4.17 Some political parties develop bespoke postal vote application forms. The Commission recommends that the local ERO's address should be the preferred address given for the return of application forms and that if an intermediary address is used, forms should be despatched unaltered to the relevant ERO's address within two working days of receipt.

Postal ballot packs

4.18 Postal ballot packs are sent to electors who have successfully applied to vote by post approximately eight to 11 working days before polling day.⁵⁸

Each postal ballot pack includes: the ballot paper or papers for the election; an envelope for the completed ballot paper(s); a postal voting statement to be completed by the elector, including their signature and date of birth; and an envelope to return the ballot paper(s) and statement to the RO for the election.

4.19 After completing the ballot paper or papers and putting them in the secrecy envelope, the elector must complete the postal voting statement with

⁵⁷ Ibid.

⁵⁸ Postal ballot packs cannot be issued until after 5pm on the eleventh working day before the election. In order to meet the Commission's current performance standards, the first issue of postal votes must be carried out by not later than the eighth working day before the election.

their date of birth and signature. The completed postal voting statement and secrecy envelope containing any ballot papers must be returned together to the RO, using the envelope provided.

4.20 Completed postal votes must be received by the RO by 10pm on polling day in order for the votes to be counted. Completed postal votes can be returned by post, handed into a polling station in the electoral area (e.g. constituency at UK Parliamentary elections, or ward at local authority elections) or handed in at the local Electoral Services office.

4.21 The Commission's revised Code of Conduct states that campaigners should not allow large numbers of completed postal ballots to accumulate before handing them in at an appropriate polling station (or forwarding them to the RO).⁵⁹

Access to absent voters' lists

4.22 Elected representatives, candidates, registered political parties and local constituency parties may request that the ERO supply, as soon as practicable after the request is made and free of charge, a copy of the current version of the absent voting record (comprising a list of all registered postal and proxy voters in the relevant area) and the current or final version of the absent voting lists for a particular election. These are used by parties and candidates to help them campaign.

Checking returned postal votes

4.23 Returning Officers open returned postal votes at regular intervals before polling day. They are required to check the details including personal identifiers on a minimum sample of 20% of returned postal votes at each opening session. The postal vote will only be included in the count for the election if the signature and date of birth provided on the postal voting statement match those which were provided on the original application to vote by post. If the identifiers are found not to match then the postal vote is rejected and not included in the count.

4.24 Checking 100% of returned postal ballot packs, or very close to that, has now become the standard practice of ROs across Great Britain, and all identifiers must be checked by ROs if they are to meet the Commission's performance standards. The Commission first recommended the mandating of 100% checking of returned postal ballot packs in 2007 and we are pleased that the UK Government has finally agreed to introduce this change later this year through secondary legislation.⁶⁰

⁵⁹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf

⁶⁰ http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0008/13202/AVI-Final-For-Web_26954-19967__E__N__S__W__.pdf

Northern Ireland

4.25 In Northern Ireland a person must give a reason why they are unable to go to the polling station when applying for a postal vote and the application must be attested⁶¹. Reasons include blindness or other disability, a person's occupation, service or employment. In Northern Ireland, the deadline for receipt of applications is 14 working days before the election. Unlike in England, Scotland and Wales, postal votes cannot be returned to a polling station in Northern Ireland.

Potential vulnerabilities in the postal voting process

4.26 Postal voting was the most frequent concern raised by respondents to our consultation in the first phase of the review. Respondents identified three main areas of concern:

- the security of postal voting;
- the risk of legitimate postal votes being intercepted or postal voting being used to facilitate fraud by fictitious 'ghost' voters;
- that postal voting erodes the secrecy of voting and leaves some people more vulnerable to pressure to vote in a certain way.

4.27 As illustrated in Chapter 3, the majority of allegations of personation offences reported in 2012 related to postal voting – a total of 46 cases or 44% of all alleged personation cases. This compares to 7 alleged cases (13% of personation offences) reported in 2011 and 14 (50% of personation offences) in 2010.

Security of postal voting

4.28 Changes introduced in 2006 improved the security of postal voting in Great Britain by requiring electors to provide their signature and date of birth when applying for a postal vote, which could then be checked against the identifiers provided on the postal voting statement returned with the completed ballot paper. As noted, checking 100% of returned postal ballot packs has become the norm among ROs. The Commission has long recommended that 100% checking of returned identifiers should be mandatory⁶² and we are therefore pleased that the UK Government has announced that it will introduce legislative proposals to implement this change.⁶³

4.29 The Commission's revised Code of Conduct for campaigners and our work with the Police, EROs and ROs aim to minimise the scope for fraud by

⁶¹ This system operated across Great Britain prior 2001 when the law changed to allow anyone on the electoral register to apply to vote by post instead of voting in person at a polling station.

⁶² http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0008/13202/AVI-Final-For-Web_26954-19967__E__N__S__W__.pdf

⁶³ Cabinet Office (2011) The UK Government's Response to Reports on the Administration of the 2010 UK Parliamentary General Election.

ensuring that postal ballots are properly handled and processed and that those involved in elections remain vigilant.⁶⁴ We keep the Code under review every year with the UK Parliamentary Parties Panel (PPP) and it has been refined again for elections in 2013.⁶⁵ A significant number of police officers, prosecutors, EROs and ROs have suggested that there should be a completed ban on handling applications to vote by post or postal ballots by anyone other than individual electors themselves. Nonetheless, political party representatives on the PPP have argued that this would be a disproportionate response to a problem which may be experienced in only a small number of areas, and which would unfairly penalise electors who are not able to post their own application or postal ballot pack. We return to this issue in the next section, which presents a number of options for change.

4.30 The introduction of individual electoral registration in Great Britain by the ERA Act 2013 (a change long-campaigned for by the Commission and others) will further improve the security of postal voting by making it much more difficult to create and use false entries on the electoral register to apply for postal votes. This is because the new system will require electors' identities either to be confirmed by records held by the DWP or (for those who are not confirmed in this way or who have moved house) by asking electors to re-register by providing unique identifying information: their National Insurance number and date of birth. IER should therefore provide an effective way of preventing forms of postal voting fraud that relies upon the creation of 'ghost' voters on the electoral register, which are then used fraudulently to apply for postal votes.

4.31 It is important to stress, however, that the principal security benefit of IER will be to secure the entry point to the electoral process and to this extent it will not necessarily improve the security of other parts of the electoral process, including postal voting. For example, the confirmation process to be used under IER does not enable EROs to collect electors' personal identifiers which could be used for postal vote checking purposes, since names and addresses are being verified externally against DWP records. This means that person could potentially use false personal identifiers (signature and date of birth) to apply for a postal vote on behalf of a verified registered elector although the fact that the postal vote application confirmation would be sent to

⁶⁴ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf

⁶⁵ The Parliamentary Parties Panel's (PPP) remit is to submit information to us about matters affecting political parties. It was established by the same Act of Parliament that created The Electoral Commission. The panel is composed of a representative from each of the parliamentary political parties, with two or more sitting MPs. In the current Parliament there are eight such parties: Labour, Conservative, Liberal Democrats, Democratic Unionist Party, Scottish National Party, Plaid Cymru, Social Democratic and Labour Party and Sinn Féin. The PPP meets quarterly, but with the option to vary frequency to meet need.

the genuine elector's registered home address should minimise the risk of the fraud being successful by drawing attention to the fraudulent application.

4.32 Concerns have also been raised about the role of political parties, candidates, canvassers and campaigners handling postal vote applications and postal ballot papers. Some respondents to our consultation:

- Believed that their involvement can lead to voters sometimes feeling coerced into applying for postal votes.
- Felt that it was inappropriate for campaigners to play a role in the postal vote application process, particularly given that personal identifiers (intended to provide security) must be included on completed application forms.
- Felt that campaigners should not handle postal votes as this practice contributes to public perceptions of electoral fraud and undermines electoral integrity.
- Were concerned about administrators receiving large numbers of postal vote applications via the political parties close to the deadline. They suggested that this did not provide the best environment to maintain vigilance against potential electoral fraud.
- Highlighted the practice of returning large number of postal votes to polling stations on polling day, possibly giving rise to concerns about fraud, particularly in cases where personal identifiers do not match.

4.33 Delivery of postal votes to residential homes may provide further scope for fraudulent postal vote activity. Some people working in residential homes may have access to residents' personal information, which could be used to apply for postal votes and complete postal voting statements. These practices might be facilitated by the availability of signature waivers in circumstances where the applicant is unable to provide a signature or consistent signature due to any disability or inability to read or write. One respondent pointed out to us that an unscrupulous member of staff would then only need to supply a resident's date of birth in order to apply for and cast their postal vote.

Postal voting and the secrecy of the ballot

4.34 There is no guarantee of secrecy or privacy when completing a postal vote, meaning that anyone can influence an elector to vote in a particular way, and then watch them cast their vote to make sure they do so. This means that a postal vote could, for example, be completed in the presence of family members or party supporters with undue pressure being placed on an individual voter in such circumstances.

4.35 Criminal offences and potential action by the police and the courts provide a deterrent to those who seek to influence voters unduly but, without supervision of the voting process, there can be no guarantee that a postal voter can vote free from undue pressure. As pointed out earlier in this chapter,

some countries allow electors to vote in person and in secret at a supervised location in advance of polling day. These systems have the advantage of maintaining flexibility for the elector, while minimising the scope for undue pressure by protecting the secrecy of the ballot.

4.36 Another option used in some countries enables electors who have sent in their postal vote to 'cancel' that vote by turning up and voting in a polling station. The purpose of this is to reduce the viability of undue influence being placed on absent voters. Sweden and other parts of Scandinavia use some variety of this model. The principle is that because the voter is able to vote more than once, anyone present who tries to influence how they vote cannot be sure that they won't submit another vote, rendering the last one invalid. There are a number of different ways this can work. In Sweden, anyone who has applied for a postal ballot can still walk into a polling station and vote and then their postal ballot is rendered invalid. The downside to this is that there is a long delay between votes being cast and the results being announced because votes have to be checked to make sure that all the relevant postal ballots have been disqualified.⁶⁶

Postal voting: options for change

4.37 In this section we present a number of options for changing postal voting arrangements. The options are intended, to a greater or lesser degree, to address the two vulnerabilities identified in the above paragraphs relating to (a) the security of postal voting and (b) postal voting and the secrecy of the ballot.

Issue 3: Restricting the availability of postal voting in Great Britain

There are a number of ways in which postal voting could be restricted in order to address concerns about security and the secrecy of the ballot. It is important to stress that, given the popularity of postal voting on demand, these options would potentially have a very significant impact on the accessibility of the electoral process and overall levels of participation. These issues require very careful consideration.

Options include:

- Abolishing postal voting on demand. This would mean that postal voting across Great Britain would be restricted only to those who are unable to attend the polling station for reasons of disability, illness, occupation or

⁶⁶ Melanie Volkamer and Rüdiger Grimm (2006) *Multiple Casts in Online Voting: Analyzing Chances*, paper presented at conference on Electronic Voting, 2nd International Workshop, Co-organized by Council of Europe, ESF TED, IFIP WG 8.6 and E-Voting.CC, August, 2nd - 4th, 2006 in Castle Hofen, Bregenz, Austria.
http://www.e-voting.cc/wp-content/uploads/Proceedings%202006/4.1.Volkamer_Grimm_Multiple_Casts_97_106.pdf

holiday (i.e. reverting to the pre-2001 system or current Northern Ireland model).

- Temporarily restricting postal voting on demand for a defined period in constituencies or other electoral areas where there had been recent proven cases of postal voting fraud.
- Completely suspending postal voting for all electors for a defined period in constituencies or other electoral areas where there had been recent proven cases of postal voting fraud.

Please indicate whether you would support or oppose any of these changes, paying particular attention to the themes highlighted in paragraph 4.5 above.

What criteria should be applied to determine whether postal voting on demand should be abolished or restricted along the lines outlined above?
Who would make such a determination?

Alternatives to postal voting? Mobile voting, advance voting and 'cancelling' a postal vote

4.38 We recognise that, if introduced, these changes to postal voting may have a significant impact on levels of participation and accessibility in the electoral process. For this reason we think that it would be important to considering the extent to which any such impact could be mitigated by:

- Introducing mobile polling facilities for those who are unable to attend the polling station on polling day. In some countries – for example Australia, Canada, the Republic of Ireland – mobile polling teams visit many electors who are unable to get to a polling place. Mobile polling facilities are set up at different locations, including some hospitals, nursing homes, prisons and remote areas. Mobile polling can be carried out prior to polling day and on polling day itself.
- Introducing a system of advance voting, whereby all electors would be enabled to vote at one or more polling stations in their electoral area between one and seven days before traditional polling day.

4.39 A further option would enable electors who have already sent in their postal vote to 'cancel' that vote by turning up and voting in a polling station. Any elector who had been subjected to undue influence or duress when completing their postal vote could therefore 'salvage' their vote by voting on polling day at their designated polling station.

Issue 4: Alternatives to postal voting

- Would either mobile polling facilities or a system of advance voting offer a viable alternative for electors, should the availability of postal voting in Great Britain be restricted?

- Would allowing an elector to 'cancel' their postal vote and then vote in person at a polling station offer an effective solution to concerns about undue influence and postal voting?

Restricting the handling of postal vote application forms and postal ballot packs, and prohibiting the availability of absent voters' lists before elections

4.40 A further range of options focuses on restricting the involvement of political parties, candidates, canvassers and campaigners in the postal voting process by significantly reducing the extent to which they are able to handle postal votes. These options aim to reduce opportunities for the exertion of undue influence over an elector in the completion of their postal ballot papers; reduce opportunities for coercion to be used in relation to the postal vote application process; and reduce the risk of legitimate postal votes being intercepted before being delivered to the ERO or polling station.

Issue 5: Restricting the handling of postal vote application forms and postal ballot packs by political parties, candidates, canvassers and campaigners and prohibiting the availability of absent voters' lists before elections

Options for change include:

- Legally prohibiting political parties, candidates, campaigners and supporters from handing postal vote applications and postal ballot papers.
- Making it a legal requirement for completed postal vote application forms to be returned directly to the relevant ERO's address, with intermediary addresses prohibited.
- Legally prohibiting the handing in, by anyone other than the voter, of postal ballot packs at polling stations on polling day.
- Prohibiting the availability of absent voters' lists before elections

Please indicate whether you would support or oppose any of these changes, paying particular attention to the themes highlighted in paragraph 4.5 above.

Postal voting arrangements in Northern Ireland

4.41 As noted, postal voting on demand has not been extended to Northern Ireland and so far in this review we have received no evidence to suggest that the postal voting system there should be changed.

Issue 6: Postal voting in Northern Ireland

Should current arrangements for Northern Ireland where electors must give a reason when applying for a postal vote continue? Please explain why, and provide any evidence you think helps to support your view.

Proxy voting

4.42 Proxy voting provides an alternative method of voting for those who are unable to vote in person in a polling station for reasons such as illness, physical incapacity, work commitments, holiday arrangements, living overseas or serving in the armed forces, may appoint a proxy in advance to vote on their behalf.

4.43 At the 2010 UK Parliamentary general election, almost 144,000 proxy votes were cast across the UK, representing around 0.3% of the electorate. Twenty two constituencies saw more than 500 proxy votes appointed, with Newbury and Devon South West appointing the most with over 700 each⁶⁷. In comparison Cynon Valley and Aldershot appointed zero and 13 proxies respectively.⁶⁸

4.44 The increase in the popularity of postal voting on demand has coincided with a decline in the number of electors appointing proxies.

Proxy vote applications

4.45 Proxies vote in the polling station where the elector was due to vote. If, however, the proxy is unable to attend the polling station in person, they can apply for a postal vote and become a 'postal proxy'.

4.46 Unlike when applying for a postal vote, in Great Britain a person must give a reason for wanting to vote by proxy. Applications to vote by proxy for a definite or indefinite period for reasons of blindness or other disability and occupation/ employment/service/attendance on a course require attestation and the reason why a proxy vote is needed must be stated or indicated on the application.

4.47 Applications for a proxy vote for a particular election do not require attestation, but the applicant must specify the circumstances by which they cannot reasonably be expected to vote in person. This requirement does not, however, apply to those registered in respect of an overseas electors, service voters or Crown Servants declaration, where the ERO can be satisfied by the nature of their registration that they cannot be reasonably expected to go to their allotted polling station. Also, this requirement does not apply if the applicant is an anonymous elector.

4.48 The decision as to whether the reason given is satisfactory and that the elector cannot reasonably be expected to vote in person is made at the ERO's discretion, taking each case on its own merits.

⁶⁷ This represented 1.0% of the electorate in Newbury and 0.9% in Devon South West.

⁶⁸ Colin Rallings and Michael Thrasher (2010) *The 2010 General Election: aspects of participation and administration*, LGC Elections Centre University of Plymouth.
http://www.electoralcommission.org.uk/data/assets/pdf_file/0011/105896/Plymouth-GE2010-report-web.pdf

4.49 A person acting as proxy must be eligible to vote at the election in question (be of voting age and have a qualifying nationality) and can only act as proxy for up to two people to whom they are not related.

4.50 A person can additionally act as proxy for any number of the following relatives: spouse, civil partner, parent, grandparent, brother, sister, child or grandchild. There is no limit to the number of these close relatives on whose behalf a proxy may vote.

4.51 The restriction on voting as proxy for more than two people who are not close relatives (as defined above) applies separately to each constituency. A person could, therefore vote for two electors who are not close relatives in any number of different UK Parliamentary constituencies.

4.52 It is not an offence to be appointed as a proxy by more than two people, but it is an offence to vote on behalf of more than two people who are not close relatives in the same constituency at a UK Parliamentary general election.

4.53 All electors wishing to appoint a proxy are required to supply personal identifiers (signature and date of birth). If a person appointed as a proxy wishes to apply for a postal vote, they will also have to supply their identifiers.

4.54 An existing postal voter can apply for a proxy up to 11 working days before a poll⁶⁹; an elector without a postal vote can apply for a proxy up to six working days before a poll and an emergency proxy is available for medical reasons until 5pm on polling day. Existing proxy voters cannot make any changes to their absent voting arrangements after 11 working days before polling day.

4.55 The UK Government has announced that it intends through secondary legislation to 'extend the emergency proxy voting facility to enable those called away on business or military service unexpectedly, and at short notice, before an election, to appoint a proxy to vote on their behalf'.⁷⁰ We understand that these changes will be introduced by amending the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001.

4.56 When an ERO has granted an application to vote by proxy they must confirm in writing to the elector that the proxy has been appointed, the name and address of the proxy and the duration of their appointment. A proxy must also be notified of their appointment to ensure they are content with the arrangement, and depending on timing to cancel the appointment.

⁶⁹ This is because postal votes are sent out from 11 working days before polling day, which means they are unable to choose to vote in a different way after this point.

⁷⁰ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmpolcon/1463/146311.htm>

4.57 The rules for proxy voting in Northern Ireland reflect the postal voting system there, whereby a reason and attestation must be provided and with the deadline for receipt of applications is 14 working days before polling day.

Proxy voting process

4.58 The process for voting by a proxy in the polling station in England, Scotland and Wales involves:

- Asking for the elector's name and address and checking they are included on the list of electors who have appointed a proxy.
- Asking for the proxy's name and address and drawing a line on the list of proxies to indicate that the proxy has voted.
- Marking the elector's entry in the register and reading aloud their name and number. The Presiding Officer or Poll Clerk responsible for issuing ballot papers must write the elector's elector number (not the proxy's) on the corresponding number list beside the appropriate ballot paper number to record that the ballot paper has been issued.
- Issuing the ballot paper to the proxy.
- If the proxy is unable to attend the polling station in person, they can apply for a postal vote and become a 'postal proxy'. They are then sent a postal ballot pack in the format for postal proxies.
- Returning Officers are required to undertake the same checks of returned postal proxy ballot packs as are undertaken for ordinary postal ballot packs (see paragraph 4.23–4.24 above).

Potential vulnerabilities in the proxy voting process

Abuse of voter's trust

4.59 A feature of proxy voting is that there is no way of ensuring that an elector's instructions are followed by the appointed proxy, meaning that the system may be easy to abuse. This may be more of a risk in certain family situations, where a person can act as proxy for any number of relatives.

Coercion and deception

4.60 As with postal voting, there is a risk that some electors may feel coerced into applying for a proxy vote or conned into signing proxy vote applications when they think they are signing something else. This risk is greater for 'one-off' proxy vote applications, where attestation is not required.

Perceptions of impropriety

4.61 Some respondents to our consultation reported concerns about the increasing incidence of campaigners acting as proxies for a number of voters – in some cases the proxies had presented at polling stations without knowing on whose behalf they were meant to be voting. It was argued that such

scenarios could give rise to concerns or perceptions of impropriety, even if there is no fraud involved.

4.62 There were 9 cases of personation through proxy voting in 2012; 9% of all personation offences. This compares to 16 cases (31% of all personation offences reported) in 2011 and no cases in 2010.

Proxy voting: options for change

4.63 In this section we present options for changing proxy voting arrangements. The options are intended, to a greater or lesser degree, to address the potential vulnerabilities identified in the paragraphs above.

Issue 7: Further restrict the availability of proxy voting in Great Britain

There are three main ways in which proxy voting could be further restricted:

- Requiring proxy vote applicants for a particular election to have their application attested, as is the case for those wanting a proxy vote for definite or indefinite period. This would potentially make it more difficult for some electors to be coerced into applying for a proxy vote.
- Restricting the number of electors for which a person can be appointed as proxy either by (a) restricting the proxy appointment limit to two family members plus two others, or (b) completely removing the criteria on close relatives and limiting the overall number of electors for which a person can act as proxy to two.
- Restricting the availability of proxy votes to special category electors, i.e. service voters, overseas voters and crown servants.

Please indicate whether you would support or oppose any of these changes, paying particular attention to the themes highlighted in paragraph 4.5 above.

Arrangements for voting at polling stations

Voting in polling stations

4.64 Most electors vote in person at a designated polling station on polling day. At the 2010 UK Parliamentary general election more than 22 million votes (representing just over 82% of all votes) were cast in around 40,000 polling stations across the UK. Turnout among polling station voters was 63%.

4.65 People generally consider voting in polling stations to be a convenient way to vote – for example, our public opinion research following the 2010 UK Parliamentary general election found that nearly three-quarters (74%) of people (including those who told us they did not vote) said that voting at the polling station was convenient. This figure was higher among those who actually voted (80%) compared to those who didn't (48%). Of people who

went to vote in person at their local polling station, 93% were very or fairly satisfied with the process. Polling station voters continue to be satisfied with this method of voting, finding it a convenient way to vote.

Main features of polling station voting

Secrecy of the ballot

4.66 The physical arrangements in place at polling stations are designed to ensure the secrecy of the ballot – voters can complete their ballot paper within the privacy of a polling booth, and deposit their folded paper in a ballot box, which is locked and sealed at the start of polling and which cannot be opened until it arrives at the count centre. Candidates, election agents or polling agents may attach their own seals to the ballot box at the close of poll. The Presiding Officer is responsible for the conduct of the ballot within the polling station, including ensuring ballot secrecy.

4.67 There are procedures in place designed to ensure that ballot papers can be linked to individual voters after the election where fraud is alleged. Ballot papers are numbered in sequence and these ballot paper numbers are listed in a corresponding number list. When a ballot paper is allocated to a voter, the voter's electoral number is written next to the number of the ballot paper on this list. This means that allegations of fraud can be checked by identifying suspicious ballot papers using the corresponding number list.

4.68 At the close of poll, the ballot papers and the corresponding number list are sealed in packets and access to them requires legal authorisation from an 'election court' as part of an investigation into allegations of electoral fraud. Election courts are specially convened and have legal powers to examine election issues. Even election courts will not authorise the inspection of ballot papers unless it is necessary for the conduct of the court hearing. While it is therefore theoretically possible to identify who cast a particular vote, it can only be done on the orders of an election court. Further, it is an offence for anyone attending the count to try to find out how any person has voted.

Polling station voting process

4.69 Electors must attend their designated polling station in person to receive their ballot papers, although in Great Britain few checks to verify the identity of voters are carried out. Many voters take their poll card with them to the polling station, although they are not required to do so and is in any event not evidence of identity.

4.70 The law sets out the process which must be followed when issuing ballot papers at a polling station. This includes:

- Calling out the number and name of the elector as stated in the copy of the electoral register.
- Marking the number of the elector on the corresponding number list of ballot papers issued.

- Placing a mark in the register against an elector's number to denote that a ballot paper has been received.
- A voter who is duly issued with a ballot paper is required forthwith to mark his paper and then, having shown the Presiding Officer the back of the paper to put it in the Presiding Officer's presence in the ballot box without undue delay. It is the clear duty of the Presiding Officer to see the official mark after the voter has marked the paper.

Voter identification

4.71 In England, Scotland and Wales, voters are not required to produce any form of identification when voting at a polling station.

4.72 Polling station staff may ask the following statutory questions to further establish the identity of a voter, particularly if they suspect any attempt at personation:

- Are you the person registered in the register of electors for this election as follows? (the whole entry from the register is then read out); and
- Have you already voted here or elsewhere at this election, otherwise than as proxy for some other person?

4.73 If, when presenting at a polling station, a voter is informed that their name has been marked on the register as having already voted, but they dispute that this is true, polling staff may issue a tendered ballot paper. Once completed, this ballot paper is not placed in the ballot box, but is placed in a separate packet and not counted. The vote of the person tendering would only be added (and the vote of the person personating struck off) if, after investigation, it can be satisfactorily proved that personation took place.

4.74 The position is different in Northern Ireland, where one of seven specified forms of photographic identity must be produced before voters are issued with ballot papers in polling stations. The identification does not have to be 'current', but the presiding officer must be satisfied that it is the person voting. The specified forms of acceptable ID in Northern Ireland are:

- A UK, Irish or EU passport
- A UK, Irish or EEA driving licence (photographic part)
- A Senior Smartpass⁷¹
- A 60+ Smartpass
- A War Disabled Smartpass
- A Blind Person's Smartpass
- An electoral identity card

⁷¹ A Smartpass entitles the holder to free travel on public transport. They are available to everyone aged 60 and over; people who are registered blind; and war disablement pensioners.

4.75 In addition to the two statutory questions asked in Great Britain, Presiding Officers in Northern Ireland may also ask voters to confirm their date of birth before issuing a ballot paper. Date of birth is required to be provided as part of the registration process in Northern Ireland, and is available for use by Presiding Officers in polling stations to further verify voters' identities.

4.76 Political parties and candidates may appoint polling agents for the purpose of detecting attempts at personation in the polling station. In practice, polling agents have been a regular feature at some polling stations in Northern Ireland. Nonetheless, the requirement for photographic identification in Northern Ireland has largely made the role of polling agents redundant. We have recommended that the UK Government consult the parties across the UK on the future of polling agents with a view to having their role abolished or modified.

Signing for ballot papers

4.77 The EAA includes provisions requiring electors to sign for their ballot papers at polling stations. The provisions were piloted by four English local authorities at the May 2007 elections. Almost 60% of respondents to the Commission's public opinion research at the time said that signing for ballot papers gave them more confidence in the electoral process, while only 1% stated that it made them less confident.

4.78 The UK Government's intention was to bring the provisions into effect for all elections. However, the relevant section in the EAA 2006 did not provide a clear sanction to withhold a ballot paper should an elector refuse to sign, which resulted in the provisions not being commenced. The UK Government stated that it planned to clarify the legislation at the earliest opportunity, although this has not happened to date.

Campaigning in and around polling places: the role of tellers and campaigners

4.79 While having no legal status, it is a common and well-established practice for candidates to appoint tellers, who stand outside polling places and record the electoral number of electors who have voted. The candidate or their supporters may then contact the voters who have not been to vote during polling day and persuade them to vote, which may help increase turnout.

4.80 The Commission produces guidance on the conduct of tellers in and around polling places.⁷² Our guidance is clear that tellers must:

- Always remain outside the polling station/place
- Only enter the polling station to cast their own vote, to vote as a proxy or to assist a voter with disabilities

⁷² http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/141890/Tellers-guidance-generic.pdf

- Always comply with the instructions of the RO

Tellers must not:

- Be able to see or hear what is happening inside the polling station
- Impede, obstruct or intimidate voters on their way in or out of the polling station/place
- Demand any information relating to a voter's elector number, name or address
- Ask voters to re-enter the polling station to ascertain their elector number
- Have discussions with voters that may give rise to allegations of undue influence (e.g. voting intentions or party affiliations)
- Display any campaign material in support of or against any particular political party or candidate other than a rosette

Tellers may:

- Approach voters for information as they enter/leave the polling station/place
- Display a coloured rosette displaying the name of the candidate or party. While the rosette must not be oversized, it may carry a description or emblem

4.81 Ultimately, the (Acting) Returning Officer is in charge of the conduct of the election, and so if they feel that the poll is being adversely affected by the activities of tellers, they should request that tellers either comply with agreed behaviour or leave the polling place.

4.82 We have also issued a Code of Conduct for campaigners, agreed with political parties, which provides a guide as to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. The Code states that:

- Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.
- Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters, as long as they are not within or impeding access to the grounds of the polling place. Campaigners should be careful, however, to ensure that their approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.
- Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.
- The Presiding Officer is responsible for maintaining order in the polling place, and campaigners who appear to be impeding access by voters to a polling place may be asked to move by polling station staff or police officers.

4.83 Incidents which take place outside the physical boundaries of the polling station become matters of public order which are dealt with by the police if necessary.

Potential vulnerabilities in the polling station voting process

The risk of personation

4.84 When voting at a polling station in Northern Ireland electors are required to present acceptable photographic identification. Polling station staff must check this before issuing a ballot paper. There is no such requirement for identity checks at polling stations in England, Scotland and Wales, although, as noted at paragraph 4.72 above, polling station staff may ask the statutory questions, which may be helpful in prosecution and have some benefit in deterrence because of the 'official challenge'.

4.85 The absence of formal ID checks at polling stations in England, Scotland and Wales does, however, provide potential opportunity for fraud to take place (in particular, personation) and has led some to argue that consideration should be given to introducing 'a more robust mechanism for identification of voters'.⁷³ We recommended that the UK Government review the case for requiring voter ID at polling stations after the 2010 UK Parliamentary general election, but the Government has not taken forward any public consultation or statement of its views on this issue.

4.86 As shown in Chapter 3, allegation of personation in polling stations accounted for 24% of all reported personation offences (25 cases). This compares to 22 cases (42% of all personation offences) in 2011 and 7 cases (50% of all personation offences).

Intimidation of voters outside polling stations

4.87 It is possible that some voters may be subject to intimidation, harassment, or undue influence in and around the polling station, but this risk is greater when voting away from the supervised environment of a polling station – e.g. when completing postal ballot papers.

4.88 We received 10 submissions alleging that intimidation of voters has indeed occurred outside some polling stations – this has allegedly involved the creation of an intimidating atmosphere as a result of campaigners surrounding some polling stations; harassment of voters on seeking to enter the polling station; political posters being attached to railings outside the polling place, with these being guarded aggressively by activists; and personal comments made about candidates to some voters outside the polling station.

⁷³ OSCE/ODIHR Election Assessment Mission Report (July 2010) *United Kingdom of Great Britain and Northern Ireland: General Election 6 May 2010*.

4.89 While there is a role for campaigners in putting their messages to voters on polling day, including in public spaces outside polling stations, this must not extend to behaviour that is intimidating, aggressive or harassing, or which would amount to undue influence.

Trust-based nature of system and integrity of electoral officials

4.90 A general feature of elections in Great Britain is its trust-based nature – the fact that voters are not required to produce ID is a clear indication of this. Beyond this, some respondents also suggested that the role of public officials working in elections (including Presiding Officers and other polling station staff) in upholding electoral integrity should be included within the scope of our review. One respondent to our consultation cited incidents where polling station officials were allegedly pointing out the names of candidates on the ballot paper to voters then checking that they had been completed ‘correctly’.

4.91 It is clearly essential that electors continue to have high levels of trust in the staff running elections. While we do not believe that there is significant cause for concern inexperienced or untrained polling staff could unwittingly engage in practices that could be labelled inappropriate.⁷⁴

Voting in polling stations: options for change

4.92 In this section we present options for changing the process for voting in a polling station in Great Britain. Again, the options presented are intended, to a greater or lesser degree, to address the potential vulnerabilities identified in the paragraphs above.

Issue 8: Introduce a requirement for voters to present photographic identification at polling stations

There are several ways in which such a change could be implemented:

- Require all voters to present an approved form of photographic identification when attending a polling station on polling day.
- Temporarily require all voters in specific constituencies or other electoral areas where proven cases of personation had occurred at polling stations to present an approved form of photographic identification when attending a polling station on polling day.

Please indicate whether you would support or oppose any of these changes, paying particular attention to the themes highlighted in paragraph 4.5 above.

⁷⁴ We are aware of an ongoing case in Derby, which involves allegations that polling station staff worked together to enable fraudulent votes to be cast at a polling station at the May 2012 local elections.

Issue 9: introduce alternative measures to improve the security in or around polling stations

Options could include:

- Giving Presiding Officers the power to ask voters to sign for their ballot paper (this power is already included in the Electoral Administration Act 2006, but has not been commenced) and amending the legislation so that Presiding Officers must withhold the ballot paper should any elector refuse to sign.
- Giving Presiding Officers the power to ask voters to confirm their date of birth if they have this on record before receiving their ballot paper (Presiding Officers in Northern Ireland already have this power).
- Introducing a statutory (rather than voluntary) Code of Conduct for campaigners operating in and around polling places.

Please indicate whether you would support or oppose any of these changes, paying particular attention to the themes highlighted in paragraph 4.5 above.

Polling station voting arrangements in Northern Ireland

4.93 As noted, voters in Northern Ireland are already required to present an approved form of photographic identification when attending the polling stations. We have received no evidence to suggest that the system in Northern Ireland should change, but would be interested to hear from those who have views on the Northern Ireland system.

Issue 10: Polling station arrangements in Northern Ireland

Should current arrangements for Northern Ireland where electors must present photographic identification at the polling station continue? Please give your reasons.

Are the specified forms of photographic identification in Northern Ireland sufficient? Is there a case for the range of acceptable forms of identification to be extended?

Electoral registration

4.94 Some respondents to our consultation highlighted electoral registration fraud as a problem in some areas, particularly the registration of fictitious identities. There seems to be general support for individual electoral registration, although some concerns that this could lead to a fall in registration levels.

4.95 We think that the introduction of IER in Great Britain will improve the security of the electoral registration process in Great Britain and reduce opportunities for electoral registration fraud.

Issue 11: Electoral registration

What, if any, further measures beyond those provided for under individual electoral registration do you believe are necessary to further secure the electoral registration process in Great Britain?

Appendix 1: Working definitions of electoral fraud

		Electoral fraud <i>Deliberate wrong-doing in the electoral process, which is intended to distort the individual or collective will of the electorate.</i>	Electoral malpractice <i>The breach by an election professional of his or her relevant duty, resulting from carelessness or neglect rather than deliberate intent.</i>	Non-electoral fraud <i>Deliberate wrong-doing involving the electoral process, but which is intended to influence or de-fraud an individual or body unrelated to the electoral process.</i>
Elements of the definition	Possible people involved	Election officials, other public officials, voters, political parties, candidates, campaigners, media	Election officials (including full-time and ad hoc workers performing official duties related to any stage of the electoral process)	Any individual, not necessarily directly involved in the electoral process
	Action	Person knowingly interferes with or misleads the electoral process	Person is negligent or careless in carrying out his or her election-related responsibilities	Person knowingly interferes with the electoral process (for example, by making fraudulent electoral registration applications)
	Intent	The action or omission is committed deliberately in order to distort the individual or collective will of the electorate	The interference is likely to result from carelessness or neglect, rather than a deliberate intent to distort the will of the electorate	The action or omission is committed deliberately, but is not intended to distort the individual or collective will of the electorate
	Result	Distorts the will of the electorate. This may manifest itself as interference with individual votes, or in overall vote counts that impact the result or results of the election	May lead to irregularities in the electoral process, which may mean the election outcome does not reflect the will of the electorate	Individuals or bodies unrelated to the electoral process may be defrauded, individual electors may be unable to vote as a consequence, and the election outcome may not reflect the will of the electorate

Appendix 2: Election offences

– key offences and penalties

The Representation of the People Act 1983 (RPA 1983) defines most offences for UK Parliamentary general elections, English local government elections and for electoral registration and postal voting issues across the UK. The Electoral Administration Act 2006 (EAA) amended or introduced new RPA offences, and introduced new procedures.

Most offences under the RPA 1983 are classified as corrupt or illegal practices. Corrupt practices are indictable with a maximum penalty of imprisonment for one year and/or a fine, except for the offences of personation and making a false application to vote by post or proxy, where the maximum penalty is imprisonment for up to two years and/or a fine.⁷⁵ Illegal practices are summary offences and the maximum penalty is a £5,000 fine.⁷⁶

Prosecutions under the RPA 1983 must be brought within 12 months of the offence being committed. If there are exceptional circumstances, and there has been no undue delay in the investigation, the time limit may be extended to not more than 24 months after the offence was committed. Any application to extend the deadline must be brought within one year of commission of the offence.⁷⁷

Corrupt practices

Bribery

A person is guilty of bribery if they directly or indirectly give any money to, or procure any office for, any voter in order to induce any voter to vote, or not vote, for a particular candidate, or to vote or refrain from voting.⁷⁸

Treating

A person is guilty of treating if before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.⁷⁹ The key consideration is the need to show that there is a corrupt intent.

⁷⁵ Section 168, RPA 1983 and Article 120, National Assembly for Wales (NAW) (Representation of the People (RoP)) Order 2007.

⁷⁶ Section 169, RPA 1983 and Article 121, NAW (RoP) Order 2007.

⁷⁷ Section 176, RPA 1983 and Article 128, NAW (RoP) Order 2007.

⁷⁸ Section 113(2), RPA 1983 and Article 79, NAW (RoP) Order 2007.

⁷⁹ Section 114(2), RPA 1983 and Article 80, NAW (RoP) Order 2007.

Undue influence

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting.⁸⁰ A person may also be guilty of undue influence if they act with the intention of impeding or preventing the voter from freely exercising their right to vote.⁸¹ Substantive offences, threats to commit damage, assault and public order may be considered as in addition to undue influence.

Personation

It is an offence for any individual to vote as someone else (whether that person is living or dead or fictitious), either by post or in person at a polling station as an elector or as a proxy.⁸² Further, the individual voting can be deemed to be guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing their appointment as a proxy is no longer in force. It is also an offence for a person to aid or abet the commission of the above offences.

False application to vote by post or by proxy

It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote or money or property to which a person is not entitled.⁸³ Specifically, it is an offence to:

- apply for a postal or proxy vote as some other person (whether living, dead or fictitious)
- otherwise make a false statement in connection with an application for a postal or proxy vote
- induce an Electoral Registration Officer (ERO) or a Returning Officer (RO) to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter
- cause such a communication not to be delivered to the intended recipient

It is also an offence to aid or abet the commission of the above offences.

Illegal practices

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting, including:

⁸⁰ Undue influence can include threats of harm of a spiritual nature.

⁸¹ Section 115 and 115(2), RPA 1983 and Article 81, NAW (RoP) Order 2007.

⁸² Section 60, RPA 1983 and Article 30, NAW (RoP) Order 2007.

⁸³ Section 62A, RPA 1983 and Article 14, NAW (RoP) Order 2007.

- voting by post as an elector or proxy when subject to a legal incapacity to vote
- voting more than once in the same or in more than one local election area
- applying for a proxy without cancelling a previous proxy appointment
- inducing or procuring another to commit one of the above offences⁸⁴

Other election offences

Secrecy

Everyone involved in the electoral process should be aware of the secrecy of the ballot and should not breach it. The RO will give everyone who attends the opening or counting of ballot papers a copy of parts of the relevant legislation.⁸⁵ Any breach of this legislation is a summary offence with a maximum penalty of six months imprisonment or a £5,000 fine.⁸⁶

False registration information and false postal/proxy voting application

It is an offence to supply false information in relation to the registration of electors to the ERO for any purpose connected with the registration of electors. It is also an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature.⁸⁷ It is not necessary to establish an intention to gain, or deprive another, of a vote, money or property. This is a summary offence with a maximum penalty of six months imprisonment or a £5,000 fine.⁸⁸

Other general offences

There are also some non-electoral offences which may be relevant, such as:

- making a false statement under the Perjury Act 1911
- forgery
- using a false instrument under the Forgery and Counterfeiting Act 1981
- conspiracy to defraud

⁸⁴ Section 61, RPA 1983 and Article 31, NAW (RoP) Order 2007.

⁸⁵ Section 66, RPA 1983 and Article 35, NAW (RoP) Order 2007.

⁸⁶ The maximum term of imprisonment for a summary offence is currently six months. This will increase to 51 weeks when Section 281(5) of the Criminal Justice Act 2003 comes into force. No date has yet been set for this.

⁸⁷ Section 13D, RPA 1983 and Article 14, NAW (RoP) Order 2007.

⁸⁸ Section 13D, RPA 1983 and Article 14, NAW (RoP) Order 2007.

Appendix 3: Significant cases of electoral fraud resulting in custodial sentences 1998-2011⁸⁹

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
London Borough of Hackney	Metropolitan Police Service	1998	Conspiracy to defraud, involving fraudulent electoral registration and postal proxy vote applications	Custodial sentences: six months and four months	Liberal Democrat candidate and Conservative councillor
Havant Borough Council	Hampshire Constabulary	2000	False statement about a candidate; false nomination	Custodial sentences: four months for eight counts of forgery; three months for 15 counts of forgery	Labour and Liberal Democrat councillors
Burnley Borough Council	Lancashire Police	2001	False signatures on nomination papers	Custodial sentence: six months	BNP branch organiser
Blackburn with Darwen Council	Lancashire Constabulary	2002	Fraudulent applications to vote by post	Custodial sentence: 3 years 7 months	Labour candidate

⁸⁹ The high-profile case of alleged electoral fraud involving relating to the 2004 Birmingham City Council elections did not involve a prosecution. Following a successful challenge by election petition the results were declared void and the polls in two wards were rerun.

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Bristol City Council	Avon and Somerset Constabulary	2003	Fraudulent proxy vote applications	Custodial sentence: 5 months	Liberal Democrat candidate
Guildford Borough Council	Surrey Police	2003	Forgery relating to postal ballot papers	Custodial sentence: 4 months	Conservative candidate
Burnley Borough Council	Lancashire Police	2004	Fraudulent proxy vote applications	Custodial sentences: 18 months	Two Liberal Democrat councillors
Peterborough City Council	Cambridgeshire Constabulary	2004	Forgery relating to postal and proxy vote applications and ballot papers	Custodial sentences: 15 months; nine months; six months; 3 months; 3 months and two months.	Two Labour candidates and party secretary. Three Conservative candidates.
Bradford West UK Parliament constituency	West Yorkshire Police	2005	False applications to vote by post Personation offences	Four men each given a prison sentence of 21 months; Fifth man given a reduced sentence of 11 months in prison.	Conservative candidates and two local government councillors

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Coleraine Borough Council	Police Service of Northern Ireland	2005	Four counts of impersonation, 2 of fraudulently stopping free exercise of a proxy vote	Custodial sentence: 4 months	DUP candidate
Coventry City Council	West Midlands Police	2007	Personation offences	Custodial sentence: 2 sentences of 8 months, each to run concurrently.	Conservative candidates' cousin
Slough Borough Council	Thames Valley Police	2007	False applications to register to vote. False applications to vote by post. Personation offence	Offender 1: 3 and half years imprisonment (including perjury). Offender 2: 18 months imprisonment Offender 3: 6 months. Offender 4: 8 months imprisonment Offender 5: 4 and a half years imprisonment (including perjury). Offender 6: 4 months.	Offender 1: Conservative candidate; remaining offenders worked for the candidate
Walsall Council	West Midlands Police	2008	False applications to vote by proxy	Custodial sentence: two sentences of six weeks, each to run consecutively.	Conservative candidate's son
Calderdale Council	West Yorkshire Police	2008	False applications to vote by proxy	Suspended sentence: 12 months	Independent candidate's father

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Staffordshire County Council/West Midlands European Parliament constituency	Staffordshire Police	2009	Personation offences	Custodial sentence: 2 sentences of 4 months, each to run concurrently.	British National Party member
Burnley Council	Lancashire Constabulary	2010	Conspiring to defraud the Returning Officer by stealing a book of unused ballot papers at a polling station, marking a number of them in favour of the Liberal Democrat candidate and putting them in the ballot box.	Custodial sentence: 18 months	Liberal Democrat polling agent
Ashford Borough Council	Kent Police	2011	False applications to vote by post, and false signatures on a nomination paper	Custodial sentence: 12 months	Conservative candidate

Appendix 4: List of consultees and respondents

During Phase 1 of our review we wrote to a number of organisations and individuals inviting them to submit their views on electoral fraud. They included:

- Nominating Officers of all registered political parties in the UK
- Elected representatives with a known interest in electoral issues, or representing areas where there has been a history of cases of alleged fraud
- Electoral Registration Officers
- Returning Officers
- Electoral Services Managers and their staff
- Voluntary organisations
- Academics
- Think tanks
- Police Organisations
- Relevant Government departments
- Relevant professional bodies

We also alerted members of the public to our review through our website www.electoralcommission.org.uk and explained how they could contribute to the review.

The following individuals and organisations submitted evidence or gave their views to us during Phase 1 of our review, either through written correspondence or in meetings.

Members of Parliament

- Baroness Gould of Potternewton
- Bob Blackman, MP for Harrow East
- Chloe Smith, MP for Norwich North, and Minister for Political and Constitutional Reform
- Clive Betts, MP for Sheffield East
- Fiona McTaggart, MP for Slough
- Gordon Birtwistle, MP for Burnley
- Graham Jones, MP for Hyndburn
- Jack Straw, MP for Blackburn
- Jim Cunningham, MP for Coventry South
- John Hemming, MP for Birmingham Yardley
- Mark Field, MP for Cities of London and Westminster
- Mark Prisk, MP for Hertford and Stortford
- Nick DeBois, MP for Enfield North
- Paul Uppal, MP for Wolverhampton South West
- Rushanara Ali, MP Bethnal Green and Bow

- Simon Kirby, MP for Brighton Kemptown
- Simon Reeve, MP for Dewsbury
- Sir Peter Bottomley, MP for Worthing West

Assembly Members: National Assembly for Wales

- Mohammad Asghar, AM for South Wales East
- Mike Hedges, AM for Swansea East

Local Councillors

- Cllr Dee Morris, Chairman - Sevenoaks District Council
- Cllrs John and Pat Smart, Hadley and Leegomery Residents' Association
- Cllr Joshua Peck, Leader - Tower Hamlets Labour Group
- Cllr Kevin Foster, Leader - Conservatives, Coventry City Council
- Cllr Nick Collingridge, Leader – Independents, Hyndburn Borough
- Cllr Peter Golds, Leader – Conservatives, Tower Hamlets Council
- Council
- Cllr Simon J Ling, Leader - Informal Independent Group and Ashted Independents, Mole Valley District Council
- Cllr Steve Kay, Leader - East Cleveland Independent
- Cllr Tony Janio, Conservative Party, Brighton & Hove City Council

Political parties

- David Gale, UKIP
- David Robins, Secretary-General, Wessex Regionalist Party
- Declan McHugh, Director, Strategic Planning and Constitutional Affairs, The Labour Party
- Dr Geoff Meaden, Election Agent, The Green Party
- Geraint Day, Deputy CEO/Head of Election Campaigns Unit, Plaid Cymru
- Gerry Cosgrove, General Secretary, Social Democratic and Labour Party
- Ian Speed, The Community (London Borough of Hounslow)
- Ken Hordon, Secretary, Hull and Holderness UKIP Branch
- Janet Lawrence, The Realist Party
- John Morris, Nominating Officer, The Peace Party
- John Savva, Nominating Officer, UK People Quality Life Party
- Kamran Malik, Nominating Officer - Communities United Party
- Ken Hordon, Secretary, UKIP, Hull and Holderness branch
- Michael Elmer, Leader – Centre Democrat Party
- Mike Tibby, Nominating Officer, New England Party
- Norman Hennings, Party Leader, The T.I.E. Party
- Paul Campbell, Nominating Officer, OneUs
- Paul Janik, Nominating Officer, Slough Party
- Peter Johnson, Nominating Officer, Social Democratic Party

- Phillip Allot, Halifax Conservatives
- Ruth Temple, Magna Carta Conservation Party
- Terrey Mcgrenera, Nominating Officer, The House Party

Local authorities⁹⁰

- Bradford City Council
- Burnley Borough Council
- Calderdale Council
- Cardiff City Council
- East Cambridgeshire District Council
- Gloucester City Council
- Kettering Borough Council
- Kirklees Council
- Leeds City Council
- Pendle Borough Council
- Test Valley Borough Council
- Tower Hamlets Borough Council
- West Dorset District Council
- Weymouth & Portland Borough and West Dorset District Council Partnership

Police organisations

- Dorset Police Fraud Unit
- Lothian and Borders Police
- Police Service of Northern Ireland (PSNI)
- West Midlands Police

Other organisations

- Central Scotland Valuation Joint Board
- Society of Local Authority Chief Executives
- London Elects (Greater London Returning Officer)
- The Local Government Association
- The Association of Electoral Administrators
- The Association of Electoral Administrators – Southern Branch

Others

- Khizar Iqbal
- Dr Michael Pinto-Duschinsky
- Steve Berry

⁹⁰ This category includes responses submitted on behalf of local authorities, together with responses from electoral officials appointed by local authorities, including Electoral Registration Officers, Returning Officers, Electoral Services Managers and their staff.

- William Jones
- Trevor Moisey
- One anonymous response was received by telephone

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