

Written evidence submitted by the Electoral Commission to Sir Eric Pickles' review of electoral fraud

1 October 2015

A. Introduction

1. Electoral fraud undermines democracy and weakens the United Kingdom's strong tradition of free and fair elections. It takes away from individuals the right to vote as they wish, it distorts the results of elections and weakens the legitimacy of elected bodies, and it causes mistrust between communities.

2. The Electoral Commission takes the risk of electoral fraud seriously, and we welcome the review of electoral fraud which is being undertaken by the UK Government's Anti-Corruption Champion, Sir Eric Pickles. The review was announced on 13 August 2015, with a consultation period of eight weeks for the submission of evidence closing on 8 October 2015. A report will be provided to the Prime Minister by the end of 2015, making recommendations and proposals for change.

3. We note that the intention is for the review to be as wide as possible and that it will seek to identify what changes may be needed to prevent electoral fraud, in legislation, guidance and practice.

4. The terms of reference of the review have been confirmed as follows:

- Examine what steps are necessary to stop voter registration fraud and error, postal voting fraud, impersonation, intimidation, bribery, treating and undue influence
- Review the role of councils, the police and the Electoral Commission in deterring, identifying and prosecuting fraud
- Consider the recommendations of Richard Mawrey QC in his recent Election Court judgment on fraud in the London Borough of Tower Hamlets
- Recommend to government what practical changes are needed to legislation, guidance and practice

5. We have highlighted to the Government the importance of considering the role of political parties, candidates and campaigners as part of the review, to ensure that any conclusions and recommendations from the review are comprehensive in their scope. Evidence from our own major review of electoral fraud, carried out between autumn 2012 and January 2014, showed that in the majority of cases when electoral

fraud is attempted, or committed, it is by political party or independent candidates and their supporters – voters are the victims. Parties from across the political spectrum have seen electoral fraud cases involving their candidates or supporters: it is not something which is confined to small or local parties. There is also evidence of some electoral registration fraud being committed in order to facilitate wider identity or financial fraud.

6. The January 2014 final report of our review included a number of recommendations to help address integrity concerns and vulnerabilities within the electoral process.¹ While we are disappointed that the previous coalition Government did not at the time respond formally to our January 2014 report, we are pleased that the current Government has now indicated its intention to use evidence from our recent review to underpin its review.

7. We hope that, in considering any recommendations from this review, the Government will respond to the main recommendation from our 2014 review that voters at polling stations in Great Britain should provide photographic proof of their identity before being issued with a ballot paper, as they have been required to do in Northern Ireland since 2003. We have conducted further work to identify and develop a proportionate and accessible scheme for verifying electors' identity at polling stations, including costing implementation options and will publish details by the end of this year.

8. We would welcome further information about whether the review will include any additional stages of consultation before publication of the final report and recommendations, including whether submissions received as part of this review will be published (notwithstanding any information deemed confidential).

B. About this response

9. This submission provides an overview of the evidence and information we have collated to date about electoral fraud which is relevant to the scope of the review. The submission itself is not intended to be exhaustive; we have included links to relevant reports and other documents containing more detailed and/or supporting information and evidence about electoral fraud where we feel this would be useful.

10. Throughout this submission, the term 'electoral fraud' refers to breaches of the Representation of the People Act (RPA) 1983.

¹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/164609/Electoral-fraud-review-final-report.pdf

11. Our response covers the following areas:

- Evidence about electoral fraud in the UK (section C)
- Changes to legislation and policy since 2000 (section D)
- Roles and responsibilities for preventing and detecting electoral fraud (section E)
- Lessons from the May 2014 elections in Tower Hamlets and the subsequent election petition (section F)
- Our suggestions for further changes to legislation, roles or practice and guidance (section G)
- Next steps

C. Evidence about electoral fraud in the UK

12. The Electoral Commission is the only body in the UK which collects and publishes data about the outcome of cases of alleged electoral fraud which have been reported to police forces each year, and we have published our analysis of the data each year since 2008.² We are not aware of any comparable comprehensive and publicly available database of cases of alleged electoral fraud having been established for other countries.

13. In May 2013 we published an evidence and issues paper to support our own review of electoral fraud vulnerabilities, which included an analysis of the evidence then available on electoral fraud.³ This included police data on cases of alleged electoral fraud, criminal and civil court proceedings, views from members of the public⁴ and evidence from campaigners, electoral officials and others.

14. The police data is a comprehensive source of evidence covering reported cases but there is no practical mechanism to capture possible cases which people have not reported. Reluctance to report cases of electoral fraud to the police – whether because of fears for personal safety or because of a lack of confidence that the complaints would be investigated – has been a relatively commonly reported concern in research, comments and submissions that we have heard during our work on electoral fraud (and is one of the reasons why we have worked with Crimestoppers to promote awareness of their anonymous crime reporting service).

15. We continue to monitor evidence about electoral fraud in the UK, including police data on cases of alleged electoral fraud, criminal and civil court proceedings, views

² Published on our website at <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/electoral-fraud-responsibilities>

³ [Electoral fraud in the UK – Evidence and Issues paper \(May 2013\)](#)

⁴ Available on our website at <http://www.electoralcommission.org.uk/our-work/our-research/other-research>

from members of the public and evidence from campaigners, electoral officials and others.

Our analysis of the evidence about electoral fraud in the UK

16. Public opinion research continues to suggest that there is a consistent underlying level of concern about electoral fraud in the UK. These concerns are also shared by a broad range of people with experience of standing for election or running elections. Research with voters also shows, however, that people have different perceptions and levels of understanding about what they consider as electoral fraud, and their views are very rarely influenced by first-hand experience of electoral fraud.

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

18. The principal common factor linking those who commit electoral fraud is that they want to secure the power and status of elected office, although there is also evidence that some electoral registration fraud is committed in order to facilitate wider identity or financial fraud. Electoral fraud tends to be committed by political party candidates or their supporters, not by voters (see the table of significant cases of electoral fraud at Appendix C of this submission). The data show that, since 2000, individuals who have been convicted of electoral fraud offences and received custodial sentences were closely linked with (and were often officially nominated candidates for) prominent registered political parties, including: the British National Party; the Conservative Party; the Democratic Unionist Party; the Labour Party; the Liberal Democrats; and the UK Independence Party.

19. Where significant cases of organised electoral fraud have been found to have taken place, they have been committed and coordinated by a relatively small number of individuals. The majority of people in communities affected by electoral fraud are victims rather than offenders.

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

gender; they may be more vulnerable because they are dependent on others for their accommodation or general welfare.

21. Our research on the accuracy and completeness of electoral registers suggests that inaccurate register entries are largely the result of population movement which is not reliably identified outside the annual canvass of households.⁵ Police investigations into allegations of fraudulent electoral registration applications (for non-existent identities, or for people who are not actually resident at an address, for example) have also found that identity or financial fraud is the objective, rather than electoral fraud which is intended to manipulate the result of an election.

Evidence about electoral fraud in British Pakistani and British Bangladeshi communities

22. When we carried out our own review of electoral fraud vulnerabilities, there were strongly held views, based in particular on reported first-hand experience by some campaigners and elected representatives, that electoral fraud is more likely to be committed by or in support of candidates standing for election in areas which are largely or predominately populated by some South Asian communities, specifically those with roots in parts of Pakistan or Bangladesh. These concerns reflect issues which have been highlighted by a small number of previous studies of political and electoral participation.⁶

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

24. Evidence from police data and prosecutions does show that people from these communities are represented among those accused of electoral fraud and also among those convicted of fraud.⁷ But white British people and people from other

⁵ [The quality of the 2014 electoral registers in Great Britain – July 2014 \(PDF\)](#); [Electoral registration in 2011 – July 2014 \(PDF\)](#); [Great Britain's electoral registers – December 2011 \(PDF\)](#); [The completeness and accuracy of electoral registers in Great Britain – March 2010 \(PDF\)](#); [Understanding electoral registration – September 2005 \(PDF\)](#)

⁶ [Stuart Wilks-Heeg \(2008\) *Purity of Elections in the UK: Causes for Concern*, Joseph Rowntree Reform Trust](#); Eleanor Hill (2012), *Ethnicity and Democracy: A Study into Biraderi*, BA thesis School of Historical Studies, University of Bradford.

⁷ Judgments and sentencing remarks in two recent cases – the prosecution of several members of a candidate's family following a local government election in Woking in May 2012, and the prosecution of a polling station official in Derby at a local government election in May 2012 – have also highlighted evidence about electoral fraud vulnerabilities in these specific communities.

communities are also represented, and it would be a mistake to assume that electoral fraud only happens within these specific communities. Our analysis over a number of years has enabled us to identify particular police forces and local authorities where allegations of electoral fraud have been most frequent and we target our monitoring activities in these areas.

25. Nevertheless, the evidence and views that we heard during our review about the extent to which electoral fraud affects or originates from within specific communities was particularly worrying. They raised fundamental questions about whether individuals within these communities are able effectively to exercise their right to vote.

26. We therefore commissioned further research to help address concerns about the vulnerability of electors in the British Pakistani and British Bangladeshi communities. The objectives of the research were to:

- Build on the findings from previous research about electoral fraud vulnerabilities, with specific focus on participation and undue influence.
- Explore the attitudes to and experiences of political participation and voting, the security of the electoral process, and electoral fraud.
- Provide greater understanding of the issues related to participation in the electoral process and any links with specific geographical areas, cultural or demographic factors.
- Help understand what further improvements could make the voting process safer from electoral fraud.

27. We published two research reports in January 2015. The first report was produced by NatCen and was based on qualitative research with members of the public, predominantly those identifying themselves to be of British Pakistani or Bangladeshi ethnicity.⁸ Four areas with recent histories of allegations of electoral fraud were compared with four areas with similar demographic make-ups but which did not have histories of allegations of fraud. The second report was produced by academics from Manchester and Liverpool universities and draws on qualitative research with political activists in the same eight local areas.⁹

⁸ [Elections, voting and electoral fraud: An exploratory study focusing on British Pakistanis and Bangladeshis - January 2015 \(PDF\)](#)

⁹ [Understanding electoral fraud vulnerability in Pakistani and Bangladeshi origin communities in England: A view of local political activists - January 2015 \(PDF\)](#)

28. The reports highlighted that a mix of contextual, cultural and electoral process factors may create electoral fraud vulnerabilities. The main issues highlighted in the reports were that:

- Strong community networks in the areas that were covered by the research provide valuable support to people and can also provide a positive campaigning mechanism to support candidates.
- In some areas, however, the reciprocal and hierarchical nature of kinship networks may mean pressure can be put on people to vote for particular candidates or parties in a way that means they either feel they have, or in fact have, no individual choice.
- There are also some specific factors that may make these communities more vulnerable to electoral fraud:
 - Low levels of public awareness about what is acceptable campaigning activity, and uncertainty about what activity might involve electoral fraud, mean that voters may be unsure about reporting their concerns.
 - Low public awareness about how to report electoral fraud, including reluctance to report fraud directly to the police, may also deter voters from raising concerns.
 - Low levels of literacy and a lack of English language skills may exacerbate these vulnerabilities.
 - Reduced activity by political parties in some areas, together with a reliance on kinship networks or those perceived to be “community leaders”, may also exacerbate vulnerabilities by focusing on winning the support of voters as a single group rather than as individuals.

29. The research reports also pointed out that, while the factors which appear to underpin vulnerability to electoral fraud may be apparent among British Pakistani or Bangladeshi communities, they do not exclusively affect those communities.

30. The launch of these reports received some media coverage,¹⁰ although we were disappointed that there was little public or political debate about the key findings from the research, particularly those relating to the important role of political parties in combatting electoral fraud. We also set out what immediate steps we were taking to address the issues identified in the months before polling day for the May 2015 elections.¹¹

¹⁰ See for example: <http://www.telegraph.co.uk/news/general-election-2015/11373206/Ballot-rigging-risk-in-Pakistani-and-Bangladeshi-communities.html>;
<http://www.theguardian.com/politics/2015/jan/28/tories-and-labour-exploit-asian-networks-to-win-votes>; <http://www.bbc.co.uk/news/uk-31014171>; <http://blogs.channel4.com/michael-crick-on-politics/bangladeshi-pakistani-groups-at-risk-electoral-fraud/4779>;
<http://trialbyjeory.com/2015/01/31/lets-end-the-ability-of-bangladeshi-elders-to-deliver-bloc-votes-a-report-from-the-electoral-commission/>;

¹¹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/181267/Electoral-fraud-research-briefing-January-2015.pdf

31. We remain deeply concerned that some voters at elections in the UK may not be able to cast their own vote in the way they intend without pressure, whether applied directly or indirectly, from others. It is particularly wrong that those applying such pressure are ultimately seeking the election of someone to a position of privilege, power and responsibility, to act and speak on behalf of the electors of a ward or constituency.

32. Addressing this vulnerability will take careful, locally managed work by police forces, Returning Officers/Electoral Registration Officers and – crucially – political parties, candidates and campaigners, to raise awareness of what is and is not acceptable activity by family or community members or campaigners, and to build confidence that concerns can be raised and will be dealt with appropriately. It will also need further legislative change.

D. Changes to legislation and policy since 2000

33. In recent years the Electoral Commission recommended a number of important legislative changes to be introduced to strengthen the integrity of electoral processes in Great Britain. All of the Commission recommendations listed below have been accepted and implemented by successive UK Governments:

- The introduction of individual electoral registration in England and Wales in June 2014 and in Scotland in September 2014. The Commission first recommended this change in 2003 and continued to push the UK Government to bring it into law. Parliament first legislated for this under the Labour government in 2009, and this was accelerated by legislation introduced by the Coalition government in 2013. Implementation has been a significant step in limiting the scope for electoral fraud. Under this system, EROs are required to verify electors' National Insurance numbers and dates of birth against data held by the Department for Work and Pensions Customer Information System before they can be registered. This means that it is now much harder (although not impossible) to create false or fictitious electoral register entries, which could be used to commit personation, either by post or in person, as an elector or as a proxy, or to commit identity or financial fraud.
- Checks on voters' signatures and dates of birth provided on returned postal ballot packs, to help ensure that fraudulently completed postal votes are not counted. In 2006 the UK Government accepted our 2003 recommendation that ROs should be required by law to check these personal identifiers on all returned postal ballot packs, and ROs have been statutorily required to

check the identifiers on all returned postal ballot packs at elections since 2014.¹²

- The creation of new offences of supplying false information to an ERO and making false applications for a postal or proxy vote (which we had recommended since 2003), so that some of the more common attempted electoral fraud crimes can now be prosecuted.
- In 2013 the UK Government accepted our 2003 recommendations for new powers for EROs to request more evidence to verify the identity and eligibility of people applying to register to vote, and to carry out reviews of register entries where they suspect they may not be accurate.
- In 2013 the UK Government accepted our 2010 recommendation and introduced provisions requiring EROs to notify electors that their postal ballot paper has been rejected and request fresh personal identifiers, except in circumstances where they suspect that electoral fraud may have taken place.
- In 2013 the UK Government accepted our recommendation and introduced provisions enabling Police Community Support Officers (PCSOs) to enter polling stations in England and Wales (the role of PCSO does not exist in Scotland or Northern Ireland).
- Since December 2014 only electors who have registered individually under IER, and are also entitled to vote in the type of poll for which they are appointed, have been able to be appointed to act as a proxy. This means that EROs are able to confirm that the identity of the individual appointed to act as a proxy has been verified.¹³

E. Roles and responsibilities for preventing and detecting electoral fraud

34. The structure of electoral administration in Great Britain is decentralised. Electoral Registration Officers (EROs) and Returning Officers (ROs) are statutory office holders, and are respectively responsible for managing electoral registration

¹² At the 2015 UK Parliamentary general election postal votes were issued to around 7.6 million electors (representing approximately 16.4% of the total electorate) and turnout among postal voters was 86%. Data from ROs showed that 4.6% of returned postal ballot papers were not able to be included in the count after the required checks on voters' personal identifiers had been carried out.

¹³ At the 2015 UK Parliamentary general election approximately 150,000 electors (representing 0.33% of the total electorate) appointed a proxy to vote on their behalf. In the final days before the close of polls, a further 8,500 electors across England, Scotland and Wales appointed emergency proxies.

and running elections in the electoral areas for which they are appointed. In England and Wales, it is usual for the ERO and RO roles to be held by the same person.

35. While EROs and ROs are appointed by individual local authorities, they act independently from those authorities when conducting their statutory electoral duties. Although we have heard occasional complaints about whether individual EROs or ROs have acted impartially in specific instances, we are not aware of any evidence to suggest that such complaints have been substantiated.

36. The localised nature of electoral administration is largely reflected in the approach for dealing with electoral integrity issues, which sees EROs, ROs and local police forces each having a key role to play in helping to prevent and detect electoral fraud. The police are responsible for investigating any allegations of electoral fraud, while prosecuting authorities are responsible for taking cases of alleged electoral fraud to court. The Electoral Commission provides extensive advice and guidance to the police and electoral administrators, as well as information for voters on how to keep their vote safe. We also play an important role in co-ordinating preventative activity across the UK, including working with Crimestoppers to ensure people can report electoral fraud anonymously. We do not currently have a statutory role to investigate or take legal action in respect of electoral fraud.

37. Appendix A provides more detailed information about the key roles and responsibilities of others who are involved in preventing electoral fraud, and covers:

- Electoral Registration Officers (EROs)
- Returning Officers (ROs)
- The police and prosecutors
- The Courts and Judges
- The Electoral Commission – a note providing further information about the Commission’s role in assisting and supporting the prevention and detection of electoral fraud is attached at Appendix B.
- Campaigners (political parties, candidates, agents and supporters)
- Those with legislative responsibilities, including governments

38. We expect that the other players highlighted above will also want to make their own submissions to the Government’s review, in order to set out their own approaches and views on the issues considered by the review.

Is there a case for changing roles and responsibilities?

39. In our recent review of electoral fraud we asked whether any of the roles and responsibilities set out in Appendix A should change and what more, if anything, the people and organisations involved should be doing to tackle electoral fraud in the UK. Our conclusion, based on extensive consultation with stakeholders and the

public, was that the balance of responsibilities between those with a role to play in preventing, detecting and prosecuting electoral fraud was broadly correct. We did not consider there to be a case for significantly altering the current balance.

40. Nonetheless, we believe changes could be made to improve the UK's election petition system. In our submissions to the Law Commissions' review of electoral law,¹⁴ we highlighted two main problems with respect to the election petition system:

- The election petition system is not accessible or transparent, and
- The election petition system does not allow for challenges to elections to be dealt with promptly and does not provide a right of appeal.

41. We have suggested in our submission to the Law Commissions that the best option for addressing the need to ensure that the public interest is represented in the law governing election challenges is to split the current process:

- A civil process for the quick and effective determination of allegations that there has been an administrative error that affected the result or that the winning candidate was disqualified. The public interest would be represented by the Returning Officer bringing petitions. Electors and candidates should still be able to bring petitions under a more accessible system, subject to complaints without merit being filtered out.
- Allegations that a candidate, agent or supporter has committed an electoral offence should be for the police to investigate and prosecutors to prosecute. Police and prosecutors would represent the public interest. We do not believe that the Electoral Commission should have such a role in investigating alleged electoral criminal offences, which is rightly for police forces. Again, electors and candidates should still be able to bring petitions under a more accessible system, subject to complaints without merit being filtered out.

42. A further area for reform is electoral offences. It is important that the drafting of the electoral offences is not so complex and out of date that it deters police and prosecutors from enforcing them. At present, many electoral offences are not well understood and therefore we strongly support the Law Commissions' aim to update and clarify the law. We have set out in section G below our suggestions for further changes to clarify and strengthen offences relating to absent voting, which we would support bringing forward in advance of the Law Commissions' review if possible.

¹⁴ [First response to the Law Commissions' December 2014 consultation paper \(PDF\)](#); [Second response to the Law Commissions' December 2014 consultation paper \(PDF\)](#).

43. We have also discussed with the UK Parliament, in hearings before the Political and Constitutional Reform Committee who put this idea to us, whether there is a case for more direct intervention in relation to the work of Electoral Registration Officers in particular, should we become aware that a particular team is struggling to perform at the right level. We remain open to this suggestion, described to us by the Committee as a “special measures” approach, although it would represent a significant change in the relationship between the Electoral Commission and EROs, and might also require significant additional resources to work effectively.

F. Lessons from the May 2014 elections in Tower Hamlets and the subsequent election petition

44. All those who were involved in the May 2014 elections in Tower Hamlets – voters, candidates and political parties who campaigned at the elections, the Returning Officer and his staff who administered the poll, the Electoral Commission which monitored the performance of the Returning Officer, and the Metropolitan Police Service (MPS) who were on duty on polling day and investigated allegations of electoral fraud – will have followed the election petition and reflected on the judgment. We are also pleased to have been able to discuss the case with Mr Justice Mawrey following his judgment, and we have identified some key points from the petition.

People who complain about electoral fraud should be kept informed about the progress of investigations into their allegations, and should receive a clear explanation of why action (including prosecutions) has or has not been taken.

45. Some people in Tower Hamlets who complained about electoral fraud (including complaints made directly to the Electoral Commission, which we ensured were also made directly to the police) were of the opinion that their allegations were not properly investigated.

46. Better communication of who is actually responsible for investigating and dealing with allegations of electoral fraud, timely communication of progress with investigations, and clear explanations of the reasons why cases are – or are not – taken forward to prosecution, would all help to reassure complainants that their concerns are being taken seriously. While there may be good operational reasons particularly for the police not to provide some information at certain points during investigations, people who have complained about electoral fraud should be told if their allegations are being investigated and what the outcome is.

47. In some cases, while it may not be appropriate for the police to take action (because no offence has been committed) there may still be a risk to the integrity of

the electoral process if appropriate action is not taken – promptly removing out-of-date electoral registration entries for people who are no longer resident at a property will reduce the risk of poll cards or postal ballot packs being misused, for example. In these circumstances, the Electoral Registration Officer should also explain clearly and openly (including to local candidates and campaigners) what action has been taken to identify and resolve any inaccurate records.

48. A significant proportion of allegations about electoral fraud made to UK police forces do not result in any further action following investigation. This is often because there is no evidence that an offence has been committed, or because the activity which is the subject of the allegations is not in fact illegal. Where this is the case, police forces should ensure they explain clearly to the complainant what steps they took and what evidence they considered in reaching this conclusion.

49. We recognise that people may sometimes contact the Commission with an expectation that we will investigate specific allegations of electoral fraud. While it should continue to be for police forces to investigate allegations of offences under electoral law, we will continue to use our informal co-ordination role to make sure that allegations are dealt with appropriately, including monitoring the progress of investigations and requesting information from the relevant police force or prosecutor.

People who have concerns about electoral fraud should not feel that an election petition is the only way to ensure their allegations are heard and investigated.

50. Our 2013 report on the outcome of investigations into allegations of electoral fraud in Tower Hamlets during 2012 highlighted “concerns about a breakdown in confidence and trust between some elected representatives and the ERO and RO for Tower Hamlets, and scepticism about the MPS investigations.” In that specific context, it was unsurprising that the individuals involved in bringing the petition challenging the result of the 2014 mayoral election chose to initiate private legal proceedings rather than waiting for the conclusion of police investigations.

51. Nevertheless, at the time the petition was initiated, the MPS had received and were in the process of investigating a number of allegations, but we understand that these investigations could not proceed actively while the election petition was ongoing. We understand that a number of cases remain under investigation by the MPS, and we have made clear our view that, where there is evidence to support a successful criminal prosecution, it should always be considered in the public interest to prosecute electoral fraud offences.

52. The judgment in the Tower Hamlets petition highlighted a number of concerns about the effectiveness and suitability of the current election petition process. The

Electoral Commission has also consistently highlighted similar concerns, and the UK Law Commissions' review of electoral law, which began in 2012, has identified the need to consider improvements to the petition process.¹⁵

53. We agree that it is important to continue to reform and improve the process for challenging the results of elections where there is evidence of electoral fraud, and we look forward to the Law Commissions' proposals for change.

Complaints about the intimidation of voters outside polling stations need to be addressed quickly and firmly to ensure people are able to enter polling stations without any pressure from campaigners.

54. The judgment in the Tower Hamlets election petition identified evidence given by witnesses about the intimidation of people trying to enter polling stations to vote in the mayoral election. Although the Court was unable to find that this amounted to undue influence as defined in electoral law, we emphatically agree with the conclusion that "It is obviously undesirable that voters attending polling stations should be subjected to the level of intimidation that was inflicted on 22 May 2014."

55. Protecting the rights of individuals to enter polling stations free from intimidation and undue influence requires an assertive approach from both polling station staff and police officers, and we will reinforce this in our guidance for ROs, polling stations staff and police forces. While the judgment's comments on the witness statements provided by polling station staff and police officers have been well-quoted, evidence provided by witness for the petitioners highlighted in the judgment also shows that action was taken by police officers to assist voters when concerns were raised with them.

56. Given the limited resources available to Returning Officers and police forces, planning for policing at elections should always be based on a robust risk assessment of individual polling station locations – in most parts of the UK it would be unnecessary and unrealistic to expect a constant police presence outside every polling station for the full 15 hours that polls are open. But in those parts of the UK where it is needed because of the behaviour of candidates and their supporters, it should be provided.

57. Plans for policing at polling stations should also be based on clearly agreed and communicated standards of acceptable behaviour by campaigners, with appropriate consequences for non-compliance which are well-understood. This is precisely the type of behaviour which our Code of Conduct aims to prevent. This means that political parties, campaigners and candidates themselves must agree, promote and

¹⁵ See chapter 13 of http://www.lawcom.gov.uk/wp-content/uploads/2015/03/cp218_electoral_law.pdf

live up to those standards – it should not be left to polling station staff and police officers alone to explain to campaigners what behaviour is and is not acceptable.

58. Police officers protecting the rights of voters at polling stations need to ensure that they understand and monitor potential instances of specific electoral offences, particularly undue influence, and should not simply focus on maintaining public order. The judgment in the Tower Hamlets election petition identifies some concerns about the definition of the current undue influence offences, and we would welcome any early legislative opportunity to make improvements to the drafting of the offences which the Law Commission is currently considering, in order to better support policing and legal action in future. We will also work with the National Police Chiefs Council (NPCC) to provide additional guidance and training for police officers to reinforce the importance of taking all available actions to protect the rights of voters at polling stations.

Better public awareness and education is needed in areas where there are concerns about electoral fraud to make sure voters know what is and is not acceptable activity by campaigners, and how to report any concerns.

59. The research we commissioned and published in January this year, on elections, voting and electoral fraud in British Pakistani and British Bangladeshi communities, highlighted low levels of awareness and understanding about what electoral fraud is and how to report it. This also included evidence that some people may be reluctant to report electoral fraud directly to the police.

60. We responded to these concerns in advance of the May 2015 elections by working with Crimestoppers to raise awareness and understanding about electoral fraud and also to promote the anonymous crime reporting service offered by Crimestoppers.¹⁶ We also asked Returning Officers and police forces to raise awareness with voters locally ahead of the May elections. The Cabinet Office also provided funding for Returning Officers and police forces in the 17 local authority areas that we have identified where there is a higher risk of electoral fraud allegations, and we supported them to develop innovative social media tools to raise awareness across a range of communities in advance of the May 2015 elections, including videos produced in a range of languages in addition to English.¹⁷ This was particularly important to address the concerns highlighted in research that low levels of proficiency in English may exacerbate electoral fraud vulnerabilities.

61. We intend to continue this work for elections in 2016 and beyond, including working with Crimestoppers again. We will also build on the valuable local work

¹⁶ <https://crimestoppers-uk.org/get-involved/our-campaigns/national-campaigns/electoral-fraud/>

¹⁷ See for example: <https://www.youtube.com/watch?v=d2OnBw3sDLk>

which was supported by Cabinet Office funding in advance of the May 2015 elections, and will identify partner organisations who we can work with to help raise awareness and understanding among specific groups who might be more vulnerable to electoral fraud. We would welcome any further commitment of dedicated funding from the UK Government for additional work by EROs and ROs and police forces to prevent and detect electoral fraud at future elections.

G. Further changes to legislation, roles or practice and guidance

62. In this submission we have summarised the roles of individuals and organisations who are currently responsible for preventing, detecting and prosecuting electoral fraud, and the available evidence about the extent and nature of electoral fraud in the UK. We have also reflected on the lessons from the experience of the May 2014 elections in Tower Hamlets and the subsequent election petition.

63. We agree that more can always be done to help reduce the risk of electoral fraud, and this final section of our submission identifies further changes which we suggest the Government's review should consider.

1. Address remaining polling station voting vulnerabilities

Following our recent review of electoral fraud vulnerabilities, we recommended in January 2014 that electors should be required to show photographic proof of their identity before they can be issued with a ballot paper at polling stations for elections and referendums in Great Britain, as they are already in Northern Ireland and many other countries.

More than 20 months later, the UK Government has still not responded to our report overall, or this specific recommendation in particular. We continue to believe that the lack of a proof of identity requirement for electors at polling stations in Great Britain represents a significant electoral fraud vulnerability, and the Government should respond to our recommendation and set out its view on whether this requirement should be introduced.

As highlighted earlier in this submission, we recommend a more assertive policing approach to protect the rights of voters at polling stations where there is a risk of intimidation by campaigners, and will work with the National Police Chiefs' Council and the College of Policing to develop Authorised Professional Practice to support this approach.

2. Improve confidence that allegations of electoral fraud are appropriately investigated

We recognise that some campaigners and voters have expressed concern that police forces do not always take allegations of electoral fraud seriously. Our experience is that, generally, police forces do take electoral fraud seriously, and take appropriate steps to investigate allegations when they are made.

The evidence from police data shows that forces record and investigate large numbers of allegations of electoral fraud each year, but are often unable to identify or obtain evidence (including witness statements) to substantiate those allegations. While we believe that this important work should be a priority for police forces, we recognise that it is for Chief Constables and Police and Crime Commissioners to ensure that sufficient resources are available, in the context of a wide range of policing priorities.

In order to improve confidence and provide assurance that allegations of electoral fraud are taken seriously and dealt with appropriately by police forces, the National Police Chiefs' Council and the College of Policing should undertake a national review of police approaches to preventing, detecting and investigating electoral fraud. An open and transparent review could identify areas of current good practice, and could also allow concerns about the approach to dealing with particular types of cases of alleged electoral fraud to be considered from a professional policing perspective.

Inviting comments and evidence from members of the public, ROs and EROs, political parties, candidates and campaigners would enable the NPCC to ensure broad involvement in its review, and publishing its conclusions and any lessons or recommendations for change could help to improve confidence in the future. A review could also consider the role of other organisations including the Independent Police Complaints Commission, the Police Investigations & Review Commissioner, the Police Ombudsman of Northern Ireland, Her Majesty's Inspectorate of Constabulary and Her Majesty's Inspectorate of Constabulary in Scotland, and how the Electoral Commission might work with them in the future.

We will continue to work with police forces, local EROs and ROs, and Crimestoppers to raise awareness of electoral fraud and how to report allegations, including how people who are concerned about their own safety, of the safety of their family, can report evidence or concerns about electoral fraud anonymously.

3. Further secure absent voting processes

No absent voting process can be guaranteed to be free from the risk of electoral fraud. By removing the act of voting from the protected public space of a polling station, people who have been sent postal ballot packs may be more vulnerable to

undue influence, intimidation, harassment or pressure to vote in a particular way. Because of this vulnerability, electors may also face pressure to apply for an absent vote against their wishes

Restricting the availability of postal voting on demand would, however, remove the freedom for electors to choose a convenient (and, for the vast majority, secure) method of voting, and we did not support changing the availability of postal voting in Great Britain in our January 2014 report. We would, however, welcome and support an ongoing evidence-based debate about whether on demand postal voting remains the best way to deliver convenient voting and, if not, what alternative voting options might be possible.

There are opportunities for further improving the security of current postal voting processes. We suggested as part of our response to the Law Commissions' review of electoral law that the following activities (regardless of who carries them out) should be more clearly defined as offences under electoral law, and these should be brought forward earlier if a suitable legislative opportunity is available:

- It should be an offence to compel someone to apply to vote by post or appoint a proxy (or to prevent them from doing so) against their will.
- It should be an offence for anyone to alter an elector's completed absent vote application form.
- It should be an offence for anyone to take an elector's uncompleted postal ballot pack from them.
- It should be an offence for anyone to open (except for a lawful purpose e.g. for the Royal Mail to direct the envelope to the correct returning officer) or alter the contents of a completed postal ballot pack, including either the ballot paper or the postal voting statement, before it has been received by the Returning Officer.

These offences would apply equally to campaigners and others (including family members, for example) and it would be for the courts to determine the appropriate type and level of punishment, taking into account the specific circumstances of each individual case. We expect that this would mean, for example, that campaigners, agents or candidates would receive more significant penalties including, if appropriate, being barred from standing for election for a period, reflecting the position of responsibility that campaigners hold.

We also support the Law Commission's suggestions to clarify the definition of the law on undue influence, and to ensure the definition of offences protecting the secrecy of the ballot extend to postal ballot papers.

The Law Commission will not consider new questions of policy. So we would also support the Government in further considering more detailed changes to absent voting processes, including: whether requests for a waiver from providing a signature

on postal voting statements should be attested, as is currently the case for a permanent proxy vote application; whether proxy vote applications for particular elections should be attested; and, more significantly, considering whether it is appropriate to continue to allow applications to be made for permanent postal votes for all elections.

4. Ensure political parties, candidates and campaigners take responsibility for preventing electoral fraud

The Commission supports the important role of campaigners in encouraging people to participate in elections and referendums. It is equally important, however, to ensure that the activities of campaigners do not bring into question the integrity of the electoral process. Evidence from allegations and police investigations shows that electoral fraud tends to be committed by candidates or their supporters, rather than by individual voters, although there is also evidence that some electoral registration fraud is committed in order to facilitate wider identity or financial fraud.

We have worked with political parties since 2004 to develop and agree a voluntary Code of Conduct for Campaigners, which provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. This includes guidance about acceptable campaign activity near to polling stations. We updated the Code in advance of the May 2015 elections, following consultation.

Some Returning Officers may also identify the need to develop and seek agreement to specific local provisions which supplement the terms of the Code, in order to address local electoral fraud risks. We will continue to support Returning Officers who consult local and national political parties about the additional provisions they think are needed, including locally agreed prohibitions on campaigners handling completed absent vote applications and postal ballot packs.

We encourage political parties to incorporate compliance with the revised Code of Conduct for Campaigners into their own existing internal codes and disciplinary processes for their members and candidates, and we are aware that some parties do take action against members who are found to have breached the Code.

Registered political parties and candidates could still do more to take responsibility for the actions of their supporters and to prevent electoral fraud. We would like to see political parties, including the largest political parties with representation in legislatures and local authorities across the UK, take a more active and prominent role in setting high expectations for all their supporters and communicating them to electors. We will shortly be writing to all declared candidates in the election for London Mayor to be held in May 2016 asking them to personally endorse the Code

of Conduct for Campaigners and take responsibility for the behaviour of their supporters. This is an approach that we would be keen to take at all future elections, including for UK parliamentary elections.

Next steps

64. The terms of reference for this review indicate that a report will be provided to the Prime Minister by the end of 2015, making recommendations and proposals for change.

65. This is an important subject which deserves careful and detailed consideration, so that any recommendations can command widespread support and confidence. We look forward to discussing the eventual recommendations with Government at an appropriate point and will continue to do all we can to ensure that electoral fraud has no place in our democracy.

Appendix A – Roles and responsibilities for preventing and detecting electoral fraud

Electoral Registration Officers and Returning Officers

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

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

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

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

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

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

example – and what steps are to be taken to deal with any such problems.¹⁸ The Electoral Commission monitors the extent to which EROs and ROs meet these standards and provide support to assist them in doing so.

The Commission works particularly closely with Returning Officers and local police forces in areas where there have been allegations of electoral fraud at previous elections, and where additional measures may therefore need to be put in place. Returning Officers and local police forces in these areas have built on their experience to put robust plans in place, and we support them by sharing information and examples of good practice to help strengthen their plans.

The police and prosecutors

The UK's territorial police forces are responsible for investigating allegations of electoral fraud. Anyone who has evidence that an offence may have been committed should report this to the police.

Police forces will investigate allegations until, following consultation with the prosecuting authorities, either they are satisfied that no further action is necessary, or they forward the file to prosecutors with a view to prosecution.

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

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

The police response to electoral fraud was strongly criticised as inadequate in the election petition judgment which annulled the results of several local government ward elections in Birmingham in 2004. We had already identified the need for improved guidance on electoral fraud for police forces in our own review of absent voting in 2003, and had begun work to establish a network of election Single Point of

¹⁸ See paragraphs 4.38-4.47 of our guidance for Electoral Registration Officers at http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/162578/Part-4-Maintaining-the-register-throughout-the-year.pdf

Contact (SPOC) officers in 2004. Since then the Commission has continued to work with the National Police Chiefs' Council (formerly the Association of Chief Police Officers), the College of Policing and the prosecution services to improve awareness, provide guidance, training and advice, and support planning for preventing and detecting electoral fraud. The National Police Chiefs' Council has appointed a National Lead for election-related crime, currently Assistant Chief Constable Gary Cann from West Midlands Police.

The courts and judiciary

In the UK, election results may be challenged by a candidate in the election or an elector in that area by issuing legal proceedings known as 'election petitions'.

Election petitions fall within two, sometimes overlapping, categories:

- Petitions alleging an error on the part of an election official (this includes a petition based, for example, on a complaint that the votes were not correctly adjudicated as valid or invalid or not counted accurately), and
- Petitions alleging that a candidate or agent of a candidate committed an electoral offence.

An election petition is considered by a specially convened election court, which considers evidence presented by petitioners and respondents and has the power to annul the results of elections and bar individuals from standing for election or holding elected office for several years.

Criminal prosecutions for electoral offences are also heard in the courts, and the judiciary is responsible for applying appropriate punishment and deterrent sentences where defendants are found guilty.

The Electoral Commission

We provide advice to the police, electoral administrators and other stakeholders on ways to prevent and detect electoral fraud, based on the best practice we have identified through working with partners across electoral administration and the justice system.

Assisting and supporting police, prosecutors and other stakeholders to prevent electoral fraud is a key priority for the Commission: we want people to be able to trust the way our elections work, and to be confident that there is no undue influence in the way our elections work. We work with EROs, ROs, political parties, Royal Mail, police forces and the National Police Chiefs' Council (formerly the Association of Chief Police Officers), the CPS, Crown Office & Procurator Fiscal Service and the Public Prosecution Service in Northern Ireland to promote electoral integrity and to make sure that elections are safe and secure.

Our Code of Conduct for Campaigners, developed in conjunction with political parties, EROs and ROs, provides a guide to what is, and is not, acceptable behaviour at polling stations and in the community during the lead-up to polling day.

We have produced a note outlining in more detail the Commission's role in assisting and supporting the prevention and detection of electoral fraud. The note summarises:

- The support we provide to investigators and electoral administrators
- How we respond to allegations of electoral fraud made directly to the Commission
- How we respond to queries from police forces regarding allegations of electoral fraud
- Our work in recording and reporting data on cases of alleged electoral fraud
- Our role in monitoring court proceedings
- The Code of Conduct for Campaigners, produced by the Commission

This is attached at Appendix B.

Campaigners

Local campaigners, including elected representatives, candidates and agents, and political party activists, as well as senior political party officials, can play an important role in highlighting potentially inaccurate electoral registration records or identifying suspicions about possible electoral fraud. They are entitled to receive copies of electoral registers and lists of postal voters, which they can use to monitor the accuracy of registration information as well as supporting their campaign activities.

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

67. The Electoral Commission consulted on proposed revisions to the Code of Conduct for Campaigners in 2014. Following responses from political parties, campaigners, electoral administrators and members of the public, a revised Code was agreed with political parties represented on the UK Parliamentary Parties Panel

(and they also made a commitment apply the Code to their candidates) and was in place for the May 2015 elections.¹⁹ We raise any concerns about a possible breach of the Code with the party or campaigner in question and will agree with them what they will do to stop a breach happening again.

Legislative responsibilities

Governments are responsible for maintaining the legal framework for elections, including the detailed secondary legislation rules for the conduct of elections and the definition of offences under electoral law, and for proposing any changes to legislation for approval by the relevant parliament.

The Cabinet Office is the UK Government department with current overall responsibility for electoral law and policy (including matters relating to electoral registration, the conduct of UK-wide elections, electoral reform and modernisation).

Although the Cabinet Office is largely responsible for policy and legislation relating to the conduct of local government elections in England and Wales, the Department for Communities and Local Government retains responsibility for the timing of local government elections and governance arrangements within local authorities.

The Scottish Government is responsible for the conduct and funding of Scottish Parliament and Scottish local government elections.

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

UK Government and Scottish Government officials take part in twice yearly roundtable discussions with police forces, electoral administrators and political parties, and have also attended the annual police training seminar that the Commission delivers in association with the National Police Chiefs' Council.

¹⁹ [Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations \(December 2014\)](#)

Appendix B

The Electoral Commission's current role in preventing and detecting electoral fraud

September 2015

The Electoral Commission's core principles for free elections that support a healthy democracy are that: people should be able to trust the way our elections and our political finance system work; it should be straightforward for people to participate in our elections and our political finance system, whether voting or campaigning, and people should be confident that their vote counts; and there should be no undue influence in the way our elections and our political finance system work.

These principles underpin the Commission's commitment to ensuring that electoral fraud is prevented, that any allegations are recorded and swiftly investigated, and that in the relatively rare instances where fraud is committed it is detected and appropriately punished.

This note provides a brief explanation of the Commission's role and responsibilities in preventing and detecting electoral fraud.

Support for investigators and electoral administrators

The UK's territorial police forces are responsible for investigating allegations of electoral fraud. Every police force in the UK has an identified Single Point of Contact Officer (or SPOC) for electoral fraud, who provides specialist support and advice to investigators.

Prosecuting authorities (the Crown Prosecution Service in England and Wales, the Crown Office in Scotland, and the Public Prosecution Service in Northern Ireland) are responsible for taking cases of alleged electoral fraud to court. They work closely with police forces to examine evidence about alleged electoral fraud before deciding whether or not to bring a prosecution.

Electoral Registration Officers and Returning Officers are responsible for planning and managing the delivery of electoral fraud prevention plans, working closely with police forces to assess and monitor electoral fraud risks in the areas for which they are responsible.

The Electoral Commission's role is to support and monitor those who are involved on the frontline in identifying, investigating and prosecuting cases of electoral fraud. We

provide advice to the police, electoral administrators and other stakeholders on ways to prevent and detect electoral fraud, based on the best practice we have identified through working with partners across electoral administration and the justice system.

- We have developed [Authorised Professional Practice on policing elections](#) (in collaboration with the College of Policing) for police forces in England and Wales.
- We have also produced a Manual of Guidance in collaboration with Police Scotland, and with the PSNI in Northern Ireland.
- We produce and distribute a [Police pocket guide](#) that is issued to police officers on duty at election time.
- We provide guidance on developing and implementing electoral fraud prevention plans for [Returning Officers \(ROs\)](#) and [Electoral Registration Officers \(EROs\)](#) and we select a sample and monitor their performance through our Performance Standards framework.
- We work with the National Police Chiefs' Council to host an annual training seminar for police force Single Point of Contact (SPOC) officers on electoral fraud, which is also attended by ROs, electoral administrators and officers from political parties.
- We have also worked with [Crimestoppers](#) to raise awareness of the option for members of the public to report concerns about electoral fraud to the police without disclosing their identity.
- We make campaigners and parties aware that they must follow the agreed [Code of Conduct for Campaigners](#), and monitor any concerns that the Code has been breached, and publicise these if they occur
- We have produced information materials in a variety of languages, for police and local authorities to use to let voters know what electoral fraud is and how to report it. We also published this [guide for voters at election time](#) on our website.
- In partnership with the Cabinet Office the Electoral Commission organises a twice yearly Electoral Integrity Roundtable. These meetings involve representatives of major political parties, electoral administrators, civil servants and police representatives, and are conducted under the Chatham House rule to ensure views are able to be exchanged freely.
- We published two [research reports](#) in January 2015 which we had commissioned to help address concerns about the vulnerability of electors in the British Pakistani and British Bangladeshi communities to electoral fraud. These were designed to provide information which could help the police, electoral administrators and the Commission take further practical steps to deter and detect electoral fraud. Our campaign with Crimestoppers, and our [Guide for Voters](#) were both influenced by this work.
- We keep electoral integrity law and policy under review. In 2014 we published our report on [electoral fraud vulnerabilities](#), in which we recommended that voters in Great Britain should be required to produce ID at polling stations. Our response to the [Law Commission's consultation](#) on electoral law reform contains significant discussion of electoral offences and makes a number of recommendations relating to electoral integrity.

We also monitor the investigation and prosecution of cases of alleged electoral fraud and election petitions to ensure that allegations of electoral fraud are dealt with appropriately:

- We work with the election-related crime lead for the National Police Chiefs' Council to collect data from police forces about cases of alleged electoral fraud. We receive monthly returns from all 45 territorial police forces across England, Scotland, Wales and Northern Ireland, and each year we have published [an analysis of this data](#). More information about this process is provided below.
- Wherever possible we attend election petition proceedings, to observe and hear the evidence presented in relation to the allegations involved. The CPS will also approach us for an informal view on aspects of electoral integrity work.

Allegations of electoral fraud made directly to the Commission

The Commission is sometimes contacted directly by members of the public who want to complain or make allegations of electoral fraud. Parties and candidates are often among those who contact the Commission for advice and to highlight their concerns about allegations of electoral fraud.

- If a member of the public, candidate or party representative contacts the Commission we would normally advise them to contact the police directly to make their allegation and provide evidence of the offence. We often advise using the 101 non-emergency contact number, but we may also provide contact details for the relevant police force SPOC officer if appropriate.
- In some cases, where appropriate, we may also advise them to contact the RO or ERO directly before, or in addition to, contacting the police.
- We would also normally contact the relevant police force ourselves to inform them that an allegation has been made to us, and to follow up on any investigation.
- Where a member of the public, candidate or party representative contacts us with a general query about electoral law we will provide them with general advice and guidance based on our understanding of the law.

Queries from police forces regarding allegations of electoral fraud

Police officers may occasionally approach the Commission for advice on matters of law, or in regard to details of an investigation.

- If contacted by a police SPOC with a query about electoral law we will provide them with general advice and guidance based on our understanding of the law (usually offences under the Representation of the People Act 1983) and direct them to the relevant part of the Authorised Professional Practice (APP) on Policing elections on the College of Policing website (that the Commission has facilitated and continues to support). We do not advise on how to proceed in

any specific investigation – this is the responsibility of the investigating officers.

- If relevant we may also provide contact details for other individuals or organisations that could assist investigating officers, such as local Returning Officers, Electoral Registration Officers or other police force SPOCs.

Recording and reporting data on cases of alleged electoral fraud

Every year, since 2008, we have published data about cases of alleged electoral fraud reported to the police jointly with Association of Chief Police Officers (ACPO). We publish the data we have collated in a [CSV file](#) and in the form of [data visualisations](#) directly on our website. Alongside the publication of the detailed data we also publish an [analysis report](#) on trends in allegations of electoral fraud.

- The network of police force election SPOCs that started as a Commission initiative in 2004 now covers every territorial police force in the UK. This facilitated work originally funded by the Commission that led to the monthly reporting of cases of alleged electoral malpractice (defined as breaches of the RPA 1983) by each force SPOC to the Association of Chief Police Officers (now the National Police Chiefs' Council).
- Our reporting is based on monthly updates submitted by the UK's 43 territorial police forces.
- We follow each case of alleged electoral fraud reported to the police through to disposal except where cases are still under investigation or in the courts when we produce our annual report. The outcomes of those cases are reported in the subsequent annual report.
- Data about cases of alleged electoral fraud are collated and quality checked by the Commission
- We are in frequent ongoing contact with police force SPOCs in order to check and monitor the data which they have reported, particularly to encourage and ensure greater consistency.
- All published data is also checked to remove details that could identify individuals, undermine on-going criminal procedures and any other information that SPOCs may require not to be published for operational reasons.
- The data for each police force area is signed off by relevant SPOC before publication.
- There is no national database of cases of electoral fraud convictions compiled by the police, prosecution or courts services, which means that our data is the best available record of cases electoral fraud.

Monitoring court proceedings

Criminal prosecutions

- The Commission attends court proceedings for high profile electoral fraud cases.

- The Commission monitors sentences handed down and obtains transcripts where appropriate and ensures that these cases are included as case studies in our annual reports.
- Where appropriate we have issued press notices to welcome convictions for electoral fraud that have resulted in a custodial sentence.
- We maintain regular contact with the CPS throughout prosecution of electoral fraud allegations, and offer support when appropriate.

Civil proceedings

- The Commission has closely monitored progress of Election Petitions and continues to do so.
- We try to keep in regular contact with Election Commissioners and to learn from their experience hearing Petitions.

Code of Conduct for Campaigners

In order to prevent inappropriate behaviour that falls below the level of fraud, and to allow the police to focus on actions that breach the Representation of the People Act the Commission has produced a [Code of conduct for campaigners](#) at election time. The Code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. It also gives guidance for campaigning outside polling stations.

- The code discourages campaigners from handling postal vote application forms and completed ballot packs unless absolutely necessary, and only with the Returning Officer's consent (RO).
- The code makes clear that, following discussion with appropriate party representatives ROs can introduce more stringent local codes with the Commission's support, where they feel they are required, particularly in areas where there is a history of allegations of fraud. We expect all parties to comply with these local codes where they exist.
- All six major parties contesting elections in Great Britain have confirmed their support for the code, and we encourage ROs to apply the provisions of the Code to all candidates and campaigners.
- Where electoral administrators, campaigners or voters highlight where they are concerned that campaigners may have breached the Code of Conduct we raise those concerns directly with the officers of the political parties involved and, where necessary, agree the appropriate action to be taken to comply with the Code.
- Some concerns are also dealt with by ROs contacting local campaigners directly. We continue to encourage ROs to make contact with national party officers wherever possible, so that they can take appropriate action (including disciplinary action, suspension or expulsion) to deal with their members or campaigners if they are found to have breached the Code of Conduct.
- The code also makes clear that campaigners should not act in a way that may be intimidating to voters – for example by gathering in large groups outside

polling stations. Returning Officers may put local protocols in place to deal with such behaviour, and we encourage and support these.

Appendix C - Significant convictions for electoral fraud 1998 to 2015²⁰

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

²⁰ Legislation was changed in Great Britain in 2000 to allow any elector to apply to vote by post, without providing an acceptable reason; legislation was further changed for elections from 2007 onwards to require electors' personal identifiers (date of birth and signature) to be provided with all postal ballots, and for those identifiers to be checked and verified before postal votes are allowed to be counted.

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Bristol City Council	Avon and Somerset Constabulary	2003	Fraudulent proxy vote applications	Custodial sentence: 5 months	Liberal Democrat candidate
Guildford Borough Council	Surrey Police	2003	Forgery relating to postal ballot papers	Custodial sentence: 4 months	Conservative candidate
Burnley Borough Council	Lancashire Police	2004	Fraudulent proxy vote applications	Custodial sentences: 18 months	Two Liberal Democrat councillors
Peterborough City Council	Cambridgeshire Constabulary	2004	Forgery relating to postal and proxy vote applications and ballot papers	Custodial sentences: 15 months; nine months; six months; 3 months; 3 months and two months.	Two Labour candidates and party secretary. Three Conservative candidates.

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Bradford West UK Parliament constituency	West Yorkshire Police	2005	Personation offences False applications to vote by post	Man pleaded guilty to Personation given a reduced sentence of 11 months in prison. As part of the same case, four others were each given a prison sentence of 21 months. These men protested their innocence and the verdicts were found to be unsafe and overturned on appeal.	Conservative candidates and two local government councillors
Coleraine Borough Council	Police Service of Northern Ireland	2005	Four counts of impersonation, 2 of fraudulently stopping free exercise of a proxy vote	Custodial sentence: 4 months	DUP candidate
Coventry City Council	West Midlands Police	2007	Personation offences	Custodial sentence: Guilty on 2 charges. Sentenced to 8 months for each to run concurrently.	Conservative candidate's cousin

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Slough Borough Council	Thames Valley Police	2007	False applications to register to vote. False applications to vote by post. Personation offence	Offender 1: 3 and half years imprisonment (including perjury). Offender 2: 18 months imprisonment Offender 3: 6 months. Offender 4: 8 months imprisonment Offender 5: 4 and a half years imprisonment (including perjury). Offender 6: 4 months.	Offender 1: Conservative candidate; remaining offenders worked for the candidate
Walsall Council	West Midlands Police	2008	False applications to vote by proxy	Custodial sentence: Guilty on two charges. Sentenced to six weeks on each charge to run consecutively.	Conservative candidate's son
Calderdale Council	West Yorkshire Police	2008	False applications to vote by proxy	Suspended sentence: 12 months	Conservative candidate

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

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Oldham	Greater Manchester Police	2010	False statement as to Candidates – Sitting MP was convicted following election petition, he was found to have falsely claimed rival had endorsed terrorism.	Election was voided, candidate had to pay costs of over £600K, and he was prevented from standing for election for three years.	Labour
Ashford Borough Council	Kent Police	2011	False applications to vote by post, and false signatures on a nomination paper	Custodial sentence: 12 months	Conservative candidate

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Derby City Council	Derbyshire Constabulary	2012	Personation, malpractice, intention to pervert the course of justice; poll clerk issued ballot papers to her two nieces to allow them to vote in wrong polling station; elector who stated she had voted in attempt to refute personation charge against one niece – perverting the course of justice; poll clerk's brother pleaded guilty to perverting the course of justice in related case	Custodial sentence: reduced sentence of 14 months for poll clerk. Both nieces, the elector and poll clerk's brother each received 8 months sentence (suspended for 18 months) and 250 hours community service. Brother also given curfew order.	No evidence of relationship with any candidate
Wolverhampton City Council	West Midlands Police	2012	False statement in nomination form and false application for a postal vote	Custodial sentence: 6 months (suspended for 18 months).	Labour

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Woking Borough Council	Surrey Police	2012	False voter registration forms, applications to vote by post and postal voting statements by family relating to property where they did not reside	Custodial sentences - Candidate's brother-in-law sentenced to 15 months, his wife and daughter each sentenced to 9 months, son sentenced to 6 months and daughter's husband sentenced to 6 months (suspended for 18 months)	Liberal Democrat
Great Yarmouth	Norfolk Police	2013	False statement on a nomination paper – party candidate allowed forged signatures on his nomination paper.	Sentenced to 200 hours community service and disqualified as councillor.	UK Independence Party
London Borough of Enfield	Metropolitan Police Service	2014	False statement on a nomination paper – candidate failed to disclose a suspended sentence on their nomination paper.	Custodial sentence: six months	Conservative

Local authority area/ Parliamentary constituency	Police force	Year of election	Offence	Outcome	Political party affiliation of offender (if any)
Waverley Borough Council	Surrey Police	2015	False statement on a nomination paper – candidate included the names of two individuals as assentors who had not agreed to do so.	Custodial sentence: 16 weeks, suspended for 12 months, 200 hours community service.	Liberal Democrat

Appendix D – Annual cycle of electoral integrity activities

