

Electoral malpractice in England and Wales

2007 trends

In 2007 the Commission published two papers on the results of our examination of 430 Crown Prosecution Service files relating to Representation of the People Act offences.¹ We noted at the time that we had, since 2003, examined and proposed various methods of compiling an accurate and complete database of electoral malpractice allegations and prosecutions. However, to date, none of these initiatives was able to secure the ongoing support of Government and police services; we also acknowledge that in our decentralised system no method is without practical limitations.

We believe it is important to attempt to collect information that will provide us and others with the ability to consider trends in allegations and the relative volume of allegations. We are clear that details of any individual allegation or case should not be published – and indeed may be the subject of ongoing law enforcement activities – but that we wish to report on any trends or patterns disclosed by this data.

In 2007 we were able to conclude an agreement with the Association of Chief Police Offices to collect information on allegations received by police forces relating to Representation of the People Act offences. This information is not already collected in the Police National Computer system.

In the trial, we encountered significant problems with the comparability and comprehensive of the data across England and Wales. We have addressed this for 2008, in partnership with ACPO, the Police National Information and Co-ordination Centre (PNICC) and the CPS, but still saw merit in releasing the 2007 trends.

We have received a request for summary statistics from 2007 and are happy to comply. We are not in a position to provide more detailed information due to the nature and quality of the data. This information is not presented as comprehensive or conclusive, but is for indicative purposes only. This information is not analogous to the CPS file data we have previously published, in that it reflects allegations made to police forces. It does not reflect whether or not an investigation was launched, or whether a file was passed to the CPS.

¹ The detailed analysis related to 383 files after 42 files that were not RPA offences and five duplicated files that were examined had been discounted. We were unable to examine a further eight files that had been destroyed or 23 open files that related to on-going cases.

Table 1: Elections and votes cast in May 2007 in England and Wales				
Year	Number of elections ²	Number of candidates	Number of electors	Number of votes cast ³
2007 locals	6,637	28,379	2,969,8396	11,253,684
2007 NAW	45	264	2,248,122	1,952,878

129 allegations were recorded by 24 of the 43 territorial police forces in England and Wales, and these are detailed in table 2. Of these, the largest group related to imprints. Very few allegations of any sort were substantiated. The PNICC returns identified some cases that were already known to the Commission, but failed to pick up some information known to us and in the public domain. This illustrates the weakness of the data.

The table accounts for 99 entries. In addition there were

- 14 not RPA offence entries
- 8 unclassified/not known allegations, and
- 7 allegations of party workers collecting postal ballots – while contrary to the code of conduct this is not an offence, and
- 1 duplicated entry.

The Electoral Commission April 2008

² Depending on type of election, each ward, division, constituency or region is a separate elections

³ Please note that figures for numbers of votes cast may not be directly comparable across years, as some figures may exclude invalid votes while others include them. In addition some figures will be references to ballot papers that allowed electors to vote for more than one candidate.

Table 2: PNICC records by alleged RPA 1983 offence		
Representation of the People Act 1983	Summary title	Total
Administration		
63	Breach of official duty	3
Administration sub total		3
Registration		
4	Entitlement to be registered as elector	
12	Entitlement to vote	
13D	False registration/false postal/proxy voting application	5
49	Unqualified electors	
62A	False application for postal vote	10
Reg 23*	Failure to return information	
Reg 96 & 108**	Misuse of registers	
Registration subtotal		15
Campaign		
65	Tampering with nomination, ballot papers, etc	1
65A	False statement in nomination paper	12
75	Expenses not authorised by election agent	
76	Limitation of election expenses	
78	Time for sending in and paying claims	
80	Election agent's claim	
81	Return as to election expenses	
82	Declaration as to election expenses	
84	Penalty for failure as respects returns or declarations	
85	Sitting without returns/declarations	
93	Broadcasting	
94	Imitation poll cards	
106	False statements as to candidates	23
107	Corrupt withdrawal	
108	Premises not to be used as committee rooms	
110	Printer's name and address on election publications	27
111	Prohibition of paid canvassers	
Campaign sub total		63
Voting		
60	Personation	11
61	Other voting offence – postal, proxy voting	
66	Requirement of secrecy	
113	Bribery	2
114	Treating	
115	Undue influence	5
Schedule 4(8)****	False registration for postal vote	
Voting sub total		18
*	Representation of the People Regulations	
**	Representation of the People (England & Wales) Regulations 2001	
***	European Parliamentary Elections Regulations 2004	
****	Representation of the People Act 2000	