



The  
Electoral  
Commission

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# Analysis of allegations of electoral malpractice at the June 2009 elections

Association of Chief Police Officers and  
Electoral Commission analysis

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## Summary

The Electoral Commission wants people throughout the UK to be confident in the results of elections. Preventing opportunities for electoral malpractice, ensuring that attempts to commit malpractice are detected and dealing with allegations appropriately are key priorities for the Commission, the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) and the Association of Chief Police Officers in Scotland (ACPOS).

For the second year in succession, we worked with the ACPO Police National Information and Coordination Centre (PNICC), with assistance this year from ACPOS to ensure a consistent and complete record of allegations of malpractice relating to the European Parliamentary elections and the local government elections in England in June 2009. All 51 police forces across England, Scotland and Wales submitted eight returns of any allegations relating to elections and electoral registration between 26 May and 8 September 2009. The ACPO PNICC analysis does not include cases and allegations relating to Northern Ireland, because there is not yet an established Single Point of Contact network for the Police Service of Northern Ireland (PSNI). This report summarises the information which has been made available to us by the PSNI on cases and allegations of electoral malpractice relating to the June 2009 elections.

This report presents the full findings of our analysis of the extent and nature of cases of alleged electoral malpractice relating to the June 2009 elections. It reports on the outcomes from allegations of electoral malpractice and identifies cases still to be resolved. It also updates information about the outcome of cases relating to the local elections in England and Wales in May 2008. The report highlights lessons from these elections 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.

## Key findings

Our analysis shows that there is no evidence of widespread, systematic attempts to undermine or interfere with the June 2009 elections through electoral fraud. No case reported 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 June 2009 has had to be re-run as a result of electoral malpractice.

- The number of cases and allegations of electoral malpractice recorded by police forces in Great Britain was very low, particularly compared with the scale of participation at the June 2009 elections, although the nature of the elections which took place in June 2009 were such that attempts to commit large-scale electoral fraud were not expected.
- The size of the cases recorded by police forces relating to the June 2009 elections, in terms of the number of allegations involved in each case, also indicates that there were no apparent attempts to commit large-scale electoral fraud.

- There is some similarity in the nature of cases recorded by police forces relating to the June 2009 elections with those relating to the May 2008 elections.
- The geographical distribution of cases involving allegations of electoral malpractice recorded by police forces suggests that allegations are not confined to any particular area.
- Analysis of the outcomes from the police investigations of cases of electoral malpractice suggests that many recorded allegations have little or no substance.

## Key facts

### June 2009 elections

- More than 45 million people were eligible to vote in the June 2009 elections across the United Kingdom.
- Twenty-six parties and 16 candidates stood for election in the European Parliamentary elections, while nearly 9,000 candidates stood in local government elections in England.
- More than 22 million votes were cast in the June 2009 elections across the United Kingdom.

### The scale and extent of cases and allegations

- A total of 48 cases involving 107 allegations were recorded by police forces across Great Britain.
- The largest single case in Great Britain involved allegations that 24 photocopied ballot papers were sent to a Returning Officer in Aylesbury.
- A total of 38 cases (79% of all reported cases) involved only one allegation against a single individual.
- Of the 51 territorial police forces in Great Britain, nearly two-thirds (32 forces) reported no cases of electoral malpractice.
- A total of 10 cases involving 48 allegations were reported in Northern Ireland.

### The nature of cases and allegations

- The most common cases and allegations related to personation offences (27% of all cases and nearly half of all allegations), registration offences (19% of all cases and 21% of all allegations) and election material imprint offences (19% of all cases and 11% of all allegations).

### The outcome of cases and allegations

- At the end of November 2009, 26 cases (52% of the total number) relating to the June 2009 elections have been recorded as requiring no further action.

- Seventeen cases (35% of the total number) remain under investigation or are awaiting further advice from the Crown Prosecution Service (CPS) or the Crown Office in Scotland.
- One case, in Walsall, resulted in a police caution, and a further five involved informal police advice which falls short of a caution.
- Included in this analysis is one case relating to the June 2009 elections that resulted in a prosecution. Two people pleaded guilty to three charges of false registration and other non-electoral fraud charges in Bournemouth, and each received a sentence of one month's imprisonment for the registration offences. We are also aware that, in mid-December 2009, one person pleaded guilty to two charges of personation at the European Parliamentary and local government elections in Cannock, and was sentenced to four months in prison.

## Implications and recommendations for elections in 2010

While we have found that there were a relatively small number of cases of alleged electoral malpractice relating to the June 2009 elections, no one involved in the administration or policing of elections should be complacent about the risk of electoral malpractice at future elections. 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.

The elections that are due to be held during 2010 are likely to be both high-profile and closely contested. Local government elections are scheduled to take place in England in May 2010, including in all London boroughs and the large metropolitan borough authorities. A UK Parliamentary general election must also be held by June 2010.

It is clear that 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, including:

- changes to the law to specify new offences and require more checks on postal votes
- improved networks and guidance for police officers on electoral malpractice offences issued by ACPO and the Electoral Commission
- clear performance standards for Electoral Registration Officers (EROs) and Returning Officers (ROs) set and monitored by the Commission, setting out expectations for formally documented plans to identify and manage allegations of electoral malpractice
- significant deterrent jail sentences in trials for electoral malpractice

Nevertheless, we have highlighted a number of recommendations for ROs, EROs and police forces, and we have also identified actions that the Commission will take forward.

### **Recommendations for ROs and EROs**

ROs and EROs must ensure they have developed and put in place formal, documented plans for identifying and dealing with allegations of electoral malpractice for elections in 2010.

Plans 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

### **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 2010.

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

For 2010, SPOCs should continue to record and report allegations of electoral malpractice via the ACPO PNICC network, on a monthly basis with additional returns on four specified dates during an election period, or immediately should a major case arise.

### **Actions for the Commission**

In addition to the joint guidance published with ACPO, *Guidance on preventing and detecting electoral malpractice*, available 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), the Commission has supported a national seminar in December 2009 for SPOCs to discuss the guidance materials, consider and work through potential scenarios and develop contacts within the wider SPOC network. The Commission will also be organising sub-national events to support more local links between SPOCs and electoral administrators during spring 2010.

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.

The Commission will continue to work with ACPO, ACPOS, PNICC and the CPS to enable every allegation recorded by SPOCs during 2010 to be followed through to its outcome. The Commission is also working with the PSNI and the Chief Electoral Officer for Northern Ireland to establish equivalent recording and reporting arrangements to those in place in the rest of the UK. This will allow data from Northern Ireland to be included in future analysis reports, and for comparisons to be drawn across the whole of the UK.

The Commission and ACPO have agreed for 2010 to roll out the collection of information about allegations of electoral malpractice on a monthly basis throughout the year with four additional collection dates in relation to any major elections. We will report on cases and allegations of electoral malpractice at elections in 2010, and will also provide updated information about the outcome of cases from the June 2009 elections, by December 2010.

# 1 Introduction

## About the Electoral Commission

1.1 The Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000 (PPERA). Our aim is integrity and public confidence in the democratic process.

1.2 We work to:

- register political parties
- make sure people understand and follow the rules on party and election finance
- publish details of where parties and candidates get money from and how they spend it
- set the standards for running elections and report on how well this is done
- make sure people understand it is important to register to vote, and know how to vote
- make sure boundary arrangements for local government in England are fair

1.3 We produce independent reports on the administration of all major elections in the UK. We also review and comment on draft electoral legislation and identify where changes in the law will help secure improvements in the administration of well-run elections.

1.4 We want people throughout the UK to be confident in the results of elections. Preventing opportunities for electoral malpractice, ensuring that attempts to commit malpractice are detected and dealing with allegations in an appropriate manner are key priorities for the Electoral Commission. We work closely with the Association of Chief Police Officers (ACPO), the election Single Point of Contact (SPOC) officers in each police force,<sup>1</sup> the Crown Prosecution Service (CPS), electoral administrators, Royal Mail, political parties and their representatives and UK Government officials to coordinate and support effective activities to prevent and detect electoral malpractice.

## About the Association of Chief Police Officers and the Police National Information and Coordination Centre

1.5 ACPO is an independent, professionally-led strategic body. In the public interest and, in equal and active partnership with Government and the Association of Police Authorities, ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. In times of national need ACPO – on behalf of all chief police officers – coordinates the strategic policing response. The Police National Information

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<sup>1</sup> SPOCs have been established in each police force across England, Scotland and Wales as a dedicated resource for ensuring police are prepared for and responsive to allegations of electoral malpractice.

and Coordination Centre (PNICC) is part of ACPO and its wider role is to manage police information at a national level. It is this capability which led ACPO and the Commission to establish a reporting mechanism for electoral malpractice. While the information has been gathered and collected by ACPO PNICC, it would not have been possible to extend the project to include information about electoral malpractice in Scotland without the support of the Association of Chief Police Officers in Scotland (ACPOS).

## About the June 2009 elections

1.6 On Thursday 4 June 2009 people across the UK voted in elections for Members of the European Parliament (MEPs), and in some parts of England people also voted in local government elections. More than 45 million people were eligible to vote for MEPs in 12 electoral regions, including nine regions across England and one region each for Scotland, Wales and Northern Ireland. These electoral regions ranged in size from approximately 1.1 million electors in Northern Ireland to 6.2 million electors in the South East region in England.

1.7 Local government elections were also held in 27 English shire counties and nine unitary authorities, including in five new unitary authorities that assumed their functions on 1 April 2009: Cornwall, Bedford, Central Bedfordshire, Shropshire, and Wiltshire. There were also mayoral elections in Doncaster, Hartlepool and North Tyneside, and a number of local government by-elections. There were no local government elections in London or the metropolitan areas of the West Midlands, Greater Manchester, Merseyside, South Yorkshire, West Yorkshire and Tyne and Wear.

1.8 Table 1 below shows the number of candidates, electors and the votes cast at the June 2009 elections.

**Table 1: Candidates, electors and votes cast at the June 2009 elections**

	<b>Number of seats</b>	<b>Number of parties/ candidates</b>	<b>Number of electors (million)</b>	<b>Number of votes cast (million)</b>
European Parliamentary elections	72	26 parties 16 candidates <sup>2</sup>	45.3	15.6
English local government elections	2,318	8,957 candidates	17.5	6.9

<sup>2</sup> Includes a total of nine independent candidates who stood for election in electoral regions in Great Britain, and seven who stood for election as candidates for registered political parties in Northern Ireland.

1.9 Table 2 shows the number of English local authorities holding elections in June 2009, together with the total number of seats up for election in each region.

**Table 2: Number of English local authorities and seats up for election in June 2009**

<b>European Parliamentary electoral region</b>	<b>County councils holding elections</b>	<b>Unitary authorities holding elections</b>	<b>Total number of seats up for election</b>
East Midlands	5	0	336
Eastern	5	2	482
London	0	0	0
North East	0	0	0
North West	2	0	168
South East	7	1	533
South West	4	3	472
West Midlands	3	1	255
Yorkshire & the Humber	1	0	72
<b>Total</b>	<b>27</b>	<b>7</b>	<b>2,318</b>

## About this report

1.10 The Commission is required to publish a report on the administration of each European Parliamentary election in the UK.<sup>3</sup> Our report on the June 2009 European Parliamentary elections, which was published in October 2009, reported our initial findings from our analysis of allegations of electoral malpractice relating to the June 2009 elections.<sup>4</sup>

1.11 For the second year in succession, we worked with ACPO PNICC, with assistance this year from ACPOS, to ensure a consistent and complete record of allegations of malpractice relating to the 2009 elections. All 51 police forces across England, Scotland and Wales each submitted returns of any allegations relating to elections, including electoral registration, on eight dates between 26 May and 8 September 2009. Full details of the background and approach to this work can be found in Appendix A.

1.12 This report presents the findings of our analysis of the extent and nature of cases of alleged electoral malpractice in Great Britain relating to the June 2009 elections, with information provided up to the end of November 2009. It reports on the outcomes from allegations of electoral malpractice and identifies cases still to be resolved. The report also highlights lessons from these elections and identifies changes which should be made to improve the

<sup>3</sup> Section 5(2)(b), Political Parties, Elections and Referendums Act 2000.

<sup>4</sup> Electoral Commission, *The European Parliamentary and local government elections June 2009* (2009) available at [www.electoralcommission.org.uk/publications-and-research/election-reports](http://www.electoralcommission.org.uk/publications-and-research/election-reports).

capacity of all those involved in the administration of elections to deal effectively with electoral malpractice.

1.13 The 2009 ACPO PNICC analysis does not include cases and allegations relating to Northern Ireland, because there is not yet an established SPOC network for the Police Service of Northern Ireland (PSNI). This report summarises at paragraph 2.50 the information which has been made available to us by the PSNI on cases and allegations of electoral malpractice relating to the June 2009 elections.

1.14 The Commission gratefully acknowledges the commitment of ACPO PNICC in carrying out this project in 2009 and their willingness to continue the project in 2010. In particular the Commission appreciates the work of the ACPO election crime leads Stuart Hyde and Gareth Cann and the ACPO PNICC team of Paul Peplow, Ray Teuten and Claire Rudkins. We also acknowledge the valuable contribution from Mike McCormick, the election crime lead for ACPOS. The Commission and ACPO 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 the project could not have taken place.

## About electoral malpractice

1.15 Frequently, the shorthand term 'electoral fraud' is used to cover instances where there has been a deliberate attempt to cheat at elections, but it can also include a wide variety of other breaches of the Representation of the People Acts. The term electoral malpractice is preferred, as it covers all illegal actions that contravene the Representation of the People Act 1983 (RPA 1983). This includes offences that are not fraud, such as 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.

1.16 A fuller list of offences under the RPA 1983 is given in Appendix B and Appendix C.

## Terminology used in this report

1.17 In order to analyse and report on the scale and nature of electoral malpractice it is important to define clear and agreed terminology. Tables 3a and 3b define the terminology used in this report.

**Table 3a: List of abbreviations used in this report**

<b>Abbreviation</b>	<b>Full title</b>
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

**Table 3b: Definitions of terminology used in this report**

<b>Term</b>	<b>Definition</b>
<b>Allegation</b>	<p>An allegation is a formal complaint made to the police about a breach of electoral law. Using the Home Office counting method, each allegation represents one offence against one victim by one offender.<sup>5</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 1983.</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>

<sup>5</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.

<b>Term</b>	<b>Definition</b>
	<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>
<b>Case</b>	<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>
<b>Offence</b>	<p>An electoral malpractice offence is an illegal action or corrupt practice that contravenes the RPA 1983.</p>
<b>Caution</b>	<p>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 conviction but it may result in a criminal record.</p>
<b>Informal advice from the police</b>	<p>This outcome is an alternative that falls short of a caution, and does not bring the case into the criminal justice system.</p>
<b>Charge</b>	<p>A criminal charge is where, following a police investigation and interview, a person is formally accused with committing a criminal offence.</p>
<b>Prosecution</b>	<p>A prosecution is the conducting of legal proceedings against a defendant who is charged with an offence or offences.</p>

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<b>Term</b>	<b>Definition</b>
<b>Conviction</b>	A conviction is a judgement, or plea, of guilty in a criminal case.
<b>Electoral malpractice</b>	Electoral malpractice is defined as any breach of the Representation of the People Acts, primarily the RPA 1983, as these are specific to electoral law. This definition will not cover all law enforcement action in respect of electoral matters, but is appropriate for the purpose of this analysis.
<b>Electoral misadministration</b>	Only in very exceptional circumstances where an electoral administrator is guilty of a breach of official duty would electoral misadministration become electoral malpractice. Administrative errors, such as sending an elector the postal ballot paper for the wrong ward or staff at the polling station putting a line against the wrong elector when handing out a ballot paper, are negligent rather than criminal acts. If they should affect the outcome of an election there is a civil remedy through an election petition to an election court.

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## 2 Electoral malpractice at the June 2009 elections

2.1 The findings presented in this paper are based upon returns from police election Single Point of Contact (SPOC) officers from all 51 police forces across Great Britain with regard to cases of alleged electoral malpractice relating to the June 2009 elections. These were submitted on the eight reporting dates between 26 May and 8 September 2009, and updated at 30 November 2009.

### The scale and extent of cases and allegations

2.2 No European Parliamentary or local government election that took place in England, Scotland or Wales in June 2009 has had to be re-run as a result of electoral malpractice. There is no formally recorded challenge to the outcome of any June 2009 election result on the grounds of Representation of the People Act 1983 (RPA 1983) offences. No case reported in the Association of Chief Police Officers (ACPO) Police National Information and Coordination Centre (PNICC) analysis has been shown to have affected the outcome of the election to which it related.

### The number of cases and allegations

2.3 The number of cases and allegations of malpractice per case, especially where these can be substantiated, can provide an illustration of the scale of electoral malpractice. A total of 48 cases involving 107 allegations were recorded by the police across Great Britain relating to the June 2009 elections. This is lower than the number recorded by the police at the May 2008 elections in England and Wales, when 103 cases involving 472 allegations were reported. We also understand that 10 cases involving 48 allegations of electoral malpractice in connection with postal voting were reported to the Police Service of Northern Ireland (PSNI). There were no allegations of electoral malpractice reported on the scale of the elections in 2004 and 2005 in Birmingham, Peterborough or Bradford, some of which involved thousands of votes.

2.4 It was expected that the number of cases relating to the June 2009 elections would be different to that recorded in 2008. The elections in June 2009 involved large constituencies or electoral areas, such as the electoral regions for the European Parliamentary elections, authority-wide polls for elected mayors, and county council divisions rather than smaller borough wards. The contest for each seat in these larger electoral areas would normally require more votes to secure victory, and there is a greater likelihood that organised electoral malpractice on a large scale would be identified. It is not surprising that fewer attempts appear to have been made at these elections.

### The size of cases

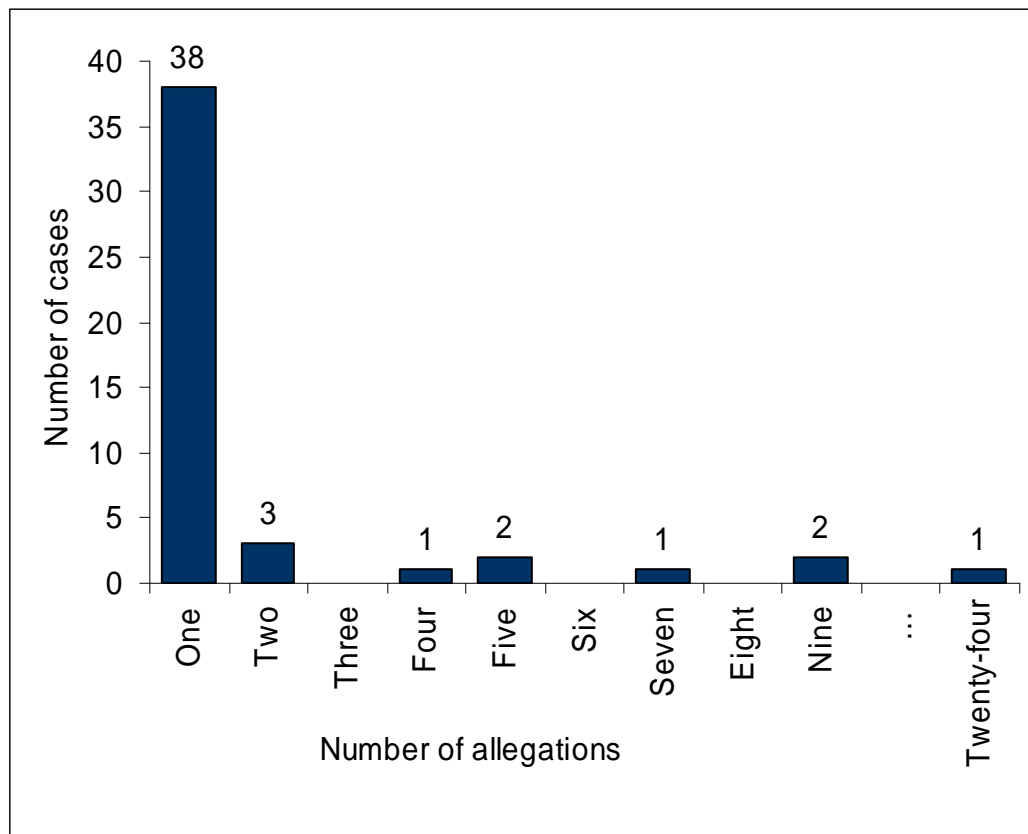
2.5 A case is a unit of management for one or more allegations or complaints made to the police. Individual cases recorded by police forces

might include allegations relating to more than one person, or multiple allegations against one person. Chart 1 shows the number of allegations reported per case recorded by police forces in relation to the June 2009 elections.

2.6 A total of 38 cases (representing 79% of all reported cases) involved only one allegation against one person. The largest single case involved 24 photocopied ballot papers, which are recorded as 24 separate allegations. Two cases of personation, in two different areas, each involved nine allegations.

2.7 One further case involved seven allegations of false registration. At the end of November 2009 this was the only case from the 2009 reporting period that had been prosecuted, and the motive appears to have been financial fraud rather than any attempt to affect the outcome of an election.

**Chart 1: Number of allegations per case relating to the June 2009 elections**

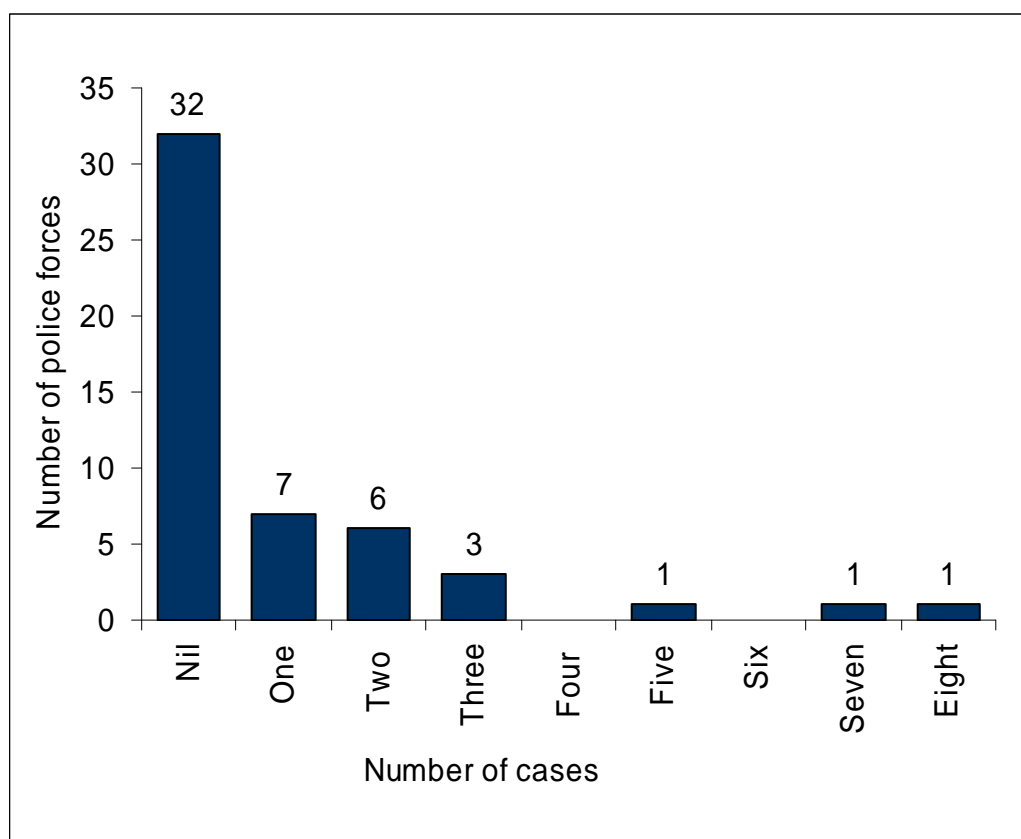


2.8 The proportion of cases relating to the June 2009 elections which involved only one allegation is larger than the proportion recorded at the May 2008 elections (66%), while the largest case recorded in 2009 was significantly smaller than the largest case recorded in 2008 (which involved 147 allegations).

## The geographical distribution of cases

2.9 Of the 51 territorial police forces in Great Britain, nearly two-thirds (32 forces) reported no case of electoral malpractice, and a further seven forces (representing 14% of the total) reported only one case each. Only three forces each reported more than three cases: Devon & Cornwall (eight cases); West Midlands (seven); and Derbyshire (five). Chart 2 shows the distribution of cases reported by police forces. A detailed breakdown by police force of the number of cases and allegations relating to the June 2009 elections, giving the RPA offence and their outcomes, is provided at Appendix D.

**Chart 2: Distribution of cases per police force in Great Britain relating to the June 2009 elections**



2.10 The proportion of police forces reporting no cases of electoral malpractice at the June 2009 elections was higher than at the May 2008 elections, when 17 forces (representing 40% of the 43 forces in England and Wales) reported no cases of electoral malpractice.

2.11 It was expected that the distribution among police forces of cases relating to the June 2009 elections would be different from those relating to the 2008 elections. This year, with the exception of directly elected mayoral elections in Doncaster, Hartlepool and North Tyneside, there were no local government elections in London and the English metropolitan boroughs.

2.12 The data from police forces relating to the June 2009 elections again shows that cases and allegations of electoral malpractice are not confined to particular areas. In the two years for which comprehensive data are available (2008 and 2009) 36 of the 51 police forces in Great Britain (70%) have recorded one or more case involving an allegation of electoral malpractice, and the analysis of the Crown Prosecution Service (CPS) files from 2000 to 2006 showed that there was at least one file from every one of the 43 police forces in England and Wales.<sup>6</sup>

2.13 Analysis of data over a longer period of time may help to establish whether cases and allegations of electoral malpractice are more likely to be focused in some areas rather than others, but it is not currently clear that this is the case.

## The nature of cases and allegations

2.14 The largest category of cases and allegations relating to the June 2009 elections were those involving personation, followed by registration offences and those relating to the imprint on election materials. Table 4 shows the size of the three largest categories of cases and allegations relating to the 2009 elections compared with those which related to the 2008 elections.

**Table 4: Largest categories of cases and allegations relating to the May 2008 and June 2009 elections**

Category	May 2008 elections		June 2009 elections	
	Cases (% of total)	Allegations (% of total)	Cases (% of total)	Allegations (% of total)
Registration	42 (41%)	231 (49%)	9 (19%)	23 (21%)
Imprint	21 (20%)	30 (6%)	9 (19%)	12 (11%)
Personation	13 (13%)	175 (37%)	13 (27%)	53 (50%)

2.15 Table 5, at the end of this chapter, provides a detailed breakdown of cases and allegations by RPA 1983 offence, grouped by registration, nomination, campaigning, voting and miscellaneous activities.<sup>7</sup> It also shows the outcome or outcomes from each case and allegation for each type of offence. A brief summary of the main offences can be found at Appendix C. This section now provides an analysis of these figures in more detail as they relate to different aspects of the electoral process.

<sup>6</sup> See Appendix A for more information and details about the Electoral Commission's analysis of CPS files.

<sup>7</sup> The items included in Table 5 are consistent with Appendix B, 'Reporting categories for Representation of the People Act 1983 offences', except for those categories where no offences have been reported. Some of these categories have been omitted.

## Registration cases

2.16 Nine cases relating to the June 2009 elections, involving a total of 23 allegations, were classified as registration offences. Six of these cases, involving 16 allegations, related to registration to vote offences (Section 13D (1), RPA 1983). Two cases, involving six allegations, related to false information in applications to vote by post or proxy (Section 13D1(A), RPA 1983). One case, involving a single allegation, related to other registration offences (Section 4, 12 or 49, RPA 1983).

2.17 The largest single case relating to registration offences involved seven allegations of false registration. At the end of November 2009 this is the only case from the 2009 reporting period that had been prosecuted, and appears to have been part of a financial fraud case not related to the June 2009 elections.

2.18 While three of the remaining cases relating to registration offences were unresolved at the time of publication of this analysis, five cases have been filed as no further action, either because no offence was found or there was no evidence of electoral malpractice, and in one case it was not possible to detect the person who had submitted the form.

2.19 In the ACPO PNICC 2008 analysis the registration category accounted for most cases with 41% (42 cases) and 49% of allegations (231). The independent 2007 PNICC survey found that registration offences accounted for 15% of the reported cases (actual numbers are not significant here because only 24 of the 43 police forces in England and Wales responded).

2.20 The analysis of CPS records show that the proportion of registration allegations averaged less than 2% between 2000 and 2006. It is important to note, however, that these cases were previously dealt with as false instruments under the Forgery and Counterfeiting Act 1981. It was only with the introduction of the Electoral Administration Act 2006 (EAA) that these were separately identified as RPA offences across Great Britain. There are now offences of false information in connection with a postal/proxy vote application (Section 13D(1A) of the RPA 1983) and of false information in connection with a registration form (Section 13D(1)).

2.21 The capture of data about registration cases is expected to be more consistent and comprehensive when we move to monthly collection of information about cases and allegations by SPOCs from January 2010.

## Nomination cases

2.22 Six cases relating to the June 2009 elections involved nomination offences, representing 13% of the total number of cases reported by police forces.

2.23 All six nomination cases reported in 2009 related to offences of false statement in a nomination paper (Section 65(A) 1, RPA 1983). These can include instances where it is claimed that the signature on the nomination

paper was not made by that person, or instances where a candidate is accused of falsely stating that they meet the qualification criteria for standing in the election. Investigations relating to one case involving one allegation are ongoing. The remaining five cases have been filed as no further action either because no offence was found or there was no evidence of electoral malpractice.

2.24 Nomination offences accounted for 12% of all reported cases in 2008 and 13% in 2007. They accounted for 6% of all allegations based on an analysis of CPS files between 2000 and 2006.

## Campaigning cases

2.25 The 2009 ACPO PNICC figures show that there were 13 cases relating to campaigning offences (27% of all cases reported) compared with 30 cases (29%) in 2008. The most frequent campaigning offence is where the 'imprint' or name and address of the printer, publisher and on whose behalf the document has been produced, is not on the face of election literature (as required by Section 110 of the RPA 1983). This accounted for nine of the 13 campaign cases in 2009, which is comparable to the percentage recorded in 2008.

2.26 In 2007 the imprint offence was the most reported RPA 1983 offence that year, accounting for 27% of the 99 reported RPA 1983 allegations. The CPS figures also show imprint offences to be the most frequent, with 96 allegations between 2000 and 2006, peaking with a maximum of 20 allegations in 2003.

2.27 While it is often easy to produce evidence of breaches of Section 110 of the RPA 1983, many offenders are not prosecuted because they claim ignorance, or that it was an inadvertent oversight, and it is deemed not to be in the public interest to bring a prosecution. Four of the imprint cases at the elections last June that have been resolved resulted in no further action. However, the police usually issue a warning or a caution to deter re-offending. In 2009 one case resulted in informal advice being given whereas in 2008 one case warranted a caution.

2.28 The other campaigning offence that featured in the 2009 reports relates to four cases where it was alleged that false statements were made about the personal character of a candidate.<sup>8</sup> Three of these have been filed as no further action, two because they did not meet the criteria for an RPA offence and one where no offence was found. One case is still under investigation. The four cases in 2008 all resulted in no further action.

## Voting cases

2.29 Alleged voting offences accounted for 40% of all cases reported in 2009. Personation offences were the most common in this category, accounting for 13 of the 19 voting cases. Cases involving allegations of personation have represented a similar proportion of voting-related cases in previous years,

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<sup>8</sup> Section 106, RPA 1983.

including 13 of the 18 voting cases reported to ACPO PNICC in 2008, and just under two-thirds of the voting cases reported by police forces in 2007.

2.30 The largest single case reported in 2009 involved 24 photocopies of a ballot paper which were received by the Returning Officer (RO) in Aylesbury. These photocopied ballot papers were not accompanied by postal voting statements, and were therefore rejected by the RO before they could be included in the count. Investigation of the case is ongoing.

2.31 There were two cases where it was alleged that tampering with ballot papers had taken place. In one case the police found no offence had been committed and filed the case as no further action. In the other case informal advice was given to one person in relation to one allegation. In 2008 there was one case where tampering with ballot papers was alleged and the police decided that no further action was needed.

2.32 There were four cases where it was alleged that undue influence had taken place. In one case informal police advice was given, one case has still to be resolved and two cases were classed as no further action because there was no evidence for one and the other was considered not to be an RPA offence. This mirrors the number of cases in the bribery, treating and undue influence category in 2008, which were all resolved as no further action.

## Administration

2.33 No cases of misadministration were reported to the police in 2009. We are aware of an incident in Oxford where a large number of poll cards were left on a wall and subsequently found in a skip. This had no effect on the outcome of the election and the police were not involved as there was no criminal case to answer. The RO has reviewed his practices to avoid a repetition.

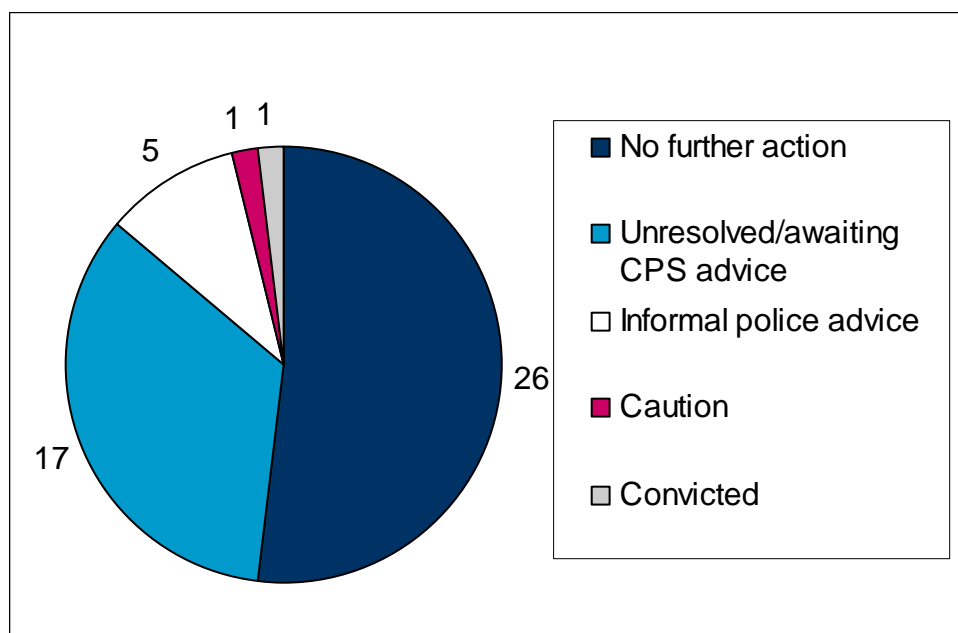
## Miscellaneous

2.34 In 2009 there was one case of electoral malpractice in this analysis that the police did not classify. We have shown it as a broadcasting offence under the miscellaneous category where it was alleged that an advertisement broadcast by a political party used people pretending to be police officers who said they supported the party. The case is still under investigation. In 2008, there was one broadcasting case which was also resolved as requiring no further action.

## The outcome of cases from the June 2009 elections

2.35 Chart 3 below shows the outcome of cases of alleged electoral malpractice relating to the June 2009 elections. At the time of publishing this analysis, 26 cases (representing 52% of the total number of cases) have been recorded as no further action, either because no offence has been committed, there is insufficient evidence to bring a prosecution, or no offender can be detected.

**Chart 3: Outcome of cases of alleged electoral malpractice reported at the June 2009 elections<sup>9</sup>**



2.36 Seventeen cases relating to the June 2009 elections, involving 50 allegations, remain under investigation or are awaiting advice from the CPS or the Crown Office 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 2010.

2.37 One case relating to the June 2009 elections resulted in a formal caution, where one person was cautioned after an offence of personation was admitted. Informal police advice, which falls short of a caution, was given in five cases in 2009 – this information was not recorded separately in 2008. By comparison, formal cautions were issued in ten cases relating to the May 2008 elections.

2.38 One case included in this analysis has led to a prosecution. This case involved seven allegations of false registration (Section 13D (1), RPA 1983), and while four of the original seven allegations were filed as no further action because there was no evidence, two people pleaded guilty to three charges of false registration and other non-electoral fraud charges. They each received sentences of one month's imprisonment for the false registration offences, to run concurrently with a six-month sentence they received for the fraud offences. The motive for these false registrations appears to have been financial fraud rather than any attempt to affect the outcome of an election. The summary tables (Table 5 and Appendix D) show the case as having two outcomes: no further action in relation to four of the allegations, and the

<sup>9</sup> When cases of alleged electoral malpractice recorded at the 2009 elections are shown by outcome there appears to be two more cases than the number of recorded cases which is 48. This is because two cases have two different outcomes, i.e. some of the allegations relating to a case resulted in no further action while others were taken forward to prosecution.

conviction of two people on charges resulting from the three remaining allegations.

2.39 We are also aware that a second case relating to the 2009 elections has been prosecuted, although this was outside the reporting period for this analysis. The case involved one person in Cannock, Staffordshire who pleaded guilty to two charges of personation at the European Parliamentary and local government elections and has been sentenced to four months in prison on each charge to run concurrently.

## Other cases and allegations

2.40 While this analysis is based on returns from police forces in Great Britain made between 26 May and 8 September 2009, we are also aware of cases and allegations which have not been included in the returns, either because they fell outside the reporting period or because they originated in Northern Ireland.

2.41 We hope to collect information about cases of alleged electoral malpractice from police forces on a monthly basis from January 2010, to ensure that any allegations arising from by-elections are properly recorded and included in our analysis, together with other allegations of registration malpractice which may or may not be election related.

## Cases and allegations of electoral malpractice not related to the June 2009 elections

### **Electoral registration allegations**

2.42 We are aware of one case which relates to an investigation involving 10 false applications to register electors across four local authority areas. The first batch of these registration forms were dated after the 4 June polling day, and therefore could have no relation to the June 2009 elections. The case is still under investigation by the police.

2.43 A second case involved allegations that officers of the English Democrats party had submitted batches of applications for what was described as the 'temporary' registration of up to 43 people at properties in 28 different local authority areas. Most of the applications were clearly not signed by the applicant themselves (the letters 'pp' were included after the signature to denote that they were being signed on behalf of the applicant) and as a result they were rejected by the Electoral Registration Officers. The applications were submitted in batches and each batch had a covering letter from the party chairman.

2.44 Having undertaken investigations the police have concluded that whatever the motivation behind this unconventional approach, given the overt nature of the applications, there was no criminal intent.

### **Glasgow North East constituency by-election**

2.45 Two unrelated cases of alleged personation were also recorded during the UK Parliamentary by-election for the Glasgow North East constituency in

November 2009, where electors arrived to vote but found the register had been marked to show a ballot paper had already been issued. In one case it was found that the register had been incorrectly marked by the staff at the polling station and there had been no crime. The second case, involving a couple who arrived to cast their votes and were told that ballot papers had already been issued, remains under investigation.

### **Birmingham Sparkbrook ward by-election**

2.46 Following a by-election for the Sparkbrook ward of Birmingham City Council in September 2009, the RO referred to the police a total of 369 postal voting statements where the signature or dates of birth did not match those originally supplied by electors.

2.47 The case has been investigated by West Midlands Police with support from the RO. In the vast majority of cases the police confirmed that the postal voting statement had in fact been signed by the elector. However, in three cases the police found that the postal vote statement had been signed by a third party with the elector's consent, and further advice is being sought from the CPS. A further seven forms will be subject to forensic examination as part of the ongoing investigation.

2.48 While there is no evidence of systematic electoral malpractice, even on a small scale, in relation to this case, it does raise questions about the consistency and quality of the signatures provided by electors, and about the ability for Electoral Registration Officers to 'refresh' the specimen signatures which they hold. It also highlights the importance of clear guidance and instructions for voters to ensure that otherwise legitimate postal votes are not rejected before the count.

2.49 In October 2009 the Electoral Commission published *Making your Mark*, a comprehensive set of guidelines and example designs for election materials, including example postal voting statements and quick start postal voting guides. We have recommended that ROs should use the guidelines and example materials to improve the usability of postal voting statements for future elections, in order to reduce the likelihood of otherwise legitimate postal votes being rejected before the count.<sup>10</sup>

### **Cases and allegations of electoral malpractice relating to the June 2009 elections in Northern Ireland**

2.50 The 2009 ACPO PNICC analysis does not include Northern Ireland, because it does not yet have an established SPOC network. The Commission is working with the PSNI and the Chief Electoral Officer for Northern Ireland to establish equivalent recording and reporting arrangements to those in place in the rest of the UK. This will allow data from Northern Ireland to be included in future analysis reports, and for comparisons to be drawn across the whole of the UK.

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<sup>10</sup> Electoral Commission, *Making your Mark: Design guidance for electoral administrators* (2009). Available to download at [www.dopolitics.org.uk/making-your-mark/electoral-administrators](http://www.dopolitics.org.uk/making-your-mark/electoral-administrators).

2.51 In relation to the June 2009 elections, we understand that 10 cases involving 48 allegations of electoral malpractice in connection with postal voting were reported to the PSNI. There have been no allegations of malpractice in relation to polling day. We cannot draw any conclusions about these allegations until the police have concluded their investigations, and we will follow all these cases through to their conclusion.

**Table 5: ACPO PNICC recorded cases at the June 2009 elections in Great Britain by RPA 1983 offence and outcome**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases				
				No further action	Informal police advice	Caution – which may lead to a criminal record	Unresolved awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H	I
<b>Registration</b>								
False information for a registration application <sup>11</sup>	13D(1)	6	16	4			2	1 (2 people received 1 month in prison)
False information for a postal/proxy voting application	13D(1A)	2	6	2				
Other registration offences	4, 12, 49	1	1				1	
<b>Registration subtotal<sup>11</sup></b>		<b>9</b>	<b>23</b>	<b>6</b>			<b>3</b>	<b>1</b>
<b>Nomination</b>								
False statement in nomination paper	65A(1)	6	8	5			1	
<b>Nomination subtotal</b>		<b>6</b>	<b>8</b>	<b>5</b>			<b>1</b>	

<sup>11</sup> One registration case has two outcomes, so when outcomes are added together (columns E to I) there is apparently one more case than the total number of cases shown in column C in the registration subtotal. Four allegations relating to this case were recorded as requiring no further action, but in the same case three charges of false registration resulted in one person pleading guilty to two charges and one person pleading guilty to one charge. Both were sentenced to one month in prison, concurrent with six months for financial fraud.

**Table 5 (cont.): ACPO PNICC recorded cases at the June 2009 elections in Great Britain by RPA 1983 offence and outcome**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases				
				No further action	Informal police advice	Caution – which may lead to a criminal record	Unresolved awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H	I
<b>Campaign</b>								
Printer's name and address on election publications (Imprint)	110	9	12	4	1		4	
False statements as to candidates	106(1)	4	4	3			1	
Return of expenses	75–85	0	0					
<b>Campaign subtotal</b>		<b>13</b>	<b>16</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>5</b>	

**Table 5 (cont.): ACPO PNICC recorded cases at the June 2009 elections in Great Britain by RPA 1983 offence and outcome**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases				
				No further action	Informal police advice	Caution – which may lead to a criminal record	Unresolved awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H	I
<b>Voting</b>								
Personation/legal incapacity to vote/multiple voting <sup>12</sup>	60–62A	13	53	5	2	1	6	
Tampering with ballot papers	65(1) (b–f)	2	2	1	1			
Bribery, treating, undue influence	113–115	4	4	2	1		1	
<b>Voting subtotal</b> <sup>12</sup>		<b>19</b>	<b>59</b>	<b>8</b>	<b>4</b>	<b>1</b>	<b>7</b>	

<sup>12</sup> One personation case has two outcomes, so when outcomes are added together (columns E to I) there is apparently one more case than the total number of cases shown in column C in the voting subtotal. In this case one person was given a caution and the other received informal police advice.

**Table 5 (cont.): ACPO PNICC recorded cases at the June 2009 elections in Great Britain by RPA 1983 offence and outcome**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases				
				No further action	Informal police advice	Caution – which may lead to a criminal record	Unresolved awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H	I
<b>Administration</b>								
Breach of official duty	63	0	0					
<b>Administration subtotal</b>		<b>0</b>	<b>0</b>					
<b>Miscellaneous</b>								
Broadcasting	93	1	1				1	
<b>Miscellaneous subtotal</b>		<b>1</b>	<b>1</b>				<b>1</b>	
<b>Total<sup>13</sup></b>		<b>48</b>	<b>107</b>	<b>26</b>	<b>5</b>	<b>1</b>	<b>17</b>	<b>1</b>

<sup>13</sup> One registration case and one personation case each have more than one outcome, so when outcomes are added together (columns E to I) there are apparently two more cases than the total number of cases shown in column C of the total.

## 3 Electoral malpractice at the May 2008 elections – update

3.1 The May 2008 local government elections in England and Wales were the first at which systematic monitoring of allegations of electoral malpractice reported to the police during an election period was possible. This chapter updates the findings of the analysis report published jointly by the Association of Chief Police Officers (ACPO) and the Electoral Commission in May 2009.<sup>14</sup>

### Outcome of previously unresolved cases

3.2 In our analysis of electoral malpractice at the May 2008 elections we reported that a total of 12 cases involving 55 allegations remained unresolved, either continuing under investigation or awaiting advice from the Crown Prosecution Service (CPS). We have now been able to update outcomes from some of those cases and present a more comprehensive picture of the extent of electoral malpractice at the 2008 elections.

3.3 Eleven of the 12 cases that were under investigation or awaiting advice from the CPS have now been resolved. The single remaining unresolved case, which involves 26 allegations, has been the subject of further investigation and is awaiting advice from the CPS. Table 6 shows the outcome for each of these cases.

3.4 Eight cases, accounting for 24 allegations, have been recorded as requiring no further action, either because no offence has been committed, there is insufficient evidence to bring a prosecution, or it is not possible to detect the offender. One additional case, involving three allegations, resulted in two different outcomes: no further action was taken in respect of one of the allegations where there was insufficient evidence to bring a prosecution; two other allegations resulted in two people pleading guilty to personation at a polling station. They were both given the maximum Community Service Order penalty of 300 hours.

3.5 One further case has now resulted in five charges being brought against a candidate who stood at the May 2008 elections for applying for a proxy vote as another person. The trial has been scheduled to be heard in April 2010. This case was originally recorded as involving only one allegation but is now recorded as involving five. This means that the overall number of allegations at the elections in 2008 has increased to 476, and the number of voting allegations has increased to 191.

3.6 The last of the 12 previously unresolved cases related to election expenses, and resulted in a caution.

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<sup>14</sup> ACPO/Electoral Commission, *Allegations of electoral malpractice at the May 2008 elections in England and Wales* (2009) available at [www.electoralcommission.org.uk/elections](http://www.electoralcommission.org.uk/elections).

**Table 6: Outcomes from cases and allegations at the May 2008 elections which were unresolved at 31 March 2009 (updated November 2009)**

Police forces in England and Wales	Cases relating to May 2008 elections, unresolved at 31 March 2009	Allegations	Outcome by case [number of allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
Greater Manchester	1	2	1(s60–62(A))[2]				
Lincolnshire	1	1		1(s75–85)[1]			
Merseyside	4	16	1(s4,12,49)[2] 2(s13D(1A)) [10,3] 1(s93)[1]				
South Wales	1	1	1(s106)[1]				
Surrey	1	4	1(s13D(1))[4]				
West Midlands	1	26			1(s13D(1))[26]		

**Table 6 (cont.): Outcomes from cases and allegations at the May 2008 elections which were unresolved at 31 March 2009 (updated November 2009)**

Police forces in England and Wales	Cases relating to May 2008 elections, unresolved at 31 March 2009	Allegations	Outcome by case [number of allegations shown in square brackets] (Representation of the People Act 1983 Section shown in curved brackets)				
			No further action	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
West Yorkshire <sup>15</sup>	3	9	1(s60–62A)[1] 1(s65(A)1)[1]			1(s60–62A)[2] 1(s60–62A)[5]	2 x Community Service Orders of 300 hours April 2010 trial
<b>Total</b> <sup>15</sup>	<b>12</b>	<b>59</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>2</b>	

<sup>15</sup> One case of personation at a polling station resulted in no further action for one person while two others pleaded guilty and received Community Service Orders. Therefore, when outcomes are added together there is apparently one more case than the total number of cases shown in the column headed 'Cases relating to May 2008 elections, unresolved at 31 March 2009'.

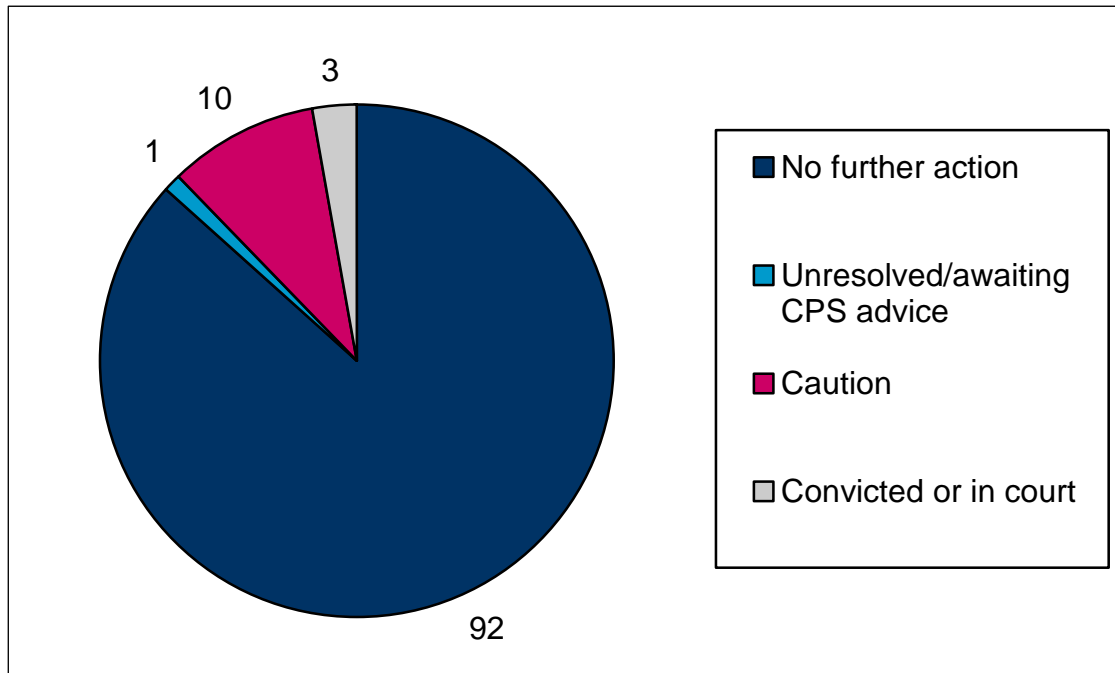
3.7 The figures published in the May 2009 analysis report have been updated, and a summary breakdown of cases by Representation of the People Act 1983 categories is shown in Table 6. A fully updated table of outcomes from cases and allegations relating to the May 2008 elections by police force is provided in Appendix E.

## Conclusions from the May 2008 elections

3.8 The updated information about outcomes relating to the May 2008 elections confirms that there were no reported allegations of electoral malpractice on the scale reported at elections in 2004 and 2005, which ran to thousands of electors in some cases. The May 2008 elections involved more than 16 million votes cast in nearly 4,000 separate elections across England and Wales, involving over 13,500 candidates. Police forces in England and Wales recorded 476 allegations, relating to 103 separate cases of electoral malpractice. Over half of all recorded allegations related to only two cases, neither of which resulted in any further action being taken.

3.9 Chart 4 shows the updated outcomes from cases and allegations relating to the May 2008 elections, with the addition of these 12 cases. Just under 87% of all cases recorded by police forces resulted in no further action being taken, 9% resulted in a caution which may create a criminal record, and 3% resulted in a prosecution or conviction.

**Chart 4: Outcome of cases at the May 2008 elections, updated at November 2009<sup>16</sup>**



3.10 Three cases relating to the May 2008 elections have led to charges or prosecutions. One prosecution resulted in the conviction of one person on a charge of making a false application to vote by proxy, leading to a fine of £1,015. A second case prosecuted resulted in two people pleading guilty to personation at a polling station, and were both given the maximum Community Service Order penalty of 300 hours. In a third case, charges have been brought against one person for two false applications to vote by proxy.

3.11 The table of cases and allegations by police force, published as Appendix D in our May 2009 analysis report, has been updated and is included in this report at Appendix E.

<sup>16</sup> When cases of alleged electoral malpractice recorded at the 2008 elections are shown by outcome there appears to be three more cases than the number of recorded cases which is 103. This is because three cases have two different outcomes, i.e. some of the allegations relating to a case resulted in no further action while others were taken forward to prosecution.

**Table 7: ACPO PNICC recorded cases by RPA 1983 offence and outcome for elections in May 2008 (updated 2009)**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases			
				No further action	Caution – which may lead to a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H
<b>Registration</b>							
False information for a registration application	13D(1)	23	74	20	2	1	
False information for a postal/proxy voting application	13D(1A)	12	143	11	0	0	1 convicted on 1 charge (fine £1,015)
Other registration offences	4, 12, 49	7	14	7	0	0	
<b>Registration subtotal</b>		<b>42</b>	<b>231</b>	<b>38</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>Nomination</b>							
False statement in nomination paper	65(A)1	11	13	10	1	0	
Corrupt withdrawal of candidate	107	1	1	1	0	0	
<b>Nomination subtotal</b>		<b>12</b>	<b>14</b>	<b>11</b>	<b>1</b>	<b>0</b>	

**Table 7 (cont.): ACPO PNICC recorded cases by RPA 1983 offence and outcome for elections in May 2008 (updated 2009)**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases			
				No further action	Caution – which may lead to a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H
<b>Campaign</b>							
Printer's name and address on election publications (imprint) <sup>17</sup>	110	21	30	21	1		
False statements as to candidates	106 (1)	4	4	4	0	0	
Return of expenses	75–85	5	5	4	1	0	
<b>Campaign subtotal<sup>17</sup></b>		<b>30</b>	<b>39</b>	<b>29</b>	<b>2</b>	<b>0</b>	

<sup>17</sup> One imprint case has two outcomes, where two allegations resulted in no further action and one allegation resulted in a caution, so when outcomes are added together (columns E to H) there is apparently one more case than the total number of cases shown in column C in the campaign subtotal.

**Table 7 (cont.): ACPO PNICC recorded cases by RPA 1983 offence and outcome for elections in May 2008 (updated 2009)**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases			
				No further action	Caution – which may lead to a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted/ (penalty)
A	B	C	D	E	F	G	H
<b>Voting</b>							
Personation/ legal incapacity to vote/ multiple voting <sup>18</sup>	60–62A	13	179	8	5	0	1 [2 people] pleaded guilty, both sentenced to 300 hours Community Service Orders 1 trial scheduled for April 2010
Tampering with ballot papers	65(1)(b–f)	1	1	1	0	0	0
Bribery, treating, undue influence	113–115	4	11	4	0	0	0
<b>Voting subtotal<sup>18</sup></b>		<b>18</b>	<b>191</b>	<b>13</b>	<b>5</b>	<b>0</b>	<b>2</b>

<sup>18</sup> Two personation cases have two outcomes. Therefore, in the voting subtotal, when outcomes are added together (columns E to H) there are apparently two more cases than the total number of cases shown in column C.

**Table 7 (cont.): ACPO PNICC recorded cases by RPA 1983 offence and outcome for elections in May 2008 (updated 2009)**

Summary title of offence	RPA 1983 section	Cases	Allegations	Outcomes – cases			
				No further action	Caution – which may lead to a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted (penalty)
A	B	C	D	E	F	G	H
<b>Miscellaneous</b>							
Broadcasting	93	1	1	1	0	0	
<b>Miscellaneous subtotal</b>		<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	
<b>Total<sup>19</sup></b>		<b>103</b>	<b>476<sup>20</sup></b>	<b>92</b>	<b>10</b>	<b>1</b>	<b>3</b>

<sup>19</sup> In the final total, the one imprint case and the two personation cases with two outcomes mean that there are apparently three more cases (in columns E to H) than the total number of cases shown in column C.

<sup>20</sup> Since the original report on electoral malpractice at the May 2008 elections was published, the number of cases is unchanged at 103 but the number of allegations has increased from 472 to 476. This is due to one false application to vote by proxy case in West Yorkshire having five allegations rather than one.

## 4 Conclusions and recommendations for future elections

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

### Methodology and approach to recording allegations of electoral malpractice

4.2 The data and analysis provided in this report has further enhanced understanding of the scale and nature of electoral malpractice at elections in the United Kingdom. The 2009 data recording project has demonstrated that with the help of the Association of Chief Police Officers (ACPO) Police National Information and Coordination Centre (PNICC) and the Crown Prosecution Service (CPS) it is possible to monitor and track allegations reported to the police through to their conclusion, to give a comprehensive picture of electoral malpractice.

4.3 The ability this year to record more information about cases has enabled a more detailed analysis of allegations and their outcomes across police forces than has previously been possible. This has included information about why cases were filed as no further action, and separately identifying where informal police advice was given. The provision of the case or log number as part of the report from police forces has allowed each case to be more clearly identified. A free text option has provided the opportunity to give more details about each case where appropriate, and a check against errors.

4.4 It should be remembered that each case recorded in this analysis involves only alleged malpractice, rather than confirmed instances of malpractice, until the investigation is resolved. It is only by following each case through to its outcome that an accurate picture of the actual nature and extent of electoral malpractice can be known. This methodology gives a much fuller and more precise picture of malpractice than can be obtained by simply recording those successful prosecutions that come to our attention. Care should be taken not to assume that every case reported here is proof of electoral malpractice – evidence from this and previous analysis suggests that a significant proportion of cases involve allegations which are not ultimately substantiated.

4.5 The use of the election Single Point of Contact (SPOC) officer network, supported by the ACPO PNICC network, is vital to the effective reporting of information about allegations of electoral malpractice. The Commission responded to feedback from SPOCs after the 2008 elections and developed a more user-friendly reporting format, which was tested by a sample of SPOCs prior to the elections, and there were also fewer reporting points during the 2009 election period.

## The extent and nature of allegations of electoral malpractice in Great Britain

4.6 Our analysis of allegations of electoral malpractice recorded by police forces in Great Britain between May and September 2009 shows that there was no evidence of widespread, systematic attempts to undermine or interfere with the June 2009 elections through electoral fraud. No case reported in this analysis has been shown to have affected the outcome of that election, and no election that took place in June 2009 has had to be re-run as a result of electoral malpractice.

### The number of cases and allegations

4.7 The number of cases and allegations of electoral malpractice recorded by police forces was very low, particularly compared with the scale of participation at the June 2009 elections. A total of 48 cases involving 107 allegations were recorded by police forces across Great Britain (and a further 10 cases involving 48 allegations were reported in Northern Ireland) relating to elections where more than 44 million people were eligible to vote and more than 22 million votes were cast.

### The size of cases

4.8 The size of the cases recorded by police forces in Great Britain relating to the June 2009 elections, in terms of the number of allegations involved in each case, also indicates that attempts to commit large-scale electoral fraud were not apparent. The largest single case recorded by any police force in Great Britain involved a total of 24 photocopied ballot papers. While investigations by the police are ongoing, it is clear that such a crude attempt to commit electoral fraud would never succeed in influencing the result of an election. The vast majority of alleged malpractice cases, just under eight out of 10, involved a single allegation against a single individual.

### The nature of cases and allegations

4.9 There is some similarity in the nature of cases recorded by police forces relating to the June 2009 elections compared with those relating to the May 2008 elections. Cases relating to allegations of personation, false or fraudulent registration and failure to include the correct imprint on election materials<sup>21</sup> constituted the largest groups of cases in both years. A greater proportion of cases recorded in relation to the 2009 elections fell into other categories than in 2008.

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<sup>21</sup> The imprint is used to describe the requirement, under Section 110 of the Representation of the People Act 1983, to display the name and address of the printer and publisher on any election material and also the name of the candidate on whose behalf it has been published.

## The geographical distribution of cases

4.10 The geographical distribution of cases involving allegations of electoral malpractice recorded by police forces suggests that allegations are not confined to any particular area. The distribution of cases of malpractice recorded by police forces relating to the June 2009 elections was different to the distribution of cases relating to the May 2008 elections, as would be expected given the different pattern of elections each year.

4.11 Of the 51 territorial police forces in Great Britain, nearly two-thirds (32 forces) reported no cases of electoral malpractice relating to the June 2009 elections. In the two years for which comprehensive data are available, however, 36 forces in Great Britain (70% of the total) have recorded one or more case involving an allegation of electoral malpractice. Analysis of data over a longer period of time may help to establish whether allegations are more likely to be focused in particular areas, but it is not currently clear that this is the case.

## The outcome of cases

4.12 Analysis of the outcomes from the police investigations of cases of electoral malpractice suggests that many recorded allegations have little or no basis in substance. At the time of publication, more than half of the cases recorded by police forces in Great Britain relating to the June 2009 elections have not resulted in any further action by the police, either because no offence has been committed, there is insufficient evidence to bring a prosecution, or no offender can be detected. Further investigation by the police is still needed in 17 of the 48 cases recorded in relation to the June 2009 elections. However, it is reassuring to note that one case included in this analysis has already led to a prosecution and conviction.

## Implications for elections in 2010

4.13 While we have found that there were a relatively small number of cases of alleged electoral malpractice relating to the June 2009 elections, those involved in the administration or policing of elections should not be complacent about the risk of electoral malpractice at future elections. 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.

4.14 Moreover, even at elections where substantiated allegations of electoral malpractice are neither widespread nor systematic, people remain concerned about the risk of electoral fraud. While confidence and trust in the voting process in the UK is generally high – 80% of respondents to our June 2009 public opinion research reported that they thought voting in general was very or fairly safe from fraud and abuse and only 7% reported that they thought

voting was very or fairly unsafe<sup>22</sup> – more than a quarter of all respondents (27%) said that they were fairly or very concerned about electoral fraud when asked specifically about the June 2009 elections.<sup>23</sup>

4.15 Nonetheless, it is clear that 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, including:

- deterrent jail sentences of up to 43 months in trials such as Blackburn (2003), Peterborough (2004) and Slough (2007)
- a dedicated SPOC has now been identified by each police force in Great Britain, providing awareness and support for forces to deal with allegations of electoral malpractice
- comprehensive guidance has been provided for SPOCs and all officers on duty over the election period
- a voluntary code of conduct has been agreed by political parties relating to the involvement of candidates and party workers in the postal voting process, and quick guides have been produced for party workers
- there is increased awareness and guidance for Royal Mail staff dealing with postal votes

4.16 Electoral law and administration has also changed significantly, most notably as a result of the Electoral Administration Act 2006:

- It is now possible for an objection to an entry on an electoral register to be made at any time, and Electoral Registration Officers (EROs) can initiate a review of an entry at any time.
- Checks on personal identifiers supplied by electors (signatures and dates of birth) are now required for a minimum of 20% of returned postal ballot packs, and the majority of Returning Officers (ROs) check 100% of postal ballot packs.
- There are now specific election offences of false registration and falsely applying to vote by post.
- ROs and EROs are now required to report their performance against standards published by the Electoral Commission, including in relation to the plans which they have established for preventing, identifying and dealing with allegations of electoral malpractice.

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<sup>22</sup> Source: ICM, *Post-election survey European and local elections*, June 2009. Base: All respondents UK (2,533). Question: 'In general, when it comes to being safe from fraud and abuse, would you say that voting is very safe, fairly safe, neither safe nor unsafe, fairly unsafe or very unsafe?'

<sup>23</sup> Source: ICM, *Post-election survey European and local elections*, June 2009. Base: all respondents UK (2,533). Question: 'How concerned, if at all, were you about electoral fraud or abuse in the European elections on 4th June?'

## Elections in 2010

4.17 The elections which are due to be held during 2010 are likely to be both high-profile and closely contested. Local government elections are scheduled to take place in England in May 2010, including in all London boroughs and the large metropolitan borough authorities. Historically, these have been the areas where the most significant allegations and cases of electoral malpractice have originated. The relatively small size of local government wards and low levels of turnout mean that margins of victory in some local government elections are relatively small, and electoral malpractice could have a more significant impact on the result.

4.18 A UK Parliamentary general election must also be held by June 2010. The numbers of sitting MPs who are expected to retire at the general election may mean that a significant proportion of seats are more closely fought than might otherwise have been the case. The high-profile nature of a general election campaign and the likelihood that many candidates and their election agents will have very little experience or knowledge of electoral law may lead to controversies and publicity for allegations which would otherwise have remained more locally contained.

4.19 The administration of these elections is likely to be more challenging than elections in 2008 or 2009, principally as a result of the unique logistical issues associated with a UK Parliamentary general election:

- the short election timetable
- the relatively high anticipated turnout and participation, including people who may not have taken part in elections since the previous UK Parliamentary general election in 2005
- the receipt and processing of applications to vote by post or proxy up to the deadline 11 working days before polling day
- the requirement to check and verify returned postal voting statements before ballot papers are included in the count, particularly in constituencies which cover more than one local authority area
- pressure to deliver a result as quickly as possible after the close of poll
- maintaining the security of ballot boxes where counting takes place on the day after polling day

4.20 Misunderstandings or poor communication about any of these challenging issues could lead to a greater risk of allegations of malpractice, even where there is little or no substance.

## Recommendations for elections in 2010

### Recommendations for Returning Officers and Electoral Registration Officers

4.21 ROs, EROs and their electoral administration teams are uniquely placed to identify incidents and patterns of activity that might indicate misconduct. Our analysis of performance against the standards for EROs and ROs, which

we reported earlier this year, indicates that many officers have not yet put in place formal, documented plans for identifying and dealing with allegations of electoral malpractice.

4.22 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, and we have offered targeted support and advice directly to officers in those areas where improvement is needed.

**Recommendation**

ROs and EROs must ensure they have developed and put in place formal, documented plans for identifying and dealing with allegations of electoral malpractice.

Plans should:

- identify key partners and contacts, including the relevant SPOC
- 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

### Recommendations for police forces

4.23 In December 2009 the Commission and ACPO jointly published *Guidance on preventing and detecting electoral malpractice*, available 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), which is designed to support police forces working with ROs and EROs, to minimise the potential for malpractice at elections in 2010.

4.24 ACPO 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 in 2010.

**Recommendation**

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 2010.

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

For 2010, SPOCs should continue to record and report allegations of electoral malpractice via the ACPO PNICC network on a monthly basis with additional returns on four specified dates during an election period, or immediately should a major case arise.

## Actions for the Commission

4.25 In addition to the joint guidance published with ACPO, the Commission has supported a national seminar in December 2009 for SPOCs to discuss the guidance materials, consider and work through potential scenarios and develop contacts within the wider SPOC network. The Commission will also be organising sub-national events to support more local links between SPOCs and electoral administrators during spring 2010. The Commission are also working with ACPO PNICC to determine how they might encourage each police force to raise the profile of their SPOC across the force.

4.26 The Commission will continue to promote the achievement of performance standards by EROs and ROs, support them with tools and templates, and monitor their success by targeted visits and verification of performance standards returns

4.27 To provide a more comprehensive and accurate picture about the extent and nature of electoral malpractice we will continue to work with ACPO, ACPO PNICC and the CPS to enable every allegation recorded by SPOCs to be followed through to its outcome. The reporting matrix appears to work very well. Only two changes are needed for 2010, one will introduce the additional category of 'undetected' under the 'no further action' outcome and the second will allow cases to be assigned to specific elections where appropriate or be recorded as non-election specific allegations of electoral malpractice.

4.28 One major change that the Commission and ACPO have agreed for 2010 is to roll out the collection of information about allegations of electoral malpractice on a monthly basis throughout the year with just four additional collection dates in relation to any major elections. We have demonstrated that the process works for the scheduled local government elections and European Parliamentary elections. It is now appropriate to record allegations of malpractice relating to by-elections and non-election specific offences, such as registration cases. Year-round collection of information will help to show that the perception of electoral malpractice outweighs the actual level and so further our aim to improve confidence in the integrity of absent voting in particular, and the electoral process more generally.

4.29 We will report on cases and allegations of electoral malpractice at elections in 2010, and will also provide updated information about the outcome of cases from the June 2009 elections, by December 2010.

4.30 The Commission is also working with the Police Service of Northern Ireland (PSNI) and the Chief Electoral Officer for Northern Ireland to establish equivalent recording and reporting arrangements to those in place in the rest of the UK. This will allow data from Northern Ireland to be included in future analysis reports, and for comparisons to be drawn across the whole of the UK.

# Appendix A – Background and methodology

## Background

1. In our 2003 review of absent voting in Great Britain, the Commission noted concerns that there was no central record of allegations of electoral malpractice in Great Britain.<sup>24</sup> The creation of a national database to record electoral offences was suggested as a key element of future work to improve confidence in the integrity of absent voting in particular, and the electoral process more generally.
2. The Commission also suggested that the possibility of recording electoral offences on the Police National Computer should be considered. This approach proved unworkable and other options for recording and reporting electoral offences were explored. The Crown Prosecution Service (CPS) through their Special Crime Division kindly provided monitoring information in areas where electoral pilot schemes were taking place but as there was no need for the police to refer all cases to the CPS this approach failed to give the whole picture. The CPS also gave the Commission the opportunity to examine their closed election related files. While this approach has provided useful information about electoral malpractice, it can only offer historic rather than current information.
3. Taking forward other recommendations from the review, the Commission also worked with the Association of Chief Police Officers (ACPO) to establish an election Single Point of Contact (SPOC) officer for each of the 43 territorial police forces in England and Wales. The Commission has also worked with the Association of Chief Police Officers in Scotland (ACPOS) to set up a SPOC for each of the eight territorial police forces in Scotland. We jointly identified that giving election-related crime a dedicated resource and focus within each police force was an essential component for ensuring that police were prepared for, and responsive to, allegations of electoral malpractice.
4. In 2007, in response to a request from the Commission and the Department for Constitutional Affairs – now the Ministry of Justice (MoJ) – ACPO agreed to collect information on allegations received by police forces relating to Representation of the People Act 1983 (RPA 1983) offences. SPOCs were asked to report allegations of election offences to a small team established for the period of the elections at the ACPO Police National Information and Coordination Centre (PNICC). PNICC's wider role is to manage police information at a national level, and it is this capability which led ACPO and the Commission to establish a reporting mechanism for electoral malpractice.
5. The Commission published this information in 2007.<sup>25</sup> At the same time, the Commission also published two papers on its findings from the examination of the 430 files relating to electoral malpractice opened by the

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<sup>24</sup> Electoral Commission, *Absent voting in Great Britain: Report and recommendations* (2003).

<sup>25</sup> Electoral Commission, *Allegations of electoral malpractice in England and Wales 2000-2006: Interim findings* (2007).

CPS between 2000 and 2006 relating to RPA 1983 offences, together with a schedule showing details for each file on which these reports were based.<sup>26</sup>

6. The Commission and ACPO believed that the 2007 approach using ACPO PNICC and SPOCs offered a way of achieving a database which could systematically record allegations of electoral malpractice in real time. It was envisaged that the data produced through ACPO PNICC could be used, together with information provided by the CPS on the cases they took forward for prosecution, to provide a more accurate picture of electoral malpractice.

## Approach to recording and reporting electoral malpractice at the 1 May 2008 elections

7. Following 2007, the Commission and ACPO refined the approach to achieve more consistent and comprehensive reporting across all forces and the use of the Home Office counting method to ensure that all allegations were recorded.

8. The Commission and ACPO PNICC developed a format to allow electoral offences to be reported by the SPOCs. RPA 1983 offences were used for the reporting categories (see Appendix B and C) and returns were verified by the force registrar. Twelve reporting dates between 1 April and 14 July were chosen to enable regular feedback throughout the election period with more frequent reporting dates during the week of the election, when it was anticipated that allegations and enquiries about the number of allegations were more likely to arise as voting activity increased. A programme of training events for SPOCs was also agreed at an early stage and this was critical given the high turnover of personnel. SPOCs were requested to alert ACPO PNICC immediately if they received an allegation on a large scale outside the reporting dates. Representatives from the CPS Special Crime Division attended the training to emphasise the importance of SPOCs liaising with the CPS centrally, especially at the early stages of dealing with an allegation. In some cases, crimes had been reported locally at divisional or basic command unit level and the information was not passed on to the SPOC.

## Approach to recording and reporting electoral malpractice at the 4 June 2009 elections

9. The 2008 project demonstrated that the approach of using ACPO PNICC and SPOCs was feasible, and that it could provide both real time information about electoral malpractice allegations during the election period and make it easier to track the cases of alleged malpractice to their conclusion.

10. The key learning point to emerge was the use of the case as the unit of measurement rather than allegations. This reflects the way the police manage

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<sup>26</sup> Electoral Commission, *Electoral malpractice in England and Wales: 2007 trends* (2008); Electoral Commission, *Further analysis of CPS files on allegations of electoral malpractice in England and Wales, 2000-2006: Overview of the project* (2008); Electoral Commission, *CPS analysis file of all cases examined* (2008).

their work from the smallest investigation to major operations. The number of allegations was also recorded to give an indication of the scale of malpractice being investigated. This approach was incorporated into the redesign of the 2008 reporting matrix, which was also made more user-friendly. The new matrix was tested by several SPOCs before being introduced.

Several new features were introduced in the reporting matrix:

- There was an opportunity to add free text to provide background but also to help check for any administrative errors in the return.
- The crime or log number for each case was recorded and this allowed the cases to be tracked more easily.
- The forms were clearer and simpler to complete.

11. In one force the SPOC used the reporting matrix as a tool to manage the cases in his area.

12. The number of reporting dates was reduced to eight, with more around polling day. SPOCs were asked to submit returns between 26 May and 8 September 2009, and ACPO PNICC agreed to ask SPOCs for an update on those cases at the beginning of November to inform this report.

13. Advice and support was given to SPOCs at the National SPOC Seminar held in Birmingham in February and at a series of regional seminars with the support of Regional Returning Officers. Information about the PNICC database was included in the main 2009 guidance document produced for the police by ACPO and the Commission, *Guidance on preventing and detecting electoral malpractice*.

14. ACPO PNICC were pleased to note that all 43 SPOCs in England and Wales achieved a perfect and unprecedented 100% of returns for each reporting date and ACPOS achieved the same excellent response rate from the eight SPOCs in Scotland.

15. The quality of reporting was much better than in 2008, and the breakdown of the reasons for cases being filed as requiring no further action has been informative. A suggested improvement for 2010 is the addition of another category under this heading to cover the situation where there was an allegation of malpractice but no suspect could be identified or traced and the case was filed as 'undetectable'.

16. Consideration was given to whether a category of 'not in the public interest' should be included in the no further action outcome group but on balance, where the evidential test has been met, these cases usually result in a caution or informal police advice and these categories are already listed separately.

17. The relatively large number of cases still under investigation at the time of publishing this report compared with the 2008 analysis is a reflection that this report has been prepared within six months of the election rather than 11 months as happened with the 2008 report.

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

Table B1 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.

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

<b>Section of RPA 1983</b>	<b>Summary title</b>
<b>Registration</b>	
13D(1)	False information
13D(1A)	False postal/proxy voting application
4, 12, 49	Other registration offences
<b>Nomination</b>	
65(A)1	False statement in nomination paper
65(1)	Tampering with nomination papers
107	Corrupt withdrawal of candidate
<b>Campaign</b>	
110	Printer's name and address 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(1B–F)	Tampering with ballot papers
113–115	Bribery, treating and undue influence
<b>Administration</b>	
63	Breach of official duty
99(1)	Officials not to act for candidates
<b>Miscellaneous</b>	
93	Broadcasting
94	Imitation poll cards
97(1)	Disturbance at election meetings
100(1)	Illegal canvassing by police officers
110	Providing money for illegal purposes

Note: 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.

## Appendix C – Election offences: key offences and penalties

1. The Representation of the People Act 1983 (RPA 1983) defines most offences for UK Parliamentary general elections, English local government elections and for electoral registration and postal voting issues across the UK. The Electoral Administration Act 2006 (EAA) amended or introduced new RPA offences, and introduced new procedures.
2. Most offences under the RPA 1983 are classified as corrupt or illegal practices. Corrupt practices are indictable with a maximum penalty of imprisonment for one year and/or a fine, except for the offences of personation and making a false application to vote by post or proxy, where the maximum penalty is imprisonment for up to two years and/or a fine.<sup>27</sup> Illegal practices are summary offences and the maximum penalty is a £5,000 fine.<sup>28</sup>
3. Prosecutions under the RPA 1983 must be brought within 12 months of the offence being committed. If there are exceptional circumstances, and there has been no undue delay in the investigation, the time limit may be extended to not more than 24 months after the offence was committed. Any application to extend the deadline must be brought within one year of commission of the offence.<sup>29</sup>

### Corrupt practices

#### Bribery

A person is guilty of bribery if they directly or indirectly give any money to, or procure any office for, any voter in order to induce any voter to vote, or not vote, for a particular candidate, or to vote or refrain from voting.<sup>30</sup>

#### Treating

A person is guilty of treating if before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.<sup>31</sup> The key consideration is the need to show that there is a corrupt intent.

#### 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

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<sup>27</sup> Section 168, RPA 1983 and Article 120, National Assembly for Wales (NAW) (Representation of the People (RoP)) Order 2007.

<sup>28</sup> Section 169, RPA 1983 and Article 121, NAW (RoP) Order 2007.

<sup>29</sup> Section 176, RPA 1983 and Article 128, NAW (RoP) Order 2007.

<sup>30</sup> Section 113(2), RPA 1983 and Article 79, NAW (RoP) Order 2007.

<sup>31</sup> Section 114(2), RPA 1983 and Article 80, NAW (RoP) Order 2007.

inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting.<sup>32</sup> A person may also be guilty of undue influence if they act with the intention of impeding or preventing the voter from freely exercising their right to vote.<sup>33</sup> Substantive offences, threats to commit damage, assault and public order may be considered as in addition to undue influence.

## Personation

It is an offence for any individual to vote as someone else (whether that person is living or dead or fictitious), either by post or in person at a polling station as an elector or as a proxy.<sup>34</sup> Further, the individual voting can be deemed to be guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing their appointment as a proxy is no longer in force. It is also an offence for a person to aid or abet the commission of the above offences.

## False application to vote by post or by proxy

It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote or money or property to which a person is not entitled.<sup>35</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 connection with an application for a postal or proxy vote
- induce an Electoral Registration Officer (ERO) or a Returning Officer (RO) to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter
- cause such a communication not to be delivered to the intended recipient

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

## Illegal practices

### Multiple voting and proxy voting offences

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

- voting by post as an elector or proxy when subject to a legal incapacity to vote
- voting more than once in the same or in more than one local election area

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<sup>32</sup> Undue influence can include threats of harm of a spiritual nature.

<sup>33</sup> Section 115 and 115(2), RPA 1983 and Article 81, NAW (RoP) Order 2007.

<sup>34</sup> Section 60, RPA 1983 and Article 30, NAW (RoP) Order 2007.

<sup>35</sup> Section 62A, RPA 1983 and Article 14, NAW (RoP) Order 2007.

- applying for a proxy without cancelling a previous proxy appointment
- inducing or procuring another to commit one of the above offences<sup>36</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>37</sup> Any breach of this legislation is a summary offence with a maximum penalty of six months imprisonment or a £5,000 fine.<sup>38</sup>

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

It is an offence to supply false information in relation to the registration of electors to the ERO for any purpose connected with the registration of electors. It is also an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature.<sup>39</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 six months imprisonment or a £5,000 fine.<sup>40</sup>

### Other general offences

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

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

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<sup>36</sup> Section 61, RPA 1983 and Article 31, NAW (RoP) Order 2007.

<sup>37</sup> Section 66, RPA 1983 and Article 35, NAW (RoP) Order 2007.

<sup>38</sup> The maximum term of imprisonment for a summary offence is currently six months. This will increase to 51 weeks when Section 281(5) of the Criminal Justice Act 2003 comes into force. No date has yet been set for this.

<sup>39</sup> Section 13D, RPA 1983 and Article 14, NAW (RoP) Order 2007.

<sup>40</sup> Section 13D, RPA 1983 and Article 14, NAW (RoP) Order 2007.

## Appendix D – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in Great Britain in 2009

Table D1

Police forces in Great Britain	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action a) no evidence b) no offence c) not RPA offence d) undetected	Informal police advice	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted/ penalty/ comment
Avon & Somerset	1	1	1(s106)[1]c				
Cheshire	2	3	1(s110)[2]b	1(s60–62A)[1]			
Derbyshire	5	11	1(s13D(1A))[5]a			1(s4,12,49)[1] 1(106)[1] 2(s110)[4]	
Devon & Cornwall	8	8	1(s13D(1))[1]d 1(s60–62A)[1]c 1(s60–62A)[1]d 1(s106)[1]c 1(s106)[1]b	1(s110)[1] 1(s65(1)(b–f))[1]		1(s13D(1))[1]	
Dorset <sup>41</sup>	2	8	1(s13D(1))[4]a 1(s13D(1))[1]a				1(13D(1)) 3 identity fraud 2 1-month prison sentences, 1 1-month prison sentence concurrent with 6 months for finance fraud
<b>Subtotal<sup>41</sup></b>	<b>18</b>	<b>31</b>	<b>10[18]</b>	<b>3[3]</b>		<b>5[7]</b>	<b>1[3]</b>

<sup>41</sup> One registration case has two outcomes. Therefore, when the numbers of cases in the 'Outcome by case' columns are added together there is apparently one more case than the total number of cases shown in the column headed 'Cases'. This is mirrored in the Subtotal figures.

**Appendix D (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in Great Britain in 2009**

**Table D2**

Police forces in Great Britain	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action a) no evidence b) no offence c) not RPA offence d) undetected	Informal police advice	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted/ penalty/ comment
Dyfed-Powys	1	1				1(s110)[1]	
Kent	1	2	1(s65A(1))[2]a				
Lancashire	1	1				1(s60–62A)[1]	
Lincolnshire	2	2	1(s110)[1]a 1(s60–62A)[1]a				
Lothian & the Borders	1	1				1(s13D(1))[1]	
Metropolitan	3	3	1(s110)[1]b 1(s115)[1]a			1(s93)[1]	
North Yorkshire	1	1		1(s115)[1]			
Northamptonshire	3	3	1(s13D(1A))[1]b 1(s65A(1))[1]a 1(s110)[1]c				
<b>Subtotal</b>	<b>13</b>	<b>14</b>	<b>8[9]</b>	<b>1[1]</b>		<b>4[4]</b>	

**Appendix D (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in Great Britain in 2009**

**Table D3**

Police forces in Great Britain	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action a) no evidence b) no offence c) not RPA offence d) undetected	Informal police advice	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted/ penalty/ comment
Nottinghamshire	2	2	1(s65(1)(b-f))[1]b			1(s110)[1]	
Staffordshire	1	1				1(s60-62A)[1]	
Thames Valley	3	38	1(s13D(1))[5]a 1(s60-62A)[9]c			1(s60-62A)[24]	
Warwickshire	2	3	1(s65A(1))[2]a			1(s65A(1))[1]	
West Mercia	2	2	1(s115)[1]c			1(s115)[1]	
West Midlands <sup>42</sup>	7	16	1(s60-62A)[1]c 1(s65A(1))[1]d 1(s65A(1))[1]b	1(s60-62A)[1]	1(s60-62A)[1]	3(s60-62A)[1,1,9]	
<b>Subtotal<sup>42</sup></b>	<b>17</b>	<b>62</b>	<b>8[21]</b>	<b>1[1]</b>	<b>1[1]</b>	<b>8[39]</b>	

<sup>42</sup> One personation case has two outcomes, a caution for one person and informal police advice for another. Therefore, when the numbers of cases in the 'Outcomes by case' columns are added together there is apparently one more case than the total number of cases shown in the column headed 'Cases'.

**Appendix D (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in Great Britain in 2009**

**Table D4: Totals**

Police forces in Great Britain	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action (NFA) a) no evidence b) no offence c) not RPA offence d) undetected	Informal police advice	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted/ penalty/ comment
<b>Table D1 subtotal</b>	18	31	10[18]	3[3]		5[7]	1[3]
<b>Table D2 subtotal</b>	13	14	8[9]	1[1]		4[4]	
<b>Table D3 subtotal</b>	17	62	8[21]	1[1]	1[1]	8[39]	
<b>TOTAL<sup>43</sup></b>	<b>48</b>	<b>107</b>	<b>26[48]</b>	<b>5[5]</b>	<b>1[1]</b>	<b>17[50]</b>	<b>1[3]</b>

<sup>43</sup> Two cases have two outcomes (see Dorset in Table D1 and West Midlands in Table D3). Therefore, when the numbers of cases in the 'Outcome by case' columns are added together there are apparently two more cases than the total number of cases shown in the column headed 'Cases'.

Appendix E – Association of Chief Officers Police National Information and Coordination Centre record of cases and allegations by police force in England and Wales in 2008 (updated 2009)

Table E1

Police forces in England and Wales	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 Section shown in curved brackets)				
			No further action	Cautions – which may create a criminal record	Unresolved/awaiting CPS advice	Charged/in court/convicted	Penalty
Avon & Somerset <sup>44</sup>	1	3	1(s110)[2]	1(s110)[1]	0	0	
Bedfordshire (no elections)	0	0	0	0	0	0	
Cambridgeshire	1	2	0	1(13D(1)) [2]	0	0	
Cheshire	0	0	0	0	0	0	
City of London	0	0	0	0	0	0	
Cleveland	0	0	0	0	0	0	
Cumbria	0	0	0	0	0	0	
Derbyshire	2	2	2(s110)[2]	0	0	0	
Devon & Cornwall	3	8	2(s13 D(1))[5,2]	1(s60–62A)[1]		0	
Dorset	0	0	0	0	0	0	
Durham	1	1	1(s65(A))[1]	0		0	
Dyfed-Powys	4	4	4(s110)[4]	0		0	
Essex	9	9	1(s75–85))[1] 2(s110)[2] 1(s113/115)[1] 3(s13D(1))[3] 2(s13D1(A))[2]	0			
<b>Subtotal<sup>44</sup></b>	<b>21</b>	<b>29</b>	<b>19[25]</b>	<b>3[4]</b>	<b>0</b>	<b>0</b>	

<sup>44</sup> One imprint case has two outcomes, no further action with regard to two allegations and one caution, so when outcomes are added together there is apparently one more case than the total number of cases shown in the cases column subtotal.

**Appendix E (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in England and Wales in 2008 (updated 2009)**

**Table E2**

Police forces in England and Wales	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action	Caution	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
Gloucestershire	0	0	0	0	0	0	
Greater Manchester	12	160	1(s13D(1))[2] 2(s60–62A)[147,2] 1(s65(A)1)[1] 1(s65(1)(b)–(f))[1] 2(s106)[2] 2(s110)[2] 1(s113–115)[1]	2(s60–62A)[2]	0	0	
Gwent	0	0	0	0	0	0	
Hampshire	3	10	2(s13D(1))[2]		0	1(13D(1A))[8] Convicted 1 charge	Fined £1,015
Hertfordshire	0	0	0	0	0	0	
Humberside	1	1	1(s75–85)[1]	0	0	0	
Kent	1	3	1(s4,12,49)[3]	0	0	0	
Lancashire	1	10	1(s13D(1A))[10]	0	0	0	
Leicestershire (no elections)	0	0	0	0	0	0	
Lincolnshire	1	1	0	1(s75–85)[1]	0	0	
Merseyside	8	30	3(s4,12,49)[3,3,2] 2(s110)[4,4] 2(s13D(1A))[10,3] 1(s93)[1]	0	0	0	
<b>Subtotal</b>	<b>27</b>	<b>215</b>	<b>23[204]</b>	<b>3[3]</b>	<b>0[0]</b>	<b>1[8]</b>	

**Appendix E (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in England and Wales in 2008 (updated 2009)**

**Table E3**

Police forces in England and Wales	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section shown in curved brackets)				
			No further action	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
Metropolitan	5	6	1(s13D(1))[1] 1(s13D(1A))[1] 1(s65(A))[1] 1(s110)[2] 1(s60–62A)[1]	0	0	0	
Norfolk	0	0	0	0	0	0	
North Wales	3	3	3(s4,12,49)[3]	0	0	0	
North Yorkshire	0	0	0	0	0	0	
Northamptonshire	0	0	0	0	0	0	
Northumbria	5	6	2(s13D(1))[2,1] 1(s13D(1A))[1] 1(s65(A))1 1(s110)[1]	0	0	0	
Nottinghamshire	0	0	0	0	0	0	
South Wales	11	35	3(s13D(1)) [10,5,2] 1(s60–62A)[10] 1(s106)[1] 1(s107)[1] 3(s110)[3]	1(s65A(1))[1] 1(s13D(1))[2] (2 people cautioned)	0	0	
South Yorkshire	2	2	1(s65(A)1)[1] 1(s13D(1))[1]	0		0	
Staffordshire	1	1	1(s65(A)1)[1]	0		0	
<b>Subtotal</b>	<b>27</b>	<b>53</b>	<b>25[50]</b>	<b>2[3]</b>	<b>0[0]</b>	<b>0</b>	

**Appendix E (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in England and Wales in 2008 (updated 2009)**

**Table E4**

Police forces in England and Wales	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 Section shown in curved brackets)				
			No further action	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
Suffolk	1	1	0	1(s61)[1]	0	0	
Surrey	1	4	1(s13D(1))[4]	0	0	0	
Sussex	0	0	0	0	0	0	
Thames Valley	11	11	4(13D(1))[4] 2(s65(A)1)[2] 1(s60–62A)[1] 2(s75–85)[2] 1(s106)[1] 1(s113–115)[1]	0		0	
Warwickshire	1	1	1(s110)[1]				
West Mercia	0	0	0	0	0	0	
West Midlands	11	152	4(s13D(1A))[93,8,6,1] 2(s60–62A)[4,1] 1(s65(A)1)[3] 2(s110)[2] 1(s113–115)[8]	0	1(s13D(1))[26]	0	
West Yorkshire <sup>45</sup>	3	10	1(s60–62A)[1] 1(s65(A)1)[1]	1(s60–62A)[1]	0	1(s60–62A)[2]  1(s60–62A)[5]	2 pleaded guilty, sentenced to Community Service Orders 1 on trial April 2010
Wiltshire	0	0	0	0	0	0	
<b>Subtotal<sup>45</sup></b>	<b>28</b>	<b>179</b>	<b>25[144]</b>	<b>2[2]</b>	<b>1[26]</b>	<b>2[7]</b>	

<sup>45</sup> Two personation cases have two outcomes, so when outcomes are added together there are apparently two more cases than the total number of cases shown in the cases column subtotal.

**Appendix E (cont.) – Association of Chief Police Officers Police National Information and Coordination Centre record of cases and allegations by police force in England and Wales in 2008 (updated 2009)**

**Table E5: Totals**

Police forces in England and Wales	Cases	Allegations	Outcome by case [Allegations shown in square brackets] (Representation of the People Act 1983 section in curved brackets)				
			No further action	Caution – which may create a criminal record	Unresolved/ awaiting CPS advice	Charged/ in court/ convicted	Penalty
Table E1 subtotal	21	29	19[25]	3[4]	0	0	
Table E2 subtotal	27	215	23[204]	3[3]	0	1[8]	One found guilty – fined £1,015
Table E3 subtotal	27	53	25[50]	2[3]	0	0	
Table E4 subtotal	28	179	25[144]	2[2]	1[26]	2[7]	2 pleaded guilty, sentenced to Community Service Orders 1 on trial April 2010
<b>TOTAL<sup>46</sup></b>	<b>103</b>	<b>476</b>	<b>92[423]</b>	<b>10[12]</b>	<b>1[26]</b>	<b>3[15]</b>	

<sup>46</sup> Three cases each have two outcomes (see Avon & Somerset in Table E1 and West Yorkshire in Table E4). Therefore, when outcomes are added together this results in there being three more cases than the total number of cases shown in the column headed 'Cases'.

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