

Analysis of cases of alleged electoral fraud in 2013

Summary of data recorded by police forces

March 2014

Introduction

1.1 We have worked with the UK's Associations of Chief Police Officers to collect data from police forces about cases of alleged electoral fraud each year since 2008.¹ A case is defined as an offence under the Representation of the People Act (RPA) 1983.

1.2 We now receive monthly returns from all 45 police forces across England, Scotland, Wales and Northern Ireland, providing details of complaints which have been made about alleged electoral fraud together with the outcome of investigations.²

1.3 Each year we have published an analysis of this data. This paper summarises the data relating to 2013. Alongside this report we have published all the data relating to the nature and outcome of every case of alleged electoral fraud recorded by police forces in 2013.³ This is available on our website.⁴

1.4 On 2 May 2013 there were elections in 35 English councils including 27 county councils and 8 unitary councils, as well as a UK Parliamentary by-election in South Shields, two mayoral elections, two neighbourhood planning referendums and 900 parish councils. However there were no local elections in the metropolitan borough areas or in London in 2013.⁵

1.5 Turnout across the May elections in England was 31%, with a total of about 5.68 million ballot papers included in the count. This included 1.78 million postal votes cast.

1.6 There were also local government elections on the Isle of Anglesey on May 2013.⁶ In total 51,000 people were registered to vote in Anglesey. A total of 26,058 votes were cast (representing a turnout of 51%), including approximately 6,500 votes cast by post.

1.7 This report covers all allegations reported to the police during the May polls and throughout the rest of the year, including two other UK Parliamentary by-elections in Mid-Ulster and Eastleigh.

¹ Prior to 2008, there was no formal collection of data on allegations of electoral fraud.

² From 1 April 2013 the eight regional police forces for Scotland were merged into a single service, Police Scotland.

³ Data correct as at 12/02/2013.

⁴ Available at: <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/electoral-fraud-responsibilities>

⁵ 2012 also involved two major sets of polls: local government elections across most parts of England, Scotland and Wales and 10 mayoral referendums in May; and Police and Crime Commissioner elections across England and Wales in November.

⁶ Initially scheduled for 2012 but delayed due to boundary changes.

Overview of key data

1.8 A total of 179 cases of alleged electoral fraud were recorded by police forces during 2013.

1.9 Seventy-three cases (representing 42% of the total number of cases reported in 2013) were found either to involve no offence (43 cases), or to have insufficient evidence that a crime had actually taken place (30 cases). These cases were therefore not investigated further, and have been classified in our data and analysis as *No further action – no offence* and *No further action – no evidence* respectively.

1.10 In four cases (representing just over 2% of the total) it was not possible for the police to investigate the allegation further and these cases have been classified as *No further action – undetectable* (for example in one case a voter arrived at a polling station to discover that a ballot had already been cast in their name. In this instance it was not possible, on the facts of this case to connect an individual with a ballot cast at a polling station and was therefore judged to be undetectable). In a further 14 cases (8% of the total) the allegations did not involve an offence under the Representation of the People Act 1983 (RPA), and have been classified as *No further action – not RPA offence*. These cases were passed on for investigation by a relevant officer.

1.11 Three cases (representing just fewer than 2% of the total reported in 2013) have so far been prosecuted, all of which resulted in convictions. These were:

- A candidate in Loughborough Leicestershire received a four month suspended sentence for failing to reveal a prior criminal conviction.
- A candidate in the Isle of Wight received 150 hours community service for use of false signatures on a nomination form.
- A candidate in Cambridgeshire was ordered to pay £110 costs plus being disqualified from the election process for five years for use of false signatures on a nomination form.

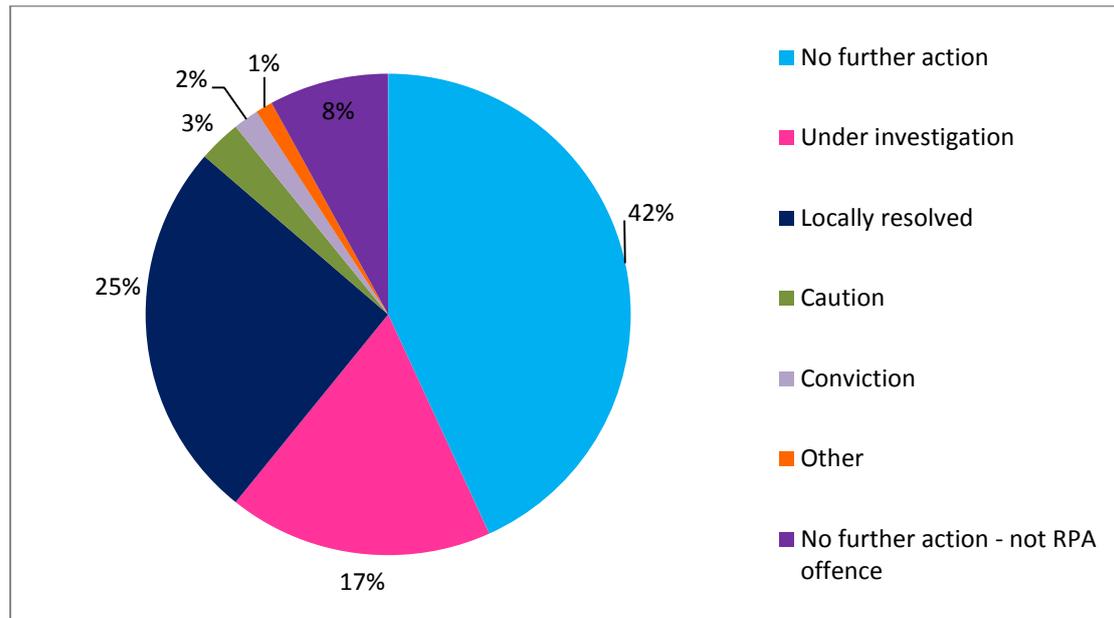
1.12 In five cases (representing slightly under 3% of the total reported in 2013), individuals accepted police cautions: three cases related to alleged campaigning offences (all of which related to election materials which did not include the correct imprint – see paragraph 1.17 below for more information about this offence); one case related to an allegation of providing false information in a registration application. A further 42 cases (representing 23% of the total) were resolved locally, with Police Advice given or advice given by the Returning Officer. In one of these cases the individual involved was given a Community Restorative Disposal Order and made to write a letter of apology.

1.13 Two outcomes (just over 1% of all cases) were marked “other”. This was recorded when the allegation was considered to have been made in bad faith and a formal statement was awaited before an investigation was undertaken;

or else did not involve an offence and was being resolved by internal procedures of the party involved (one case).

1.14 At the time of publication, 31 cases (representing 17% of the total reported in 2013) remained under investigation and in two cases court proceedings had been initiated. We will provide an up-date on court cases and those that remain under investigation in our 2014 analysis.

Chart 1: The outcome of cases of alleged electoral fraud reported in 2013 as a percentage of all outcomes.



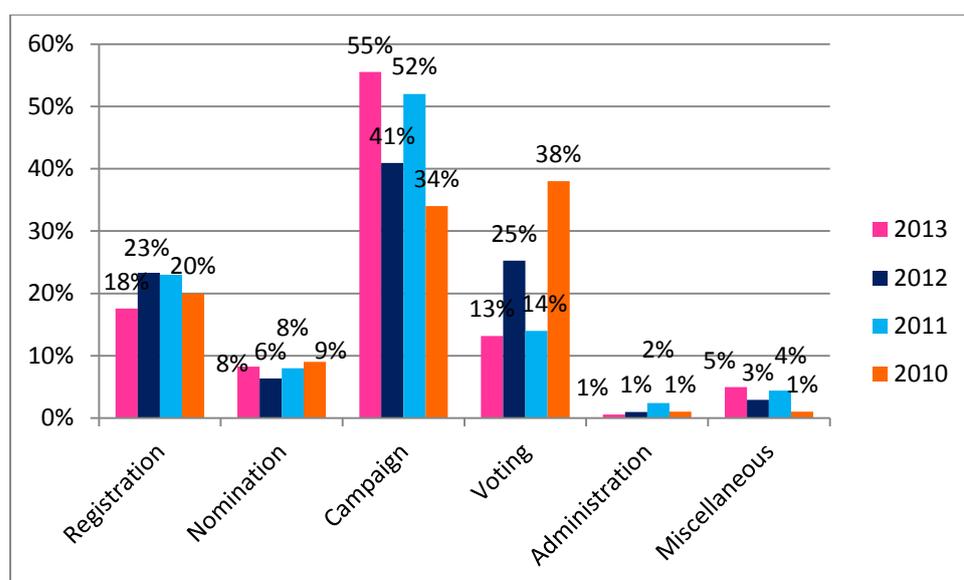
1.15 The two cases with the highest number of allegations were reported by the Metropolitan Police Service (22 allegations) and by Thames Valley Police (26 allegations). Both of these cases involved allegations that single individuals had attempted multiple incidences of electoral registration fraud. The case reported by the Metropolitan Police Service involved multiple registration forms printed for a variety of locations in the Home Counties. The police suspect that the motive was financial rather than electoral fraud. Accordingly this case was classified as *No further action – not RPA offence* and was transferred to another department to pursue. The case reported by Thames Valley Police related to a suspicious application to register to vote, which was rejected by the Electoral Registration Officer (ERO). No one came forward to dispute this rejection and the case is still under investigation. Almost all cases of alleged electoral fraud in 2013 (173 out of 179) involved fewer than 10 allegations each, and 160 cases were based on single allegations.

1.16 One hundred and seventy-seven of 179 cases recorded in 2013 were reported by police forces in England. Scotland and Wales recorded one case each. There were no cases reported in Northern Ireland.

Types of cases of alleged electoral fraud

1.17 As shown in Chart 2 below, cases of alleged electoral fraud relating to campaigning offences continued to be the most commonly reported type of case in 2013, accounting for 98 cases (55% of all cases of alleged electoral fraud reported in 2013). A total of 33 cases (18%) related to registration offences, 24 cases (13%) related to voting offences, and 14 cases (8%) were nomination related. Of the remaining cases one was categorised Administration and nine (5%) were labelled as Miscellaneous. These included cases that were reported to the police as linked to election but which on analysis did not fit under the RPA categories: a case which was reported to the police but was in fact a complaint about the process of sending out postal votes, without any allegation of a crime for example; an accusation that a donation was made to a political party in return for the granting of planning permission; or a fire that happened to be lit outside a polling station but that was unconnected to the election.

Chart 2: Breakdown by category of offence – percentage of all alleged cases reported



Campaign cases

1.18 Cases of alleged electoral fraud relating to campaigning offences in 2013 were split between those that related to legally required details about the printer, promoter and/or publisher which were absent from election material (imprint cases), those relating to statements made about candidates (false statement as to candidates) and those relating to election expenses (return of expenses):

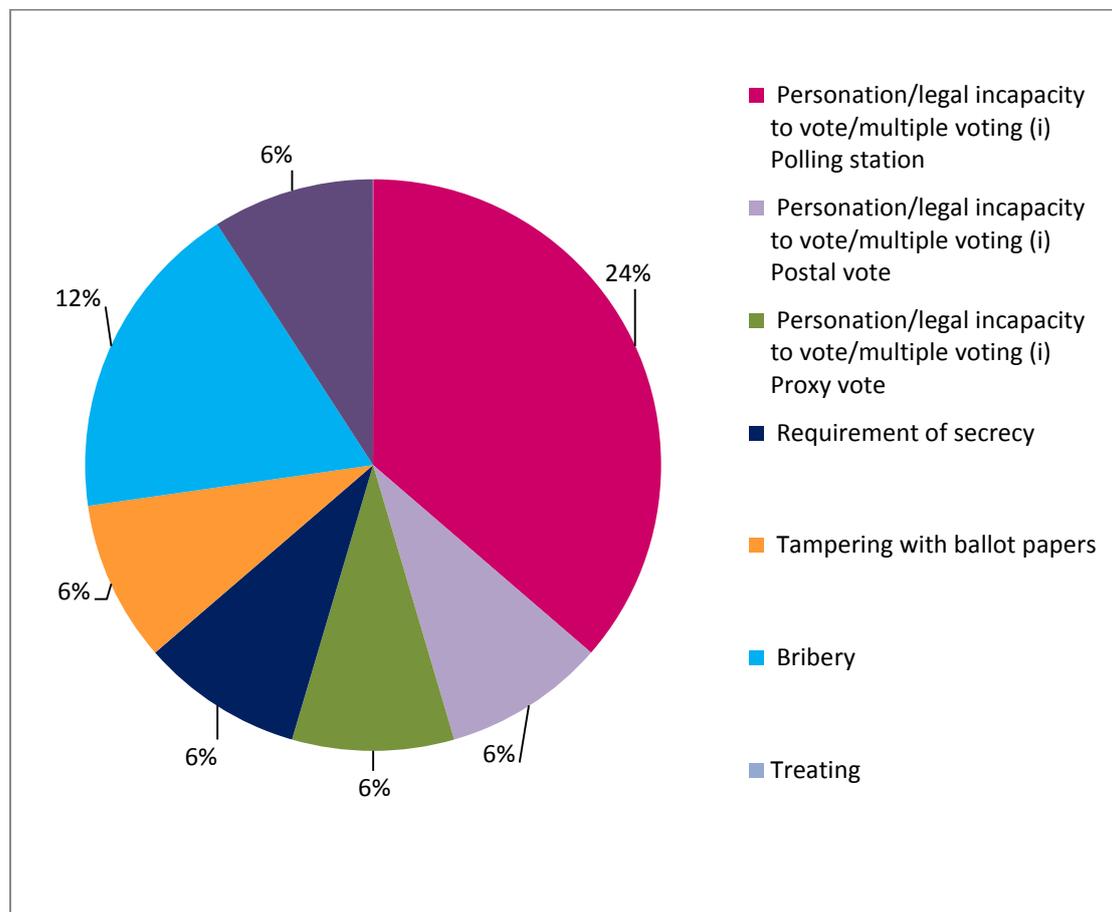
- Imprint: 37 cases (38% of campaign offences)
- False statement as to candidates: 32 cases (32%)
- Return of campaign expenses: 8 cases (8%)

Voting cases

1.19 Twenty four cases of alleged electoral fraud in 2013 related to voting offences (representing 13% of all reported cases of alleged electoral fraud in 2013). These related to allegations of personation, either in person at a polling station or using someone else's postal or proxy vote. Cases of alleged personation offences accounted for 77% of all alleged voting cases in 2012, 40% in 2011 and 24% in 2010.

1.20 A breakdown of the different categories of cases of alleged electoral fraud relating to voting offences in 2013 is shown in Chart 3 below.

Chart 3: Breakdown by types of alleged voting offences – percentage of all voting cases reported



1.21 Five of the 13 personation cases (representing 38% of personation cases, and 6% of all voting cases) related to postal voting. The number of postal voting personation cases as a proportion of all types of personation cases in 2013 was smaller than in 2012 (when 44 cases represented 46% of

the total) but larger than in 2011(6 cases represented 18% of the total) or 2010 (12 cases represented 27% of the total).⁷

1.22 A total of four cases (representing 30% of all personation offences) related to allegations that someone had pretended to be another elector at a polling station. The same number of cases related to allegations of personation where an individual was alleged to have manipulated or tricked vulnerable voters into appointing them as their proxy.

Electoral registration cases

1.23 A total of 33 cases (representing 18% of all reported cases of alleged electoral fraud in 2013), related to alleged electoral registration offences.

1.24 Of these, 29 cases (91% of registration cases) involved allegations that false information had been provided on applications to register to vote. Three cases (9% of registration cases) involved allegations that false information had been provided on a postal vote application, one case involved allegations that false information had been provided on an application for a proxy vote, and one further case related to other registration offences.

Nomination cases

1.25 Fourteen cases (representing 8% of all reported cases of alleged electoral fraud in 2013) involved allegations relating to nomination offences. This was the same as the proportion of cases reported in 2010 (8%), 2011 (8%) and slightly higher than in 2012 (6%).

1.26 Eleven alleged nomination cases (80% of all nomination cases) involved allegations that false statements had been made on nomination forms.⁸ The remaining three cases involved one allegation of ineligible candidacy, one complaint about party selection procedure, and one involved a candidate who supplied an inaccurate registration form in order to support a nomination. This was classified as a nomination case, but the case summary linked it to false registration.

⁷ Figures taken from published Electoral Commission reports and accurate at time of publication.

⁸ 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.

Geographical distribution of cases

1.27 Table 1 below shows the number of cases of alleged electoral fraud reported by each UK police force during 2013.⁹ Of the 45 UK police forces, 34 reported at least one case of alleged electoral fraud; 11 reported no cases of alleged electoral fraud during 2013. Three quarters of all cases of alleged electoral fraud reported in 2013 were reported by just 10 police forces.

Table 1: All UK police forces who returned a case of alleged electoral fraud in 2013

Police force	Number of cases
Lancashire Constabulary	19
Nottinghamshire Police Force	17
Thames Valley Police Force	15
Devon and Cornwall Constabulary	13
Lincolnshire Police Force	13
Metropolitan Police Service	12
Leicestershire Constabulary	10
West Mercia Police Force	9
Dorset Police Force	6
Cambridgeshire Constabulary	5
Avon and Somerset Constabulary	4
Norfolk Constabulary	4
South Yorkshire Police	4
Staffordshire Police	4
West Midlands Police	4
Cumbria Constabulary	3
Derbyshire Constabulary	3
Northumbria Police	3
Surrey Police	3
Durham Constabulary	2
Hertfordshire Police	2
Kent Police	2
City of London Police	1
Essex Police	1
Gloucester Constabulary	1
Greater Manchester Police	1
Hampshire Constabulary	1
Merseyside Police	1
North Wales Police	1
Police Scotland	1
Suffolk Constabulary	1

⁹ A detailed breakdown by police force (of the number of cases and allegations in 2013, with details of the RPA offence and their outcomes) will be published alongside this report on our website.

1.28 Although Lancashire reported the highest number of cases (19 cases), none of these were substantiated. Fifteen cases were resolved with no further action after initial investigations, either because the allegation involved no offence (seven cases) or there was insufficient evidence that an offence had actually been committed (eight cases). The remaining four cases did not involve offences under the RPA.

1.29 In Nottinghamshire (17 cases¹⁰), nine cases remain under investigation by the police, and in one case court proceedings have been initiated. Three cases were resolved with no further action after initial investigations because the allegations involved no offence. Three more were resolved with no further action because of lack of evidence. The remaining two cases were all locally resolved.

1.30 In Thames Valley (15 cases) four cases were locally resolved and nine resulted in no further action. One of these cases was judged to be undetectable, in four cases there was no evidence, three were judged no offence, one involved an offence not covered by the RPA. One case remains under investigation. The final case was awaiting a statement from the original complainant before any investigation was initiated.

Petitions

1.31 The commission reports on election petitions as well as criminal cases. Election petitions are a civil process for challenging the result of an election in court. If the petition is found to be justified then an election result can be overturned however this is not the same as a criminal conviction being handed down. That would require an additional and separate criminal prosecution. We are not aware of any petitions arising from the 2013 elections.

Update on outstanding 2012 cases

- **Bradford.** Two cases of alleged personation at different polling stations were reported. One involved three men claiming to be female voters was closed as no further action (NFA) – undetectable. The second case involved seven people who came in to vote after someone else had allegedly cast a vote in the given name. Six instances were resolved as NFA – undetectable. A seventh instance involved a son who came to vote **after** his father had voted but who claimed to be his father. A thorough investigation revealed that the son was registered to vote by post but had mistakenly believed that he

¹⁰ Nottinghamshire recorded 17 cases but there were 18 outcomes. One case involved two separate allegations with separate outcomes. One remains under investigation and the other was resolved with no further action – no offence.

was entitled to vote at the polling station. The postal vote was not returned and the case was closed as NFA – no offence.

- **Cumbria.** Two election petitions (the respondent being the Deputy Returning Officer in Allerdale) are on-going.
- **Derby.** Six defendants have been linked in this case of alleged fraud at a polling station. The charges include misconduct in public office, personation and perverting the course of justice (providing false statement to police). All six defendants were convicted and received sentences ranging from eight months (suspended) to 14 months in prison as well as curfews and community service.
- **Sandwell.** A case of false nomination resulted in a guilty plea and a two month suspended sentence and £600 fine.
- **Tower Hamlets.** In March we published our report on allegations of electoral malpractice in Tower Hamlets during 2012. This can be seen at: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0019/154531/Tower-Hamlets-report-2013.pdf
- **Waltham Forest.** One defendant, accused of a false statement on a nomination form was classified as being not an RPA offence; the court case is on-going.
- **Woking.** An election petition that was at issue challenged the result in a ward where the contest was decided by 16 votes. The petition included allegations that 75 individuals were ineligible to register, that postal votes were completed fraudulently and that undue pressure was exerted on some voters. The police investigation into this case remains on going.
- **Wolverhampton.** Candidate who falsely registered as living at a property he owned and sub-let then applied for a postal vote at that address and used the address on his nomination form. The defendant was given a total of eight months suspended sentence, ordered to pay £2000 court costs and banned from standing for five years.