



# Analysis of cases of alleged electoral malpractice in 2011

Associations of Chief Police Officers and  
Electoral Commission

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# Foreword

Electoral malpractice is a serious issue and one that is a key priority for the Electoral Commission and the Association of Chief Police Officers (ACPO). Voters across the UK should be confident in the results of elections and referendums, and we want to make sure that confidence is not damaged by alleged or actual fraud, or legal challenge.

Since 2008, the Commission has worked with ACPO<sup>1</sup> to collect data on the number of allegations of malpractice reported by police forces in order to enhance our understanding of the scale and nature of electoral malpractice at UK elections. In doing so, we now have a comprehensive and robust record of cases of alleged election-related crime.

We received returns throughout 2011 from all 52 police forces across the UK. This report provides a record of cases of alleged malpractice relating to the 2011 polls and those cases not linked to the May polls, including the outcome of previously reported cases where information is available.

In 2011, the police across the UK reported 270 cases of alleged electoral malpractice. Although outcomes cannot at this stage be reported for every case of alleged electoral malpractice reported in 2011 (because investigations or prosecutions have not concluded), our analysis shows that allegations in the majority of cases have not been substantiated.

Compared with previous years, in 2011 there has been an increase in the proportion of cases of alleged electoral malpractice relating to campaigning offences, including false statements of fact made about candidates and required information missing from the election materials. We will continue to provide access for all candidates and agents to appropriate and timely guidance which helps them to understand and avoid inadvertent breaches of electoral law.

At the same time there has been a reduction in the proportion of cases relating to voting offences, including personation or postal voting offences. Outside our election reporting period we have seen an increase in registration offences being committed for the purpose of financial, benefit and/or ID fraud.

But despite the facts, perceptions of electoral fraud remain a concern for voters. Public confidence in the integrity of elections is fragile despite no recent evidence of widespread attempts to commit electoral fraud, or of election results being called into question. The contrast between the very low levels of recorded cases of alleged electoral malpractice and the higher levels of voter concern

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<sup>1</sup> With assistance from the Association of Chief Police Officers in Scotland (ACPOS) from 2010

about electoral fraud suggests that overall confidence in the safety and security of the voting process may be strongly influenced by the wider context. The Commission plans to conduct further research to develop a greater understanding of attitudes relating to electoral fraud and we hope to work with a wide range of stakeholders, including local and national politicians, electoral registration officers, and the police.

There is no room for complacency about the risk of electoral malpractice that could take place at future polls and at the elections and referendums this year, and the Commission will continue to work hard to provide guidance and support to those responsible for tackling it. The police continue to take seriously any attempts to undermine the democratic process, liaising with Returning Officers and Electoral Registration Officers to thoroughly investigate potential malpractice.

In May 2012 there will be local elections across England, Scotland and Wales; eleven Mayoral referendums; two mayoral elections outside London; and in London, elections for the Mayor and Assembly. In November 2012 there will be the first ever elections for Police and Crime Commissioners (PCC) in England and Wales (excluding London), and the possibility of elections for any new city Mayors following referendums. We already know of one UK Parliamentary by election, which is due in Bradford West on 29 March 2012, and there may be others during the year.

The PCC and mayoral elections also bring with them further potential challenges particularly as some independent candidates may be standing for election for the first time, or may lack the support of a party infrastructure. Last year's polls saw an increase in the number of cases reported to the police where it was alleged that the imprint or name or address of the printer was not on the face of election literature. It is important that candidates have the information and guidance they need to enable them to produce campaign material without unwittingly falling foul of the law, and we will keep our guidance for candidates and agents under review to ensure that they fully understand their legal obligations.

We will continue to support and provide advice to governments across the UK on identifying opportunities to change the law where it is needed to strengthen the security of our electoral system. In particular, we welcome the plans that have been made in implementing individual electoral registration in Great Britain, and the UK Government's support for our long-standing recommendation to require Returning Officers to check the personal identifiers on all returned postal votes packs. We look forward to a change in legislation before the next UK Parliamentary general election.

But there is more that can be done. We still want the Government to make progress in reviewing the case for requiring proof of identity for voters at polling stations and to change the law to include Police Community Support Officers on the list of people allowed into polling stations.

I would like to thank the Single Point of Contact (SPOC) Officers for electoral malpractice in police forces across the UK, as well as Electoral Registration Officers, Returning Officers, prosecutors, Royal Mail and political parties, for their continued hard work to identify and prevent malpractice at UK elections. In many cases their work and the evidence they gather has led to those who commit fraud being sent to prison. The significant sentences received should be both a deterrent and a sign of how seriously the courts treat such offences. We look forward to continued close working to record and report on cases of alleged electoral malpractice in future years. The most important message for candidates and voters alike remains: if you see evidence of malpractice, report it.

Jenny Watson,  
Chair of the Electoral Commission

## Key findings

This report is based on information collected during our election reporting period, which ran from 5 April to 20 August 2011, and unless stated otherwise, the figures quoted in this report relate to this defined election period. This is to ensure comparability with our 2010 analysis when a similar reporting period was used, and 2009 when data was only collected during the period immediately surrounding the June elections.

- A total of 224 cases of alleged electoral malpractice were reported by the police during the election reporting period. 192 of these were reported in England, six in Scotland, six in Wales and 20 in Northern Ireland.
- The most frequently reported category of cases of alleged malpractice were those relating to **campaigning offences**, such as failure to provide a printer's name and address on election publications and false statements made about a candidate (56% or 125 out of 224). This was a higher proportion of the overall total than reported in 2010 or 2009.
- There has been a notable decrease in the proportion of alleged **voting offences** to 16% (35 cases) from 38% in 2010 and 40% in 2009.

Table 1: Nature of cases of alleged electoral malpractice reported in relation to the June 2009, May 2010 and May 2011 polls<sup>2</sup>

Category of offences	June 2009 Cases (% of total) Great Britain	May 2010 Cases (% of total) Great Britain	May 2011 Cases (% of total) United Kingdom
Registration	19	20	19 <sup>3</sup>
Nomination	13	9	8
Campaigning	27	34	56
Voting	40	38	16

- No case reported to the police during 2011 has affected the **outcome** of the election to which it related, and no election has had to be re-run as a result of electoral malpractice.
- As at 31 December 2011, **court proceedings** have been initiated in one case of personation at a polling station, and one case relating to an imprint offence has been resolved with a **caution**.
- A further 61 cases (27% of the total) resulted in **informal advice** being given by the police following investigation.
- Sixty one cases (accounting for 27% of the total) cases **remain under investigation or are awaiting advice** from the Crown Prosecution Service (CPS) or the Crown Office & Procurator Fiscal Service (COPFS) in Scotland.
- A total of 99 cases (44% of the total) required **no further police action** following investigation, because no offence was committed, there was insufficient or no evidence to bring a prosecution, the offence was not found to be an offence under the Representation of the People Act 1983 (RPA), or no offender could be detected.

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<sup>2</sup> The remaining one per cent of cases were categorised as miscellaneous.

<sup>3</sup> The equivalent figure for Great Britain is 13%.

## The geographical distribution of cases

- Cases were concentrated largely within five police forces, who reported 10 or more cases of alleged electoral malpractice: West Midlands; Nottinghamshire; Staffordshire; Northumbria and Northern Ireland<sup>4</sup>.
- Thirteen UK police forces reported no cases of alleged electoral malpractice relating to the May 2011 polls (for further information, see 3.45, below). In 2010, eleven forces reported no cases.

## 2011 polls

2011 was a busy year for elections and referendums. On 3 March people in Wales voted in a referendum on the powers of the National Assembly for Wales. Over 2.2million people were registered to vote in this referendum, of whom more than 800,000 cast a vote.

On 5 May 2011 there were scheduled elections to the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and local government elections across Northern Ireland, and in 279 local authorities in England. There were also by-elections for one UK parliamentary constituency and a number of council seats, five mayoral elections and one local authority referendum on new governance arrangements and parish council elections across England. On 5 May voters across the UK also went to the polls voting in a referendum on the voting system used to elect MPs to the House of Commons.

Nearly 37 million people were eligible to vote in the 5 May elections where more than 10,000 seats (in wards, constituencies, and regions) were up for contest. 19.5 million valid votes were cast in approximately 41,800 polling stations, with 5 million valid postal ballot papers received. Over 45 million people were eligible to vote in the referendum on the voting system used to elect MPs to the House of Commons, with more than 19 million casting a yes or no vote, including over 5 million postal votes.

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<sup>4</sup> There were no elections held in London on 5 May and only one allegation of electoral malpractice reported by the Metropolitan Police.



# Implications and key recommendations for elections and referendums in 2012

No-one involved in the administration or policing of elections should be complacent about the risk of electoral malpractice at future elections. We will continue to work with the police, Returning Officers, Electoral Registration Officers and the UK Government to ensure integrity and public confidence in the democratic process.

## Recommendations for Returning Officers and Electoral Registration Officers

1.1 ROs and EROs should have fully documented plans covering integrity issues.

1.2 ROs and EROs should ensure they keep under review their plans for identifying, and dealing with, allegations of electoral malpractice and meet the Commission's performance standards.

## Recommendations for police forces

1.3 Police forces should ensure that a SPOC for allegations of electoral malpractice is identified and supported in order to establish and maintain effective relationships with local EROs and ROs, and in particular to support a joint risk assessment for elections in 2012.

1.4 For 2012, SPOCs should continue to record and report allegations of electoral malpractice via the ACPO PNICC network, on a monthly basis throughout the year and for the additional reporting dates during the election period<sup>5</sup>, or immediately should a major case arise.

## Actions for the UK Government

1.5 We welcome the UK Government's plans to implement a system of individual electoral registration in Great Britain. The implementation of the programme should reduce the susceptibility of our registration system to electoral malpractice.

1.6 We also welcome the Government's proposal to make changes to the legislation to require Returning Officers to check the personal identifiers on all returned postal votes, in time for the next UK general election.

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<sup>5</sup> There will be no additional reporting dates for the PCC elections. Any allegations of electoral malpractice around this time will be collected as part of our monthly reporting cycle.

1.7 We want the Government to make progress on addressing significant policy issues before the next UK general election, which would strengthen the security of the electoral process including, reviewing the case for requiring proof of identity for voters at polling stations.

## Actions for the Commission

1.8 The Commission will continue to publish joint guidance published with ACPO and ACPO. It will also produce pocket guides for police officers, and postal voting quick guides for party and campaign workers and Royal Mail drivers and delivery staff.

1.9 The Commission will continue to work with EROs and ROs to support effective performance in relation to electoral integrity, providing them with tools and templates and undertaking targeted improvement visits. We will continue to ensure all candidates and agents have access to appropriate and timely guidance which helps them to understand and avoid inadvertent breaches of electoral law, including working with political parties to identify how best to disseminate our guidance.

1.10 The Commission will continue to work with ACPO, ACPOS, PSNI, PNICC and the CPS to ensure cases of alleged electoral malpractice are recorded and monitored by SPOCs during 2012 to be followed through to its outcome. We will also continue to encourage voters and campaigners to report to the police anything they think is suspicious and give evidence where it happens.

1.11 The Commission plans to conduct further research to develop a greater understanding of attitudes relating to electoral fraud and we hope to work with a wide range of stakeholders, including local and national politicians, electoral registration officers, and the police.

# 1 Introduction

## About this report

1.1 The Commission is required to publish a report on the administration of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly elections<sup>6</sup> and any referendum held under the Political Parties, Elections and Referendums Act 2000 (PPERA).<sup>7</sup>

1.2 Our report on the referendum in Wales on 3 March was published in June 2011<sup>8</sup>. Our reports on the 5 May polls were published in October 2011. These reports included initial findings from our analysis of allegations of electoral malpractice relating to 2011 election reporting period.<sup>9</sup>

1.3 For the fourth year in succession, we have worked with the Association of Chief Police Officers (ACPO) the Police National Information and Coordination Centre (PNICC), with assistance from the Association of Chief Police Officers in Scotland (ACPOS, to ensure a consistent and complete record of allegations of malpractice relating to the 2011 polls, and to enhance understanding of the scale and nature of electoral malpractice across the UK. Information is provided up to the end of December 2011. It has been possible once again to monitor and track allegations reported to the police through to their conclusion, to give a comprehensive picture of electoral malpractice.

1.4 This report presents the findings of our analysis of the extent and nature of cases of alleged electoral malpractice across the UK. It also reports on the outcomes of allegations of electoral malpractice and identifies the number of cases still to be resolved. It highlights lessons from these polls and identifies changes which should be made to improve the capacity of all those involved in the administration of elections to deal effectively with electoral malpractice. All 52 police forces across the UK submitted returns of allegations of electoral malpractice on a monthly basis throughout 2011 (including nil returns where applicable).

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<sup>6</sup> Section 5(1)(a) and 5(2)(c) to (e).

<sup>7</sup> Section 5(1)(b), Political Parties, Elections and Referendums Act 2000.

<sup>8</sup> *Report on the referendum on the law-making powers of the National Assembly for Wales 3 March 2011* (June 2011)

[www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0019/118603/Wales-ref-report-FINAL-web-mail.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0019/118603/Wales-ref-report-FINAL-web-mail.pdf)

<sup>9</sup> Our reports on the referendum on the voting system for elections to the UK Parliament, and the referendum on the law making powers of the National Assembly for Wales, along with separate reports on all scheduled elections held on 5 May 2011 can be found on our website, at:

[www.electoralcommission.org.uk/publications-and-research/election-reports](http://www.electoralcommission.org.uk/publications-and-research/election-reports)

1.5 2011 was the second year we collected returns from the police on a monthly basis throughout the year, instead of only during a specified election period. This monthly collection means that data is now available for any by-election that may be held and also for registration offences that occur during the annual canvass, or throughout the year by rolling registration. It was also the second year running that a SPOC was in place for the Police Service for Northern Ireland.

1.6 We have developed a specific election reporting period<sup>10</sup> to enable us to compare allegations in 2011 with previous years and to identify any trends in allegations of electoral malpractice. To coincide with the reporting period from previous years this includes all returns received between 5 April and 20 August. Additional reporting dates were added around the election: 6, 10, 13 and 19 May. The report also analyses cases reported outside this period which provides a more comprehensive view of the nature of cases throughout the whole of 2011.

1.7 Care should be taken not to assume that every case reported is proof of electoral malpractice – evidence from this and previous years' analysis suggests that a significant proportion of cases are not ultimately substantiated. Instances of malpractice are only confirmed when the investigation has been resolved.

1.8 The Commission gratefully acknowledges the commitment of ACPO, PNICC, and ACPOS in supporting this project in 2011 and their willingness to continue working with us in 2012 and 2013. In particular the Commission appreciates the work of the ACPO election crime lead Assistant Chief Constable Gareth Cann, of West Midlands Police Force, and the ACPO PNICC team of Chief Inspector Paul Peplow, Inspector Ray Teuten and Claire Rudkins. We also acknowledge the valuable contribution during these elections from Assistant Chief Constable Mike McCormick of Lothian and Borders Police, the ACPOS portfolio-holder for elections, and Sergeant Alan Gray at the ACPOS Secretariat. We look forward to working with their successors, Assistant Chief Constable Bill Skelly and Sergeant Alan Adamson respectively, during 2012.

1.9 The Commission, ACPO and ACPOS wish to record particular thanks to all SPOCs for submitting returns so promptly and comprehensively, especially where this work does not form part of their mainstream duties; without their support this important analysis could not have been carried out.

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<sup>10</sup> Our specified election reporting period has been defined as 1 month before, and 3.5 months following, polling day.

# About electoral malpractice

1.10 The shorthand term 'electoral fraud' is frequently used to cover instances where there has been a deliberate attempt to cheat at elections, but electoral malpractice also includes a wide variety of other breaches of the RPA. In this report we use the term 'electoral malpractice' to cover all illegal actions that contravene the RPA. This includes offences that do not consist of fraudulent behaviour, for example: failing to put the imprint on election material, making false statements about the personal character of a candidate, or using undue influence to persuade someone to vote or not to vote.

1.11 Appendix A sets out the terminology used in this report. In addition, a fuller list of offences under the RPA is given in Appendix B and Appendix C.

## Identifying and recording alleged electoral malpractice

1.12 We work closely with the Association of Chief Police Officers (ACPO), with assistance from the Association of Chief Police Officers in Scotland (ACPOS), the election Single Point of Contact (SPOC) officers in each police force,<sup>11</sup> the Crown Prosecution Service (CPS), the Crown Office & Procurator Fiscal Service, the Public Prosecution Service, Returning Officers, Electoral Registration Officers (EROs) (and their staff), Royal Mail, political parties and their representatives and UK Government officials - to coordinate and support effective activities to prevent and detect electoral malpractice.

1.13 The following measures have been implemented over the last few years which have made it easier to identify and check for electoral malpractice, as well as a formal process for reporting alleged electoral offences:

- As a result of the Electoral Administration Act 2006 there are now more powers, duties and new procedures to those preparing for and running elections to identify and check for malpractice. For example, there is now a requirement for EROs to send an acknowledgement to anyone who has applied for a postal vote.
- Each police force across the UK now has an election SPOC Officer committed to preventing electoral malpractice and providing a fast and positive response to allegations. As a result of working together with PNICC, allegations of offences of malpractice that breach any section of the RPA are now recorded centrally. This provides us with more information than ever on the extent of any allegations reported to the

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<sup>11</sup> SPOCs have been established in each police force across England, Scotland and Wales as a dedicated resource for ensuring the police are prepared for and responsive to allegations of electoral malpractice.

police. We have received positive feedback from Returning Officers, Electoral Registration Officers, and their staff about their experiences dealing with SPOCs. Most respondents to our 2011 post-May poll survey reported that they had had frequent and useful contact with their local SPOC in the run up to the polls, including pre-election meetings with candidates and agents. A few also mentioned that the police provided various forms of support and involvement on polling day such as attending polling stations and the count.

- The Commission's performance standard relating to electoral integrity aims to ensure that Returning Officers, Electoral Registration Officers, and their staff have a process in place to identify any patterns of activity that might indicate electoral malpractice. Feedback from Counting Officers and Returning Officers after the May polls found that most authorities now have a formal integrity policy including an audit of households with multiple postal votes, or checking applications against other records, such as council tax. We have seen that Returning Officers, Electoral Registration Officers and their staff are now more vigilant in identifying, and reporting cases which they think are suspicious, to the police.
- The Commission works closely with the UK Associations of Chief Police Officers to provide guidance, resources and advice to police forces and Returning Officers, and their staff on preventing and detecting electoral malpractice. We also bring together Returning Officers, Electoral Registration Officers (and their staff), police forces, prosecutors, political parties and UK Government officials at regular roundtable discussions on electoral malpractice. Anyone involved in elections should know exactly what to do in the event of an allegation.
- We also provide guidance for candidates and agents to ensure they are aware of the need to maintain the integrity of elections. This includes a list of 'dos and don'ts' for campaigning and polling day, use of the electoral register and absent voters' lists, imprints on campaign publicity material and summaries of the key electoral offences and the how to report any allegations of malpractice.
- We also work with political parties to ensure candidates and agents have access to appropriate and timely guidance which helps them to understand and avoid inadvertent breaches of electoral law.
- Our guidance for the electoral events in 2012 strengthened our advice to Presiding Officers for dealing with suspected cases of personation in polling stations. This was produced in consultation with CPS, SPOCs, ACPO, and ACPOS. We have made clear to ROs that security in the vicinity of polling stations can help pre-empt allegations of undue influence or intimidation.

- Some Royal Mail staff have reported suspicious activities to the police, such as a member of the public posting large numbers of postal ballot packs. The Commission continues to work with Royal Mail to enhance the integrity of the electoral process. This includes a pocket guide for all Royal Mail drivers and delivery staff.

## About the 2011 polls

1.14 2011 was a busy year for elections and referendums. On 3 March people in Wales voted in a referendum on the powers of the National Assembly for Wales.

1.15 On 5 May, there were scheduled elections to the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and local government elections across Northern Ireland, and in 279 local authorities in England. Voters across the UK also went to the polls voting in a referendum on the voting system used to elect MPs to the House of Commons.

1.16 There were also by-elections for one UK parliamentary constituency and a number of council seats, five mayoral elections and one local authority referendum on new governance arrangements and parish council elections across England.

1.17 Nearly 37 million people were eligible to vote in the 5 May elections where more than 10,000 seats (in wards, constituencies, and regions) were up for contest. 19.5 million valid votes were cast<sup>12</sup> in approximately 41,800 polling stations, with 5 million valid postal ballot papers received.

1.18 Turnout at each of the elections and referendums held in 2011 is shown in table 2, below.

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<sup>12</sup> This figure is based on the number of ballot papers counted –for example, a constituency ballot paper and a regional ballot paper cast in a Scottish Parliament or National Assembly for Wales election are counted as one vote. Where a voter could vote for more than one candidate on the same ballot paper, for example in Northern Ireland or in some wards in England, this has been counted as a single valid vote for the purposes of this figure.

**Table 2: Turnout at the 2011 polls**

Election/referendum	Turnout %
Wales referendum (3 March)	35.6
Scottish Parliament	50.5
National Assembly for Wales	41.8
Northern Ireland Assembly	55.6
Northern Ireland local government	55.7
English local government	42.0
UK referendum	42.2

1.19 Over 2.2 million people were registered to vote in the 3 March referendum in Wales, of whom over 800,000 cast a vote (a turnout of 35.6%). Seventy percent voted in person at just over 2,500 polling stations across Wales. Nearly all the remainder voted by post, with just 3,000 appointing a proxy to vote on their behalf. In total, 23 groups or individuals registered with the Commission to campaign in the referendum. There were no official 'Yes' and 'No' campaign organisations for the referendum because we were unable to designate them under the rules of the PPERA.

1.20 6.6 million votes were cast at scheduled elections to the Scottish Parliament, National Assembly for Wales, and the Northern Ireland Assembly. 12.2 million valid votes were cast at the local government elections across parts of England. Over 650,000 votes were cast in in local elections held in Northern Ireland). More than 28,000 candidates stood at these elections.

1.21 At the UK-wide referendum in May, a total of 45.7 million people were registered to vote, with 19.3 million casting a yes or no vote, and 5.2 million postal votes (a total turnout of 42.2%). Nearly 80,000 people were appointed a proxy. Approximately 41,800 polling stations were open across the UK, with turnout varying across scheduled elections in the devolved areas and local authorities. There were 12 registered campaign groups, and two official lead campaign groups designated by the Commission.



## 2 Electoral malpractice at the 2011 polls

2.1 The findings in this chapter are based upon returns from police election Single Point of Contact (SPOC) officers from all police forces across the UK. Unless otherwise stated, these findings refer specifically to cases of alleged electoral malpractice reported to the police during the reporting period for the May 2011 polls. This chapter concludes with an analysis of those cases reported outside our election reporting period.

### The number and size of cases

2.2 A total of 270 cases were recorded by the police across the UK throughout the 2011 calendar year. During our election reporting period in 2011 224 cases of alleged malpractice were reported. Eighty one per cent of cases involved only one allegation. Twelve per cent of cases had two allegations. Only three per cent of cases (six in total) had more than five allegations.

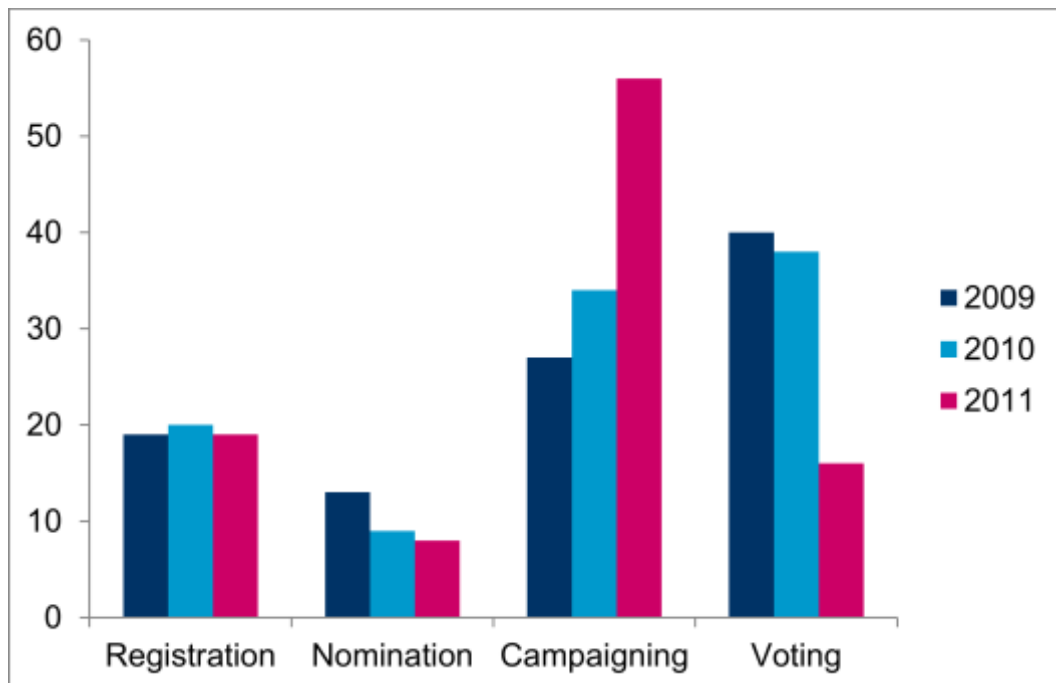
2.3 There was no evidence of widespread, systematic attempts to undermine or interfere with either the 3 March referendum in Wales or the polls on 5 May 2011 through electoral fraud.

### The nature of cases

2.4 Cases of alleged electoral malpractice can be categorised into offences relating to campaigning, registration, voting, or nomination. As shown in chart 1, a similar number of alleged registration and nomination offences were recorded by police forces in 2011 to those at the 2010 polls.

2.5 There has been an increase in alleged campaign offences while, at the same time, a decrease in the proportion of alleged voting offences. In 2011, over half (56%) of all cases of alleged electoral malpractice reported to the police were campaign offences, compared to 34% of all cases reported in 2010, and 27% in 2009. Alleged voting offences, however, accounted for only 16% of all reported cases in 2011, which represents a significant drop since 2009 (from roughly 40%). This suggests that allegations of this type are on the decline across the UK. This decline may be attributed, in part, to the effect of measures that have enhanced the security of postal and proxy votes since 2006, particularly under the Electoral Administration Act 2006.

Chart 1: The type of alleged cases as a percentage of the total number of cases reported in May 2011, May 2010 and June 2009



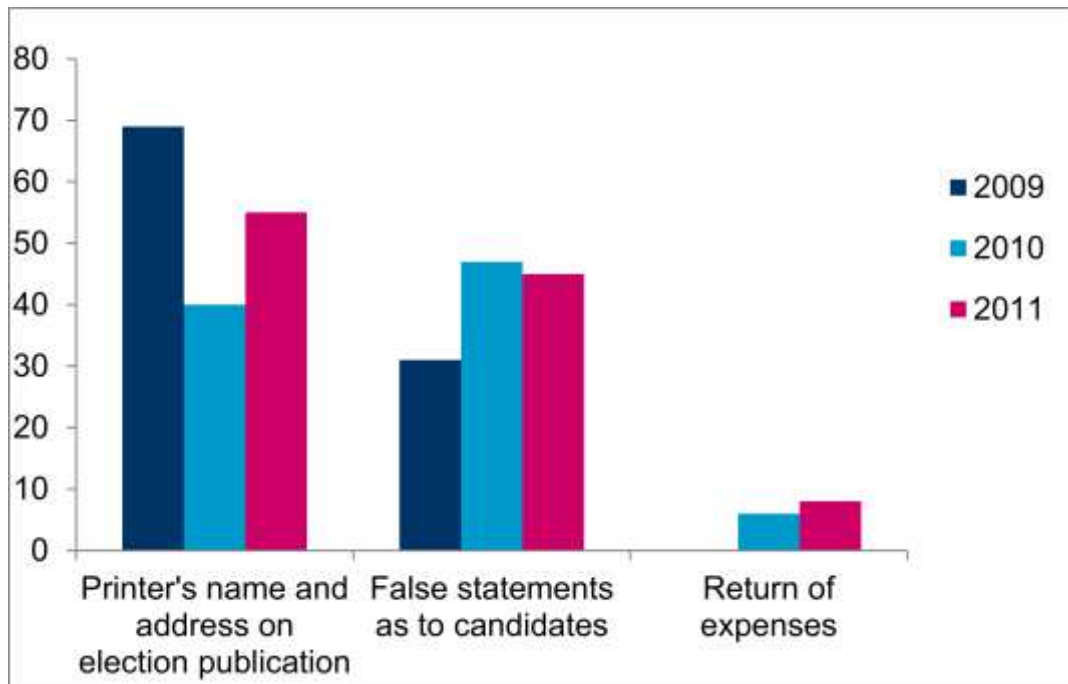
Note this does not include 'other' cases

## Cases of alleged campaigning malpractice

2.6 Campaigning cases cover alleged offences relating to the failure to provide a printer's name and address on election publications, payment for the exhibition of election notices, false statements as to candidates, the prohibition of paid canvassers, and the return of campaign expenses.

2.7 Alleged campaigning offences accounted for 56% of all cases reported, representing the largest category of offences – 125 cases. This represents a marked increase on previous years. At the 2010 elections there were 78 alleged campaigning offences (or 34% of all cases reported) compared with only 13 (27% of all cases) in 2009. Many of the cases reported in 2011 were of a less significant nature, and there was no evidence that these had any effect on election outcomes. Due to improved mechanisms for reporting, many more cases are being logged by police, but the majority do not end up being substantiated.

Chart 2: The type of alleged cases as a percentage of the total number of campaign cases reported in May 2011, May 2010 and June 2009



Note this does not include 'other' cases

2.8 As shown in the chart 2, the most frequent campaigning offence in 2011 was where the name and address of the printer, publisher and any person on whose behalf the document has been published (often collectively referred to as an 'imprint'), is not on the face of election literature (as required by Section 110 of the RPA). This accounted for 55 of the 125, or 44%, of all campaign cases reported in 2011. This was broadly similar to 2010 (40%), but significantly lower than the proportion in 2009 when this figure was 69%.

2.9 While it is relatively easy to produce evidence of breaches of imprint offences, many offenders are not prosecuted on the grounds that it was not intentional. Many candidates claim that it was an inadvertent oversight. In such cases, it is often deemed not to be in the public interest to bring a prosecution. Some police officers issue a warning or a caution to prevent similar offences at future elections. Thirty seven cases (67%) were resolved in this way, while others resulted in no further action as was the case in 22% of these offences. One imprint offence resulted in a caution with the remaining cases still under investigation or awaiting CPS advice.

2.10 However, in a minority of cases an imprint offence may become more serious, as the case study below illustrates. Rather than simple oversight, it is possible that the imprint on election material can be deliberately omitted (particularly in cases where election material is used to defame a candidate) so

that the author cannot be traced. It is difficult to prove intent in these cases as without an imprint it is not possible to determine who produced the election material.

2.11 The second most frequent campaign offences reported in 2011 related to an RPA offence of 'false statements as to candidates' (section 106(1) RPA). This occurs when a person makes a false statement of fact about the personal character or conduct of a candidate<sup>13</sup>. These accounted for just over a third (36%) of all campaigning cases. This is lower than similar allegations recorded in 2010 (47%) but remains broadly similar to the figure reported during the 2009 election reporting period. Twenty five (57%) of these cases were recorded as resulting in no further action; 17 (39%) were under investigation or awaiting CPS advice, and two concluded with informal police advice.

**Case study of a false statement about the character of two councillors offence – South Wingfield, Derbyshire (parish council elections, held on 6 May 2011)**

In Derbyshire, police investigated allegations that a suspicious election related letter, bearing no imprint, was being distributed during the campaigning period in South Wingfield. This letter made specific and personal references to two Councillors standing for election and was reported to have been distributed to multiple addresses in the area. The letter urged electors not to vote for these Councillors in the scheduled elections.

Derbyshire police interviewed two suspects who pleaded guilty to being paid £50 to deliver leaflets, but both claimed to be unaware that they had breached electoral law. The offenders gave police leads on a man responsible for the production of these leaflets, but it was not possible to identify him.

We have learned since the end of our reporting deadline that this case is no longer under investigation. Both individuals who admitted to accepting and distributing leaflets have been issued with a formal police caution.

2.12 The remaining campaign offences related to the return of expenses, totalling six per cent of all campaign offences. These are cases where it is alleged that a candidate failed to submit their expenses, submitted the information late, or it is alleged that the expenses are not accurate. During 2011 there were 8 alleged campaign offences reported to the police relating to campaign expenses. Three of these resulted in no action due to no offence being identified, and five remain under investigation at the time of writing.

2.13 The Commission received four allegations during the specified election period (out of a total of 10 for the calendar year), of which three actually related

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<sup>13</sup> However, a person will not commit this offence if they can show that they had reasonable grounds for believing, and did believe, the statement to be true.

to the 2010 UK Parliamentary General Election. In line with our normal practice the complainants in such cases were advised that these offences are a police matter as the Commission has no powers of sanction. The Commission does however encourage SPOCs to discuss any cases with us, and provides support and assistance to SPOCs.

2.14 The Commission did however consider the facts in respect of one complaint. Although there was no likelihood of a referral to the police because the statutory time limit for a prosecution had effectively passed, the Commission considered it in the public interest to make inquiries in order to establish the facts of the matter for the purposes of transparency and future guidance. The Commission published a case summary relating to this case, which is available on our website.<sup>14</sup>

## Cases of alleged registration malpractice

2.15 Nineteen per cent of all reported cases of alleged malpractice reported in 2011 related to alleged registration offences (a total of 43 cases). This proportion has remained consistent over the last few years in England, Scotland and Wales.

2.16 In 2011, 17 cases, or 40% of all alleged registration offences reported were in Northern Ireland. The majority of the alleged registration offences in Northern Ireland (76%, or 13 cases) included the provision of false information to register to vote. These were often found to be the result of one member of the household signing forms for other family members without realising that they had committed an offence. Of these cases, four required no further action, seven were given informal police advice and two remain under investigation.

2.17 Twenty eight of the registration cases reported throughout the UK in 2011 related to registering to vote offences (Section 13D(1) RPA). Ten of these related to false information in applications to vote by post and one of false information in applications to vote by proxy (Section 13D(1A), RPA).

2.18 The majority, 17 cases, of alleged registration offences required no further action (40%). Ten cases resulted in informal police advice. Thirteen cases remain under investigation at the time of publication.

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<sup>14</sup> *Case Summary: Case review concerning campaign expenditure return in respect of Chris Huhne MP* (July 2011)  
[www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0005/119507/Chris-Huhne-Case-Summary.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/119507/Chris-Huhne-Case-Summary.pdf)

## Cases of alleged nomination malpractice

2.19 Seventeen cases were reported as alleged nomination offences, representing 8% of all cases reported to the police. A similar proportion was reported in 2010 (9%)

2.20 As in previous years, the majority of alleged nomination cases related to offences of false statement in a nomination paper (Section 65A(1) and (1A) RPA). A total of 12 (71% of all nomination cases) were reported as such (see example below). Such offences can include instances where it is claimed that the signature on the nomination paper was not made by the voter, or instances where a candidate is accused of falsely stating that they meet the qualification criteria for standing in the election.

2.21 Five cases resulted in no further action and a further three in informal police advice being given by the police. Most nomination cases (41%) remain under investigation or await CPS advice.

2.22 Other nomination cases related to an ineligible candidacy case in Wales and to the corrupt withdrawal of a candidate<sup>15</sup>.

### Case study of a false statement offence: Bournemouth Council

In Bournemouth a candidate stood in the Local Government elections whilst employed by Bournemouth Borough Council<sup>16</sup>. The candidate signed the declaration on the nomination form that he was not disqualified from standing as a candidate, making him liable for the criminal offence of being a candidate and making a false statement contrary to section 65A(1A) RPA.

The candidate was notified that he had been detected in making a false statement when it was too late for him to withdraw his candidacy. However he did not take part in the election and co-operated fully with police when interviewed. He was not elected and the case resulted in no further action.

2.23 A case that had significant prominence in the public domain, and became the subject of investigation by the police and the National Assembly for Wales, was where two individuals who were returned as Assembly Members following the May 2011 general election had not been aware that they were ineligible to stand for election because of offices they held, meaning they were disqualified.

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<sup>15</sup> Section 107 RPA provides that any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

<sup>16</sup> Therefore the candidate was disqualified for being nominated as a candidate and becoming a member of the local authority because of section 80(1)(a) of the Local Government Act 1972.

The circumstances are summarised in the case study below, and full details are available in our statutory report on the election.<sup>17</sup>

#### Case study: National Assembly for Wales elections – ineligible candidacy

Two Liberal Democrat candidates, John Dixon and Aled Roberts, were returned as Assembly Members (AMs) in the regional list elections in South Wales Central and North Wales respectively. On 17 May, they were suspended from membership by the National Assembly for Wales when it transpired that each were members of bodies listed under the National Assembly for Wales (Disqualification) Order 2010. Mr Dixon was a member of the Care Council for Wales and Mr Roberts was a member of the Valuation Tribunal for Wales. This meant that they had not been eligible to stand for election - they were disqualified from standing.

At the time of nomination, both had signed 'Consent to Nomination' forms, indicating that to the best of their knowledge and belief they were not disqualified from membership of the Assembly. It is an offence for a person knowingly to make a false statement as to their qualification for election.

Shortly after the suspensions became public, a formal complaint was made to the police by John Bufton MEP. South Wales Police commenced investigations into both cases on 19 May. On 23 June, the CPS announced that neither John Dixon nor Aled Roberts were to be prosecuted for any criminal offence arising out of their nomination and return as AMs when disqualified.

## Voting cases

2.24 Alleged voting offences accounted for 16% of all cases reported during the 2011 election reporting period (35 cases). This represents a significantly lower percentage than was reported in 2010 (38%) and 2009 (40%). Now that personal identifiers are required to make absent voting applications, and there is closer scrutiny when postal ballots are opened, it is significantly harder to cast a fraudulent postal vote, and this may explain, in part, the decline in alleged voting offences.

2.25 As shown in chart 3, the proportion of personation offences as a percentage of voting offences has continued to fall over the last three years – from 68% in 2009, to 40% in 2010, down to 34 % in 2011.

2.26 Although the proportion of alleged personation offences has declined, these offences continue to account for the majority of all alleged voting offences

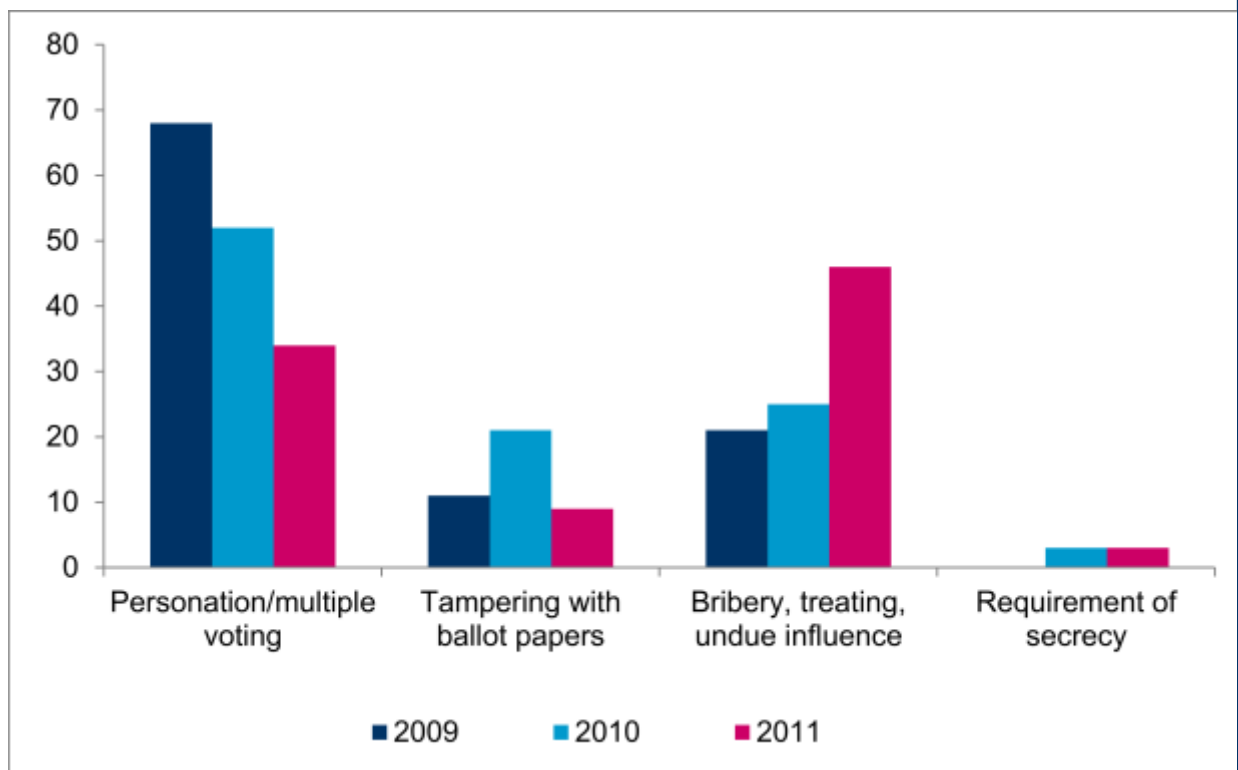
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<sup>17</sup> *Report on the National Assembly for Wales general election 5 May 2011* (October 2011)  
[www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0012/141330/Final-NAW-report-web.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0012/141330/Final-NAW-report-web.pdf)

(36%). Personation offences were split equally between personation at a polling station and those encountered through postal voting. We are not aware of any alleged personation offences which related to proxy voting. The case study below provides an illustration of a personation allegation where false signatures were found on a number of postal voting statements.

2.27 The proportion of alleged cases relating to bribery offences remains roughly the same as previous years, at 3%. However, whilst the percentage of someone tampering with a ballot paper has decreased from 21% in 2010 to 9%, 2011 saw an increase in the proportion of reported allegations of undue influence from 16% in 2010 to 26%. Treating allegations rose from 6% to 17%. Definitions of 'undue influence' and 'treating' can be found in Appendix C of this report.

**Chart 3: Type of voting offence as a percentage of all alleged voting offences recorded at the polls in 2009, 2010 and 2011**



Note this does not include 'other' cases



### Case study: personation allegation - Scotland, Isle of Skye

In Scotland the police investigated a case of suspicious postal voting statements which all came from residents at the same care home for the elderly. Their enquiries concluded that a member of staff had tried to be helpful by completing statements on behalf of 11 residents but had failed to realise that the postal voters had to sign the postal voting statement themselves. All 11 postal votes were rejected. The police gave advice to staff in the care home and did not bring charges.

The Electoral Commission had worked with the Care Commission and the Scottish Human Rights Commission to distribute information about registration and voting to staff at every residential care home in Scotland prior to the 2011 elections and referendum to tell people about their right to vote and try to prevent this type of incident. We intend to repeat this exercise in advance of the 2012 Scottish local government elections.

2.28 Where there has been an outcome, half of alleged personation offences (a total of five cases) remain under investigation. Two have resulted in informal police advice, four in no further action, and court proceedings have begun in the remaining case (relating to personation in a polling station).

2.29 Three voting cases related to someone tampering with a ballot paper. An example of this was in Birmingham where a Presiding Officer took two hours to deliver ballot boxes from the polling station to the count and upon arrival the seals on the boxes were broken. West Midlands Police obtained a court order to carry out an inspection of the ballot papers. We have learned since the end of our reporting deadline that this case is no longer under investigation. The police found that there had been no criminal intent and that the ballot papers had not been interfered with. Informal police advice was issued in this case.

2.30 Of the two other alleged tampering with ballot paper offences during the 2011 election period, one is still under investigation and the other was resolved with no further action, due to insufficient evidence.

2.31 Twenty six per cent (9 cases) of all alleged voting offences related to undue influence, a further six cases were treating offences and the remaining one was a bribery offence. Examples of these types of cases include offering refreshments at election related meetings, a candidate (mistakenly) providing incorrect polling station details; assistance being given inappropriately to a voter regarding names on a ballot paper and an elector being intimidated by a party worker into removing a poster.

2.32 Three-quarters (12) of these cases resulted in no further action due either to insufficient evidence to bring a prosecution, or because no offence was found to have been committed. One case remains under investigation or awaiting CPS advice and a total of three were issued with informal police advice.

2.33 One case in 2011 related to the offence of breaching the requirement of secrecy in section 66 of the RPA. An allegation was made that the social media site Twitter was used to 'tweet' the election result from a count before the result was officially declared. The case was closed with no further action, due to insufficient evidence. Three cases of this nature were reported in 2010.

## Other cases of alleged malpractice

2.34 In 2011 there were 26 cases which the police recorded as election, but not RPA, related offences. 17 of these resulted in no further action, three with informal police advice, and six remain under investigation or awaiting CPS advice. These were recorded as 'other' and included, amongst others, allegations relating to the stealing of election posters, the removal of election material, election material displayed on private property, and damage to a candidate's property.

## The geographical distribution of cases

2.35 192 or 86% of all cases were reported in England; six in Scotland, six in Wales, and 20 cases in Northern Ireland.

2.36 Across England, four police forces reported 10 or more cases of alleged malpractice: West Midlands (20); Nottinghamshire (16); Staffordshire (14) and Northumbria (11). Collectively they accounted for just over one-quarter (27%) of all cases in England.

2.37 The proportion of police forces reporting no cases of electoral malpractice at the May 2011 polls was akin to May 2010. Thirteen (compared to eleven in 2010) police forces reported no cases during the 2011 election period.

2.38 The main difference between 2011 and 2010 is that there was only one case of alleged electoral malpractice, relating to a false application to register to vote, reported by the Metropolitan Police<sup>18</sup> In 2010, the Metropolitan police accounted for 48, or 21%, of the 232 cases of alleged malpractice reported.

2.39 A detailed breakdown by police force (of the number of cases and allegations relating to the May 2011 polls, with details of the RPA offence and their outcomes) will be published alongside this report on our website.

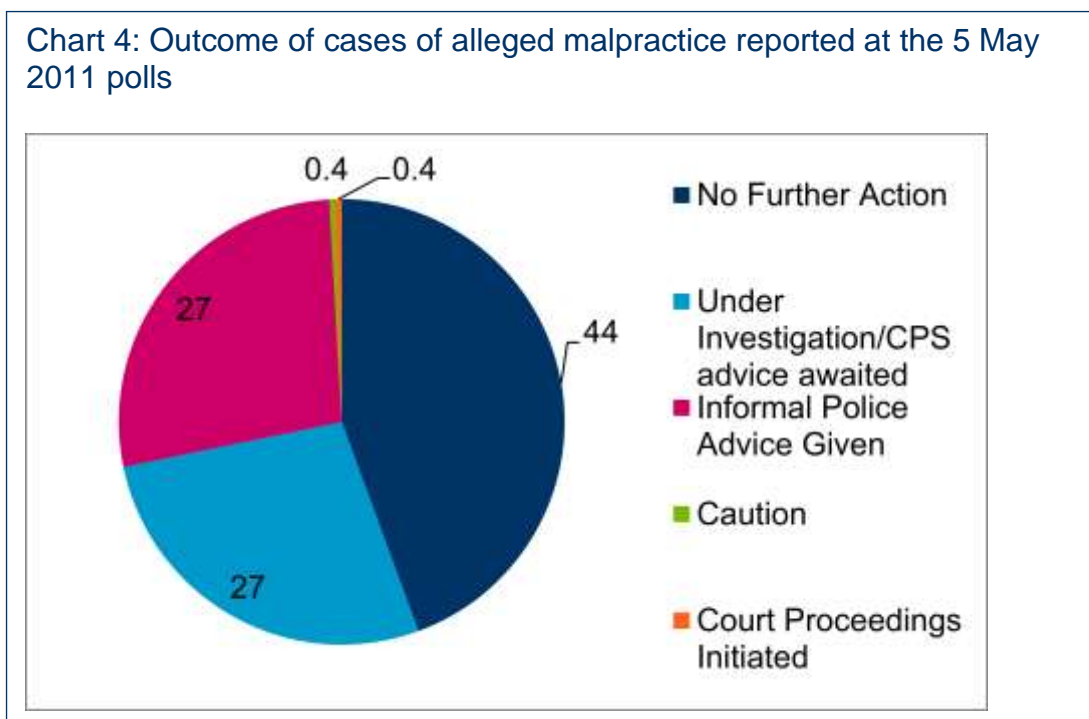
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<sup>18</sup> There were no elections held in London on 5 May 2011.

## The outcome of cases

2.40 Chart 4 below shows the outcome of cases of alleged electoral malpractice during our 2011 election reporting period, as at the end of December 2011.

2.41 Court proceedings were initiated in one case of personation at a polling station, and one case relating to an imprint offence was resolved with a formal police caution.



2.42 Ninety nine, or 44%, of all reported cases during the election reporting period have been recorded as resulting in outcomes of no further action (NFA). This is because no offence has been committed, there is insufficient evidence to bring a prosecution, or no offender can be detected. This is lower than the number of cases requiring NFA in 2010 (59%) and 2009 (52%).

2.43 Of those cases where the outcome was recorded as NFA, almost two-thirds (60%) were due to no offence having been committed. A further 21% were due to lack of evidence, another nine per cent of offences were undetectable, and the remaining 13% were, whilst election-related offences, not classed as offences under the RPA.

2.44 Sixty one cases (27%) resulted in informal police advice being given, and over half of these cases (36 out of 61) were alleged campaigning offences relating to imprints. This marks an increase on both 2010 and 2009 when only 10% of cases were resolved in this way. The police will give informal advice where a case falls short of a caution but which may result in a criminal record.

2.45 61 (35%) of all cases relating to the 2011 polls, remain under investigation or are awaiting advice from the CPS or the Crown Office & Procurator Fiscal Service in Scotland. We will report any updated information about the outcome of these cases when we publish our analysis of any allegations of electoral malpractice relating to elections in 2012.

## Cases and allegations of electoral malpractice reported outside our election reporting period

2.46 This is the second year that the Commission has collected information from SPOCs throughout the year on a monthly basis. Reporting on allegations submitted by the police outside our specific election reporting period enables us to take a more comprehensive view of the levels of electoral malpractice in the UK. Throughout the whole of 2011 there were 270 cases of alleged electoral malpractice: 46 of which occurred outside our election reporting period. Forty-three of these were in England, one in Scotland and two in Northern Ireland.

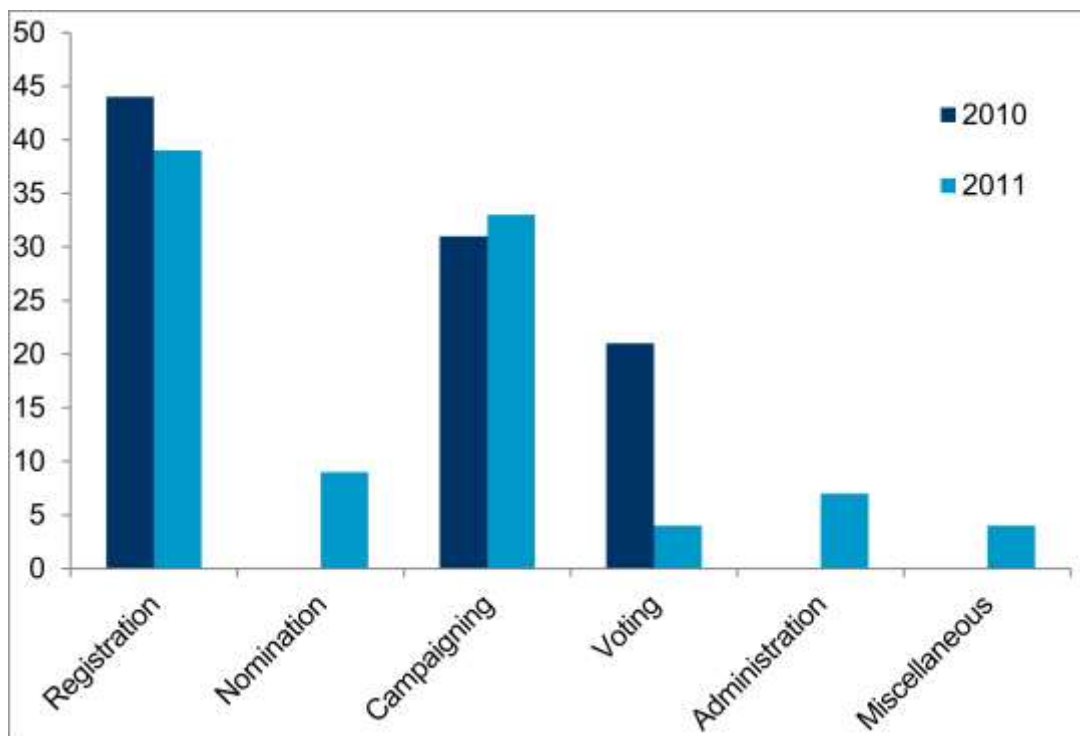
### Nature of cases

2.47 The 46 allegations of electoral malpractice reported comprise of 15 campaigning cases, 18 electoral registration cases, four nomination cases, two miscellaneous cases, two voting cases, and 4 'other' allegations of electoral malpractice. As shown in the chart below and reflected in our findings during the election period, there has been an increase in the proportion of alleged campaigning offences recorded by the police.

2.48 A majority (15) of the electoral registration offences outside the 2011 election reporting period related to false applications to register to vote whereby it was alleged that a person provided false information when registering to vote. Three cases were recorded as 'other' registration offences. Of the total number of electoral registration cases (18). 17 of these were in England and one in Northern Ireland.

2.49 Cases reported outside our election reporting period tend to be people wishing to commit financial, benefit and/or ID fraud. We have seen an increase in cases of this type in 2011, as represented in the case of Enfield, below. Over half of alleged registration offences were identified by the police, or following police investigation, as not in fact being election motivated.

Chart 5: Type of voting offence as a percentage of all alleged voting offences recorded outside our election reporting period in 2010 and 2011



Note this does not include 'other' cases

#### Case study: false registration - Enfield

In Enfield an allegation was made regarding false registration after tenants who moved into a new housing estate found that other people were registered there. Subsequently, evidence was found to suggest that several applications may be related to financial fraud activity. The CPS directed that the matter be investigated and dealt with by local CPS as financial fraud rather than as an RPA case. No commonality was found between the forms and the police have concluded their investigation as no further action – undetectable.

Apart from the falsely registered names no other electoral offence has been reported in relation to this case, there has been no attempt to affect the outcome of an election and the falsely registered names were removed from the register before the May 2011 polls.

2.50 The majority of alleged registration offences remain under investigation (7). Of the remaining three, two were resolved with no further action and one resulted in a caution being given.

2.51 Of the alleged campaign offences, four were false statements made about a candidate, three were imprint cases and one was because a candidate had not returned his expenses.

2.52 One imprint case resulted in no further action due to insufficient evidence. Two of the four alleged false statements made about a candidate offences resulted in no further action while the remaining two are still under investigation. The alleged return of expenses offence is still under investigation.

2.53 Three alleged nomination offences related to a false statement on a nomination form. One of these allegations fell within Section 65A (1). The other two allegations related to a false statement as to the qualification of the candidate to be elected (Section 65A (1A)). All three cases resulted in no further action either as a result of no evidence or no offence being detected.

2.54 The allegation of electoral malpractice related to voting was a bribery offence. This case was resolved as no further action as there was no evidence to suggest it was an RPA offence.

## 3 Electoral malpractice at the May 2010 elections – update

3.1 This chapter updates the findings of the analysis report published jointly by the Associations of Chief Police Officers (ACPO) and the Electoral Commission in February 2011. It provides an update of the unresolved cases of electoral malpractice following the 2010 elections and the remaining case from the 2009 elections.

3.2 The unresolved case from 2009 reported by Avon and Somerset police was in relation to a registering to vote offence which was linked to financial fraud. This case remained unresolved when we reported on our analysis of malpractice in 2010, due to the on-going investigation into suspected motives of financial fraud. This case has now been resolved as no further action, because it was not possible to detect who had committed the fraud.

3.3 A table of cases and allegations by police force, referred to in 2010 analysis report has been updated and published in February 2011, alongside the report on our website.<sup>19</sup>

### 2010 elections

3.4 Across the UK, there were 118 cases outstanding from 2010. Ninety seven of these were during our election reporting period and 19 were outside.

3.5 As shown in Table 3 below the majority of cases from 2010 resulted in no further action: almost three quarters all cases reported during our election period. The second largest outcome was informal police advice given – 14%.

3.6 We will report in our 2012 report the outcome of the remaining 15 cases.

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<sup>19</sup> Tables detailing cases of alleged malpractice by police force and outcome during the 2010 election period can be found on our website, at: [www.electoralcommission.org.uk/news-and-media/news-releases/electoral-commission-media-centre/news-releases-reviews-and-research/report-on-2010-electoral-malpractice-cases-published](http://www.electoralcommission.org.uk/news-and-media/news-releases/electoral-commission-media-centre/news-releases-reviews-and-research/report-on-2010-electoral-malpractice-cases-published)

**Table 3: Outcome of offences reported during the election period across the UK in 2010**

Outcome	2010 total	Election period	Outside election period
Conviction/ Court Proceedings initiated	6	4	2
Caution	7	5	2
IPAG	18	14	4
NFA - no evidence	25	21	4
NFA - no offence	38	33	5
NFA - not RPA offence	2	2	0
NFA - undetectable	16	16	0
Under Investigation	15	12	3

3.7 The following two case studies are examples of cases that resulted in a conviction.

**Case study: Tampering with ballot papers (offence originally reported as section 65(1)(b) to (f) RPA) Burnley, Lancashire (this was shown in our 2010 electoral malpractice report as awaiting court proceedings)**

A book of 50 unused ballot papers was stolen from polling stations in Daneshouse and Stoneyholme during elections to Burnley Council in 2010. Staff at the count were made aware of the theft and were on notice to detect suspicious papers at the count. The relevant papers were found when the ballot box was opened at the count, each marked as a vote for the same candidate. These ballot papers were rejected and not included in the count. A polling agent pleaded guilty of conspiracy to defraud the borough's Returning Officer. He was sentenced to 18 months imprisonment at Burnley Crown Court on 14 July 2011.

**Case study: Providing false information for a purpose connected with registration (section 13D(1) RPA): Guildford**

This false registration case related to a larger wider case where eight defendants were convicted of conspiracy to defraud and money laundering offences at Southwark Crown Court in March 2011 and were sentenced to a total of 25 years in prison from May 2011. This was a case of identity fraud and did not affect the outcome of the election.



## 4 Voters' perceptions of electoral fraud

4.1 The Commission continues to track public perceptions of electoral fraud, both after electoral events and as part of our annual winter tracker research.

4.2 Our 2011 winter tracker research, conducted by the agency TNS-BMRB, found that electoral fraud is not an issue that most people generally consider themselves well informed about<sup>20</sup>. In 2011, only 6% said they knew a lot about it. Fifty six per cent of respondents said they knew hardly anything or nothing at all about fraud which represents a fall in self-declared knowledge since 2010 (when 47% said they knew hardly anything or nothing at all about it).

4.3 Despite this our 2011 winter tracker survey also found that 36% of respondents thought that electoral fraud was a very or fairly big problem. Nearly one-third (30%) of those who said they knew hardly anything/nothing about electoral fraud still thought it was a problem. Previous waves of research have shown fluctuating concerns over the scale of electoral fraud but attitudes remained broadly consistent between 2010 and 2011, as illustrated in chart 6, below.

4.4 There is contrast between the very low levels of recorded cases of alleged electoral malpractice and the higher levels of concern about electoral fraud expressed by people. For example, our 2011 post-polling survey found that a fifth of respondents (21%) were concerned that fraud had taken place at the 2011 UK-wide referendum (which was a fall from 33% concerned at the 2010 UK general election).

4.5 Evidence suggests that the overall confidence in the safety and security of the voting process may be influenced by the wider context, such as the media reporting of electoral fraud. Our 2011 winter tracker survey found that people who said electoral fraud was a problem were more likely than those that didn't to:

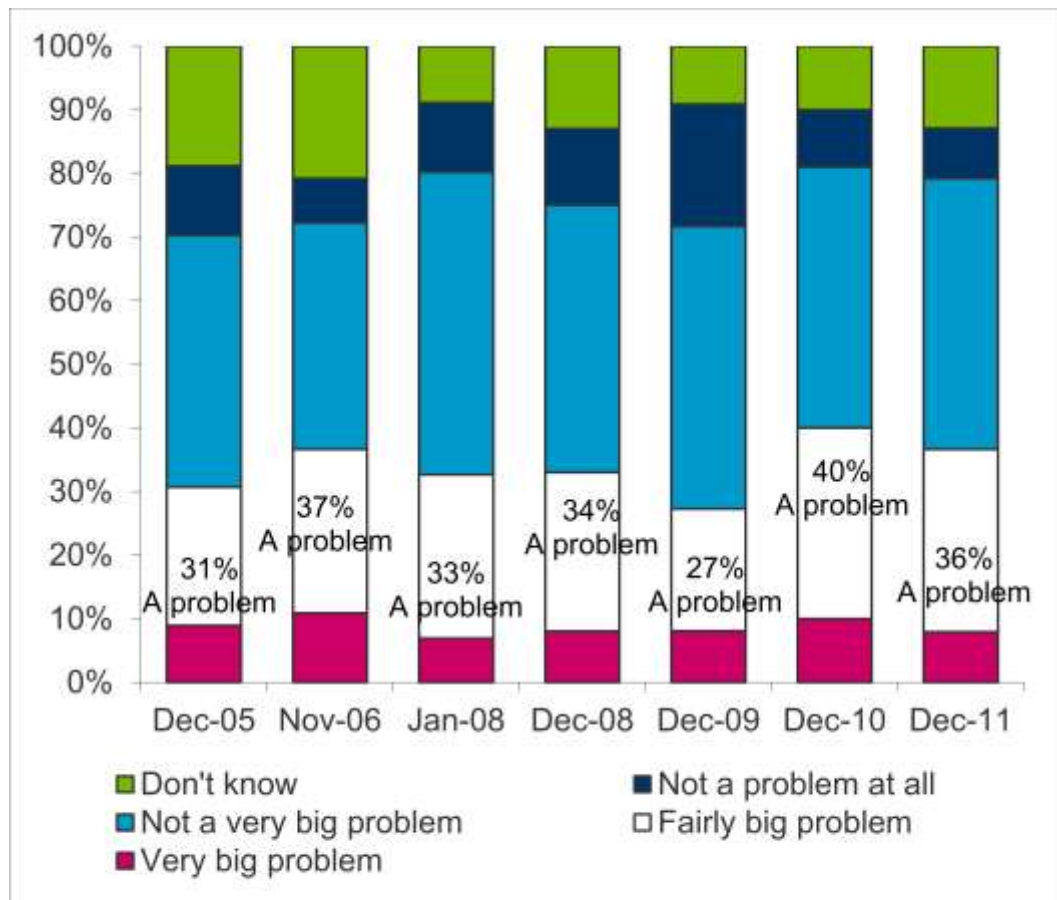
- have seen stories in the media about electoral fraud happening in the UK (49% compared with 32% who said fraud was not a problem);
- heard from someone they knew about electoral fraud happening (14% versus 4%)

4.6 Those who considered electoral fraud to be a problem were asked in how many areas they thought it would affect who was elected. One in five (17%) felt that fraud had the potential to affect who was elected in half or more election areas.

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<sup>20</sup> TNS\_BMRB public opinion research findings, winter 2011:  
[www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0010/146998/2011-Public-Opinion-Winter-Research-Topline.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0010/146998/2011-Public-Opinion-Winter-Research-Topline.pdf)

Chart 6: Whether people think electoral fraud is a problem (2005 to 2011)



Base: All respondents UK

Source 2005-09:

Ipsos MORI Source 2010: ICM Source 2011: 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 Ireland? Do you think it is...

4.7 However, more people now perceive postal voting to be safe in 2011 than in previous years, with over half (56%) of respondents saying the process is safe from fraud and abuse (compared with 40% in 2008, 46% in 2009, and 53% in 2010). More detailed findings on attitudes towards electoral fraud based on the winter tracker data can be found on our website<sup>21</sup>. The Commission plans to conduct qualitative research to develop a greater understanding of attitudes relating to electoral fraud.

<sup>21</sup> TNS\_BMRB Winter research 2011: additional analysis:  
[www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0011/146999/2011-Winter-Research-Segmentation-Analysis.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/146999/2011-Winter-Research-Segmentation-Analysis.pdf)

# 5 Conclusions and recommendations for future elections

5.1 This report has presented our analysis of allegations of electoral malpractice for the fourth year in succession, and is the fourth time that we have published data about allegations of electoral malpractice recorded by police forces.

5.2 Our analysis of allegations of electoral malpractice recorded by police forces across the UK shows that there was no evidence of widespread, systematic attempts to undermine or interfere with the May 2011 polls through electoral fraud. No case reported to the police in this analysis has been shown to have affected the outcome of the election to which it related, and no election that took place in May polls has had to be re-run as a result of electoral malpractice.

5.3 A total of 270 cases were recorded by the police across the UK throughout the 2011 calendar year. A total of 224 cases were recorded during our specified election reporting period. Nearly 37 million people were eligible to vote in the May elections and almost 19.5 million votes were cast.

5.4 Across the UK in 2010, 257 cases of alleged malpractice were reported. When making comparisons with previous years it is important to be mindful of which electoral events took place in that year and where they were held. This is likely to have an impact on the number and type of cases reported. For example, there were no elections held in London in 2011 and only one case of alleged malpractice reported, compared to 48 or a fifth of all cases reported in 2010.

5.5 2011 has seen a in shift in the nature of cases reported by the police from alleged voting offences to alleged campaigning offences made up of imprint cases and those where a false statement was made about a candidate.

5.6 While cases of alleged electoral malpractice were reported across the UK, the majority of cases were reported in five police forces: West Midlands (20); Northern Ireland (20); Nottinghamshire (16); Staffordshire (14) and Northumbria (11). At the same time, 12 police forces reported no cases.

# Elections in 2012

5.7 The following events are scheduled to take place on 3 May 2012:

- London Mayoral and London Assembly elections
- Scottish Local Government elections
- Community council elections in Wales
- Elections to 153 local authorities across England
- 10 cities are having local referendums on whether or not to have elected Mayors (Birmingham, Bradford, Bristol, Coventry, Leeds, Manchester, Newcastle, Nottingham, Sheffield and Wakefield) and Doncaster is having a referendum on whether to keep an elected mayor.
- Mayoral elections in Liverpool and Salford.
- Parish council (by-) elections in certain local authority areas

5.8 On 15 November 2012 in England and Wales (excluding London) there will be elections for Police and Crime Commissioners in 41 Police Authority Areas. Each Police Authority Area will have a Police Area Returning Officer (PARO) coordinating the voting area with Returning Officers for each local authority running the operational duties for their area. On the same day, mayoral elections are proposed in any of the 10 cities in England that vote 'yes' in the May local referendums on directly elected Mayors.

5.9 The Localism Act 2011 introduced provisions to enable local referendums to be held on Council Tax increases and Neighbourhood Development Plans starting in 2012.

5.10 As in previous years, there will be additional reporting dates around the May polls for SPOCs to report any allegations of electoral malpractice. Any allegations of electoral malpractice relating to the November polls will be recorded as part of our monthly up-date.

5.11 There are still certain integrity aspects to be resolved in relation to the Police and Crime Commissioner elections scheduled for November 2012. ACPO is currently working to establish a standard operating procedure for dealing with allegations of malpractice, and this will be made available online in due course.

## Recommendations for elections in 2012

5.12 No-one involved in the administration or policing of elections should be complacent about the risk of electoral malpractice at future elections, even in those areas where allegations of electoral malpractice have not previously been made. All local Returning Officers and Electoral Registration Officers should have appropriate plans and processes in place to identify any patterns or activities that might indicate electoral malpractice. As we have concluded above, allegations of electoral malpractice have not been confined to any

particular area, and allegations could be made at any time in any part of the UK where elections are being held.

5.13 Moreover, the public still remain concerned about the risk of electoral fraud, despite the fact that allegations of electoral malpractice are neither widespread nor systematic. Following the elections in May 2010, just over a third of respondents to our public opinion survey said they were very or fairly concerned that electoral fraud had taken place at these elections.

5.14 The approach to dealing with issues of electoral malpractice has changed considerably in recent years. A great deal has been done to help prevent and deter electoral malpractice and ensure that those who are tempted to break the law are caught and then severely punished. This includes:

- Changes to the law to specify new offences
- Significant sentences, including terms of imprisonment, in cases of electoral malpractice.
- ROs are required to check at least 10% of postal vote statements, and many follow the Commission's recommendation to check 100% of statements. We look forward to the introduction of Government proposals to mandate 100% checking of postal vote statements before the next UK Parliamentary general election.
- Improved networks and support for police officers on electoral malpractice offences issued by ACPO, ACPOS and the Electoral Commission.
- The Commission has set performance standards for Electoral Registration Officers (EROs) and Returning Officers (ROs) to ensure that they have processes in place to identify any patterns of activity that might indicate electoral malpractice. The Commission has provided all EROs and ROs with guidance to meet this standard including a template plan.

5.15 Our analysis this year has shown an increase in the proportion of cases which related to alleged campaigning offences, including missing or incorrect imprints on campaign materials and false statements about the personal character or conduct of candidates. There is scope for further work by the Commission and political parties to improve understanding by candidates and their agents about electoral law and election related offences, and we set out below the action we intend to take to support candidates.

## Recommendations for Returning Officers and Electoral Registration Officers

5.16 ROs, EROs, and their electoral administration teams are uniquely placed to identify incidents and patterns of activity that might indicate misconduct.

5.17 The Commission has issued guidance and planning templates to support ROs, EROs and their electoral administration teams to develop and put in place effective plans. This includes those tasks which relate to electoral integrity.

#### **Recommendations for Returning Officers and Electoral Registration Officers**

ROs and EROs should ensure they keep under review their plans for identifying, and dealing with, allegations of electoral malpractice. To meet the Commission's performance standards ROs and EROs should:

- Identify key partners and contacts including the relevant police force election Single Point of Contact (SPOC) officer.
- Build on local knowledge of the relevant factors and circumstances to identify possible risks, working with the SPOC.
- Specify agreed responsibilities for action in the event of allegations of electoral malpractice.
- Include checking 100% of all returned postal voting statements.

ROs and EROs should have fully documented plans covering integrity issues.

### **Recommendations for police forces**

5.18 ACPO , ACPOS and the Commission also appreciate the support given to the creation of the database of electoral malpractice allegations by all SPOCs, and we welcome their continued support as we move towards the challenges posed by elections and referendums in 2012.

#### **Recommendations for police forces**

Police forces should ensure that a SPOC for allegations of electoral malpractice is identified and supported in order to establish and maintain effective relationships with local EROs and ROs, and in particular to support a joint risk assessment for elections in 2012.

Ensure that SPOCs attend a programme of training events which is critical given the high turnover of SPOC personnel.

SPOCs should ensure that each officer on duty over the election period is provided with the appropriate pocket guide, *Guidance on policing elections and referendums*, and knows the name of their SPOC and where or how they can be contacted.

For 2012, SPOCs should continue to record and report allegations of electoral malpractice via the ACPO PNICC network, on a monthly basis throughout the

year and for the additional reporting dates during the election period<sup>22</sup>, or immediately should a major case arise.

SPOCs, with ROs, should also organise malpractice seminars in advance of polling day in their force area.

## Recommendations for the UK Government

5.19 We welcome the UK Government's plans to implement a system of individual electoral registration in Great Britain. The implementation of the programme should reduce the susceptibility of our registration system to electoral malpractice.

5.20 We also welcome the Government's recent announcement that it will be introducing provisions to require Returning Officers to check the personal identifiers on all returned postal votes, in time for the next UK general election.

### Recommendations for the UK Government

We want the Government to make progress on reviewing the case for requiring proof of identity for voters at polling stations, in time for any recommended changes to legislation to be implemented after the next UK general election.

## Actions for the Commission

5.21 We will continue to publish joint guidance on preventing and detecting electoral malpractice, developed in association with ACPO and ACPOS.<sup>23</sup> We have also produced pocket guides for police officers, and postal voting quick guides for party and campaign workers and Royal Mail drivers and delivery staff.

5.22 We supported a national seminar in February 2012 for police force SPOCs, electoral administrators and political parties to discuss the guidance materials, consider and work through potential scenarios and develop contacts within the wider SPOC network. We also held SPOC seminars in Scotland and Wales and have supported London Elects in running one in London.

5.23 We will continue to work with individual EROs and ROs to support effective performance in relation to electoral integrity, providing them with tools and templates and undertaking targeted improvement visits.

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<sup>22</sup> There will be no additional reporting dates for the PCC elections. Any allegations of electoral malpractice around this time will be collected as part of our monthly reporting cycle.

<sup>23</sup> *Guidance on preventing and detecting electoral malpractice* (February 2012) Available on our website at: [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events)

5.24 We have reviewed our guidance for candidates and agents to ensure that they fully understand the eligibility criteria for standing for election and the legislation which regulates the conduct of election campaigns. This guidance includes a list of 'dos and don'ts' for campaigning and polling day, use of the electoral register and absent voters' lists, imprints on campaign publicity material and summaries of the key electoral offences and the how to report any allegations of malpractice. We will continue to work with political parties to ensure candidates and agents have access to appropriate and timely guidance which helps them to understand and avoid inadvertent breaches of electoral law.

5.25 We will continue to work with ACPO, ACPOS, PSNI, PNICC and the CPS to ensure cases of alleged electoral malpractice are recorded and monitored by SPOCs during 2012 to be followed through to its outcome. We will also continue to encourage voters and campaigners to report to the police anything they think is suspicious and give evidence where it happens.

5.26 We will report on cases and allegations of alleged electoral malpractice at the elections and referendums held in 2012 together with any cases reported as a result of a by-election and those related to false applications to register to vote. We will also provide updated information about the outcome of cases from the May 2011 elections, and unresolved cases from 2010.



# Appendix A – Terminology used in the report

## List of abbreviations used in this report

Abbreviation	Full title
ACPO	Association of Chief Police Officers of England, Wales and Northern Ireland
ACPOS	Association of Chief Police Officers in Scotland
CPS	Crown Prosecution Service
ERO	Electoral Registration Officer
PNICC	Police National Information and Coordination Centre
PSNI	Police Service of Northern Ireland
RO	Returning Officer
SPOC	Single Point of Contact officer

## Definitions of terminology used in this report

Term	Definition
Case	<p>A case is a unit of management for one or more allegations or complaints made to the police. It may involve one offence or more, committed by one person or several people. It reflects the way the police manage allegations – from the smallest to the largest incident.</p> <p>The case is the most appropriate unit of measure for understanding the extent of alleged and actual electoral malpractice. Reliance on the record of proven court cases alone is inadequate.</p>
Allegation	An allegation is a formal complaint made to the police about a breach of electoral law. Using the Home Office

	<p>counting method, each allegation represents one offence against one victim by one offender.<sup>24</sup> At the time of an election the number of allegations is usually the only indicator of electoral malpractice that is available.</p> <ul style="list-style-type: none"> <li>• Allegations might not be substantiated (i.e. insufficient evidence to support the allegation).</li> <li>• Allegations might be made where no law has been broken.</li> <li>• Allegations might be made where there is no evidence of breaching the RPA.</li> <li>• Allegations might be made where there is not enough evidence to prove that electoral malpractice has taken place or there is not enough evidence to identify who has committed the offence.</li> </ul> <p>Allegations might be made where there is sufficient evidence that electoral malpractice has occurred but it is decided that a prosecution is not deemed to be in the public interest. These would normally result in a caution if guilt is admitted or informal police advice.</p> <p>The number of reported allegations should be regarded as indicative rather than as a precise representation of electoral malpractice. The number of allegations may change during the course of an investigation as more information comes to light. New allegations may arise as a result of police inquiries while others may be dismissed as hearsay, vexatious or simply the product of sweeping generalisations.</p>
Offence	An electoral malpractice offence is an illegal action or corrupt practice that contravenes the RPA.
Caution	A police caution is a formal warning given to adults who admit they are guilty of a non-violent offence, and is an alternative to prosecution. A caution is not a criminal

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<sup>24</sup> Home Office counting rules set out which allegations of offences should be recorded and how they should be counted. The basic principle is that each allegation represents one alleged offence against one victim by one offender. In a case with multiple victims, each victim would be counted as a separate crime and similarly, in a case with multiple offenders, each offender would be counted separately. Every police force has a Registrar who is appointed to ensure compliance with the rules.

	conviction but it may result in a criminal record.
Informal advice from the police/ Locally resolved.	This outcome is an alternative that falls short of a caution, and does not bring the case into the criminal justice system.
Charge	A criminal charge is where, following a police investigation and interview, a person is formally accused with committing a criminal offence.
Prosecution	A prosecution is the conducting of legal proceedings against a defendant who is charged with an offence or offences.
Conviction	A conviction is a judgement, or plea, of guilty in a criminal case.
Electoral malpractice	Electoral malpractice is defined as illegal actions that contravene the RPA. This definition will not cover all law enforcement action in respect of electoral matters, but is appropriate for the purpose of this analysis.

# Appendix B – Reporting categories for Representation of the People Act 1983 offences

Table B1 below outlines the categories and grouping of Representation of the People Act 1983 (RPA 1983) offences used in the 2008 project. An explanation of some of the offences is given in Appendix C.

The categories reported in Table 5 in Chapter 2 and Table 6 in Chapter 3 and Appendix D are consistent with this table except that categories have been omitted where no offence has been reported.

**Table B1: Representation of the People Act 1983 (RPA) offences**

Section of RPA	Summary title
<b>Registration</b>	
13D(1)	False information
13D(1A)	False postal/proxy voting application
<b>Nomination</b>	
65A(1) and (1A)	False statement in nomination paper
65(1)	Tampering with nomination papers
107	Corrupt withdrawal of candidate
<b>Campaign</b>	
110	Details to appear on election publications
106(1)	False statements as to candidates
109	Payment for exhibition of election notices
111	Prohibition of paid canvassers
75–85	Return of expenses
<b>Voting</b>	
60–62 and 62A	Personation/legal incapacity to vote/multiple voting
66	Requirement of secrecy
65(1)(b to f)	Tampering with ballot papers
113	Bribery
114	Treating
115	Undue influence
<b>Administration</b>	
63	Breach of official duty
99(1)	Officials not to act for candidates
<b>Miscellaneous</b>	
92	Broadcasting
94	Imitation poll cards
97(1)	Disturbance at election meetings

Section of RPA	Summary title
100(1)	Illegal canvassing by police officers
112	Providing money for illegal purposes

# Appendix C – Election offences: key offences and penalties

The Representation of the People Act 1983 (RPA) sets out for the majority of electoral offences. The Electoral Administration Act 2006 amended or introduced new RPA offences, and introduced new procedures.

Most offences under the RPA 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.<sup>25</sup> Illegal practices are summary offences and the maximum penalty is a £5,000 fine.<sup>26</sup>

Prosecutions under the RPA must be brought within one year 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.<sup>27</sup>

## Corrupt practices

### Bribery

Bribery includes directly or indirectly giving any money to, or procuring 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.<sup>28</sup>

### Treating

Treating includes directly or indirectly (before, during or after an election) giving or providing (or paying wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to corruptly influence any voter to vote or refrain from voting.<sup>29</sup>

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<sup>25</sup> Section 168 RPA and Article 120 National Assembly for Wales (NAW) (Representation of the People (RoP)) Order 2007.

<sup>26</sup> Section 169 RPA and Article 121 NAW (RoP) Order 2007.

<sup>27</sup> Section 176 RPA and Article 128 NAW (RoP) Order 2007.

<sup>28</sup> Section 113(2) RPA and Article 79 NAW (RoP) Order 2007.

<sup>29</sup> Section 114(2) RPA 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. A person will also be guilty of undue influence if, by abduction, duress or any fraudulent device or contrivance, they impedes or prevents, or intends to impede or prevent, the free exercise of the franchise of an elector or proxy for an electors, or so compels, induces or prevails upon, or intends so to compel, induce or prevail upon, an elector or proxy for any elector either to vote or to refrain from voting.<sup>30</sup> Non-electoral offences such as threats to commit criminal damage, assault and public order offences may be considered in addition to the electoral offence of 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.<sup>31</sup> Further, the individual voting can be deemed to be guilty of personation if they vote as a person whom 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.<sup>32</sup> 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, or 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.

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<sup>30</sup> Section 115(2)(b) RPA and Article 81 NAW (RoP) Order 2007.

<sup>31</sup> Section 60 RPA and Article 30 NAW (RoP) Order 2007.

<sup>32</sup> Section 62A RPA and Article 14 NAW (RoP) Order 2007.

# Illegal practices

## Multiple voting and proxy voting offences

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

- voting by post as an elector or proxy when subject to a legal incapacity to vote
- voting more than once in the same constituency at a parliamentary election or electoral area at a local government election
- applying for a proxy without cancelling a previous proxy appointment
- inducing or procuring another to commit one of the above offences<sup>33</sup>

## 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.<sup>34</sup> Any breach of this legislation is a summary offence with a maximum penalty in England and Wales of six months imprisonment or a £5,000 fine.<sup>35</sup>

### False registration information and false postal/proxy voting application

It is an offence to supply false information 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.<sup>36</sup> 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 51 weeks imprisonment or a £5,000 fine.<sup>37</sup>

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<sup>33</sup> Section 61 RPA and Article 31 NAW (RoP) Order 2007.

<sup>34</sup> Section 66 RPA and Article 35 NAW (RoP) Order 2007.

<sup>35</sup> In Scotland the maximum fine is £5,000 and the maximum term of imprisonment is 3 months (paragraph 27(8) of Schedule 1 to the Scottish Local Government Elections Order 2011).

<sup>36</sup> Section 13D RPA and Article 14 NAW (RoP) Order 2007.

<sup>37</sup> Section 13D RPA and Article 14 NAW (RoP) Order 2007.



## 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 under the Forgery and Counterfeiting Act 1981
- using a false instrument under the Forgery and Counterfeiting Act 1981
- conspiracy to defraud under the common law

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