

Analysis of cases of alleged electoral fraud in the UK in 2016

Summary of data recorded by police forces

March 2017

Translations and other formats

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We are an independent body set up by the UK Parliament. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

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1 Introduction

1.1 Electoral fraud and the public perception of fraud undermine democracy and weaken the United Kingdom's strong tradition of free and fair elections. They take away from individuals the right to vote as they wish, distort the results of elections and weaken the legitimacy of elected bodies, and they cause mistrust between communities. The Electoral Commission therefore takes the risk of electoral fraud very seriously.

1.2 We have worked with the National Police Chiefs' Council (NPCC – formerly ACPO, the Association of Chief Police Officers) since 2008 to collect data from police forces about cases of alleged electoral fraud and receive monthly returns from all 45 territorial police forces across England, Scotland, Wales and Northern Ireland. Each year we have published an analysis of this data.

1.3 We publish data about the number, type and outcome of cases of alleged electoral fraud to provide transparency and to enable Returning Officers, police forces and policy makers to understand the nature of allegations and any trends over time.

Key findings from the analysis of cases of alleged electoral fraud in 2016

The key findings set out in this analysis about cases of alleged electoral fraud in 2016 include:

- At the time of publishing this analysis in March 2017, two cases of alleged electoral fraud had resulted in successful prosecutions and convictions, and suspects in six further cases had accepted police cautions.
- This included a successfully elected candidate found guilty of submitting a fraudulent electoral registration application and nomination form, who was sentenced to two months in prison and was disqualified from standing for election for a period of five years.
- There was an increase in the overall number of cases relating to allegations of personation in polling stations, from 21 cases in 2014 and 26 in 2015, to a total of 44 cases in 2016.
- Four cases from the 2016 polls where police investigations into allegations of personation in polling stations led to one successful prosecution and conviction, and three cautions.
- Since 2010 there has been a reduction in the proportion of cases of alleged electoral fraud which relate to electoral registration offences, with a more significant reduction in 2015 and 2016.

1.4 The following sections of this paper summarise the data relating to allegations made during 2016, and are based on data recorded by police forces throughout 2016 which was updated in January 2017. We recognise

that there is no practical mechanism to capture possible cases which have not been reported to police forces. This means that these data may not be a complete record of all activity which could involve electoral fraud offences.

1.5 We have also published a [spreadsheet detailing the nature and outcome of every case recorded in 2016](#) at the same time as this analysis. Appendix C of this paper also provides an updated analysis of cases of alleged electoral fraud recorded by police forces in 2014 and 2015.

1.6 We are grateful for the continued support and assistance of the NPCC and the Single Point of Contact officers (SPOCs) in each police force for their cooperation and commitment to providing the data which is summarised in this document.

Polls in 2016

1.7 On 5 May 2016 elections were held for 129 members of the Scottish Parliament, 60 members of the National Assembly for Wales, 108 members of the Northern Ireland Assembly, the Mayor of London and 25 members of the Greater London Assembly, and for Police and Crime Commissioners in 40 police force areas across England and Wales (not including London and Greater Manchester).¹

1.8 On the same day there were local government elections across parts of England which included the election of executive Mayors in Bristol, Liverpool and Salford, and several neighbourhood planning referendums.

1.9 On 23 June 2016 a UK-wide referendum was held on the UK's membership of the European Union. A total of six UK Parliamentary by elections were also held during 2016.

1.10 Appendix B provides detailed information about the scale and nature of participation at the polls held during 2016.

Updated data from 2014 and 2015

1.11 This report also provides updated data from cases recorded by police forces in 2014 and 2015, in Appendix C. This includes data from the Metropolitan Police Service (MPS) relating to elections in 2014, which we did not publish while the election petition challenging the result of local government elections in Tower Hamlets – and subsequent police investigations – were still ongoing.

1.12 The MPS data from 2014 shows that one candidate at the local government elections in Enfield was convicted of providing false information

¹ In London, the Mayor of London carries out the functions of a PCC, and in Greater Manchester a directly-elected Mayor for the Greater Manchester Police will assume the functions of a PCC after the 4 May 2017 elections.

on a nomination form about a previous conviction which disqualified him from standing. He was sentenced to six months in prison. It also shows that two people accepted police cautions in relation to the local government elections in Tower Hamlets, one in relation to false statements about the personal character or conduct of a candidate and another in relation to an allegation of completing another elector's postal vote.

1.13 In March 2016 the MPS announced that that no charges would be brought in relation to allegations of electoral fraud following the May 2014 elections in Tower Hamlets. A statement by the MPS explained that, following assessment of information arising from the trial and the April 2015 judgment of the election court in relation to the petition challenging the result of the May 2014 Mayoral and local government elections in Tower Hamlets, and in consultation with the Crown Prosecution Service, "a decision has been made that there is insufficient evidence that criminal offences had been committed".

1.14 We believe that there remains significant public interest in explaining as fully and clearly as possible the basis for the decision which was made in relation to the allegations of electoral fraud at the May 2014 elections in Tower Hamlets. There has been ongoing and widespread coverage and public comment on allegations of electoral fraud at the May 2014 elections in Tower Hamlets, as well as the lengthy election petition trial. As recently as February this year, the Police and Crime Committee of the Greater London Assembly held a special evidence session to consider the outcome of the MPS investigations.²

1.15 We have previously made recommendations for the MPS about communicating the outcome of investigations into allegations of electoral fraud, in particular following allegations of fraud at the May 2012 elections in Tower Hamlets. We recommended in 2013 that the MPS should "review its communication strategy for future elections to ensure there is an appropriate balance between informing individual complainants about the outcomes of investigations, and providing more general assurance that the police are responding to concerns about electoral fraud and thoroughly investigating allegations."

1.16 Without further information to explain the basis for this decision, we remain concerned that voters and campaigners are unlikely to understand why no criminal prosecutions have been initiated following the election petition trial, and this may lead to a loss of confidence in the approach and commitment of the MPS and CPS to dealing with allegations of electoral fraud in future.

1.17 While we have welcomed the information provided by the MPS to date, we continue to encourage them and other police forces to make available as much information as possible to help explain to voters and campaigners how decisions about prosecutions for electoral fraud offences are reached. We

² 9 February 2017, see <https://www.london.gov.uk/moderngov/mgAi.aspx?ID=24107>

look forward to continuing to work closely with both the NPCC, police forces and the CPS to ensure appropriate levels of transparency, which are necessary to support continued confidence in the work of the police and prosecutors.

2 Summary of data about cases reported in 2016

2.1 During 2016 police forces across the UK recorded a total of 260 cases of alleged electoral fraud relating to offences under the Representation of the People Act (RPA) 1983. Police forces also recorded 27 other complaints about elections which did not relate to allegations of electoral fraud offences.³

2.2 Because the number and nature of electoral events differs from year to year it is not possible to draw reliable conclusions from a comparison of the number of cases of alleged electoral fraud recorded by police forces. The number of cases has varied from year to year, as shown in Table 1 below.

Table 1: Cases of alleged electoral fraud reported 2010-16

Year	Cases of alleged electoral fraud	Other complaints about elections	Total
2010	262	25	287
2011	242	53	295
2012	362	45	407
2013	148	31	179
2014	219	55	274
2015	481	184	665
2016	260	27	287

2.3 The police data is a comprehensive source of evidence about reported cases of electoral fraud, but there is no practical mechanism to capture possible cases which have not been reported. This means that these data may not be a complete record of all activity which could involve electoral fraud offences.

2.4 A relative lack of awareness about whether activity might involve electoral fraud offences, and reluctance to report allegations 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 – have been concerns reported in research, comments and submissions that we have heard during our work on electoral fraud. This is one of the reasons we have

³ Including allegations of: theft or damage to property, election material or vehicles; stalking; trespassing; taunting; blocking a polling station car park; malicious communications, racist comments; offensive tweets or letters; assault; intimidating canvassers; copyright infringement.

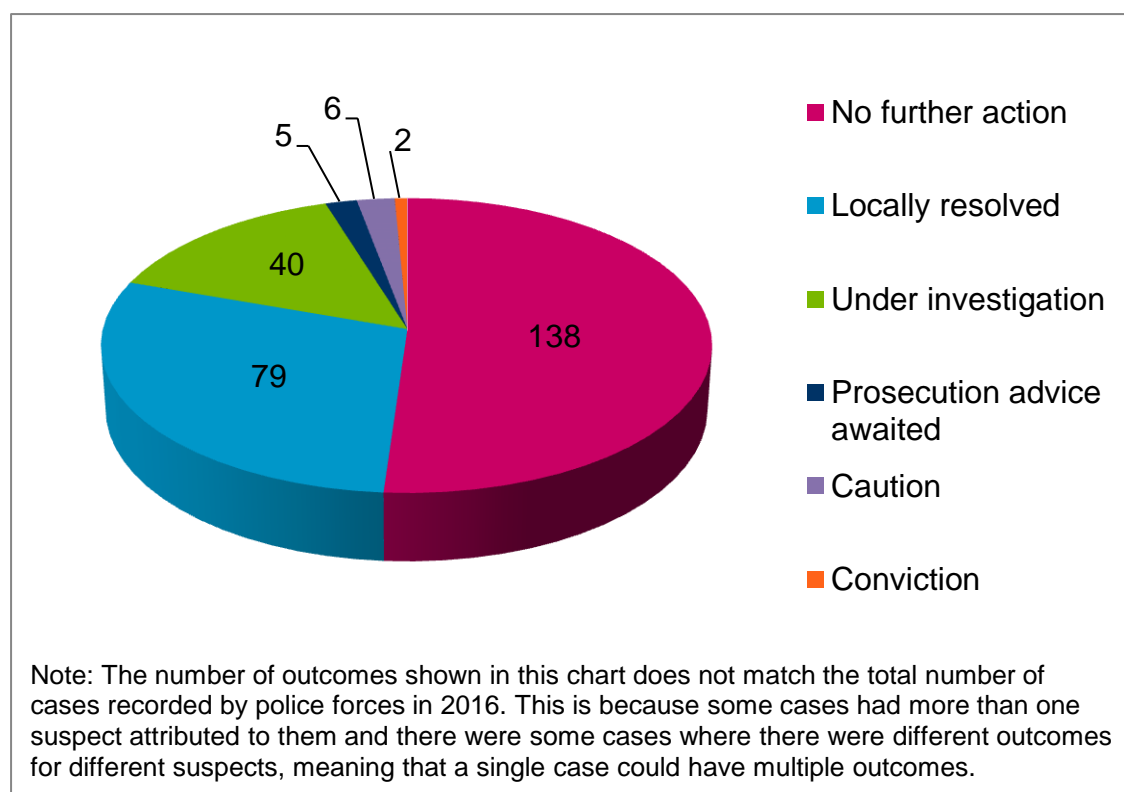
worked with Crimestoppers to promote awareness of their anonymous crime reporting service ahead of elections since 2015.⁴

2.5 Conversely, the cases of alleged electoral fraud recorded by police forces each year include a significant proportion where police investigations are unable to identify evidence that a crime has been committed (see the analysis of case outcomes below). The total number of cases of alleged electoral fraud reported is not, therefore, an accurate reflection of the scale of electoral fraud in the UK.

Outcome of cases in 2016

2.6 Chart 1 below illustrates the outcome of cases of alleged electoral fraud reported during 2016.

Chart 1: Outcome of cases of alleged electoral fraud reported in 2016



2.7 At the time of publishing this analysis in March 2017, two cases had resulted in successful prosecutions and convictions, and suspects in six further cases had accepted police cautions. More detail about each of these cases is provided below.

2.8 These included four cases from the 2016 polls where police investigations into allegations of personation in polling stations led to one

⁴ [Don't stand for electoral fraud](#), Crimestoppers national campaign

successful prosecution and conviction and three cautions. Data illustrated in Chart 3 below also show that there was an increase in the overall number of cases relating to allegations of personation in polling stations in 2016 compared with previous years.

2.9 The Commission has recommended that an accessible proof of identity scheme should be developed and implemented for polling station voters in Great Britain.⁵ This would address the current absence of effective checks against personation and improve public confidence.

2.10 We welcomed the UK Government's response to the recommendations from Sir Eric Pickles' review of electoral fraud in January 2017, and the announcement of its intention to pilot measures to increase security at polling stations at elections in 2018. Having undertaken detailed analysis and costing of implementation options, the Commission's view is that the use of photographic ID is the most effective proof against personation. We look forward to working with the Government and other partners to further explore the options, in order to ensure voter confidence in the system.

2.11 Police forces were awaiting prosecution advice in relation to a further five cases at the time of publishing this analysis, and 40 cases remained under investigation.

2.12 In total 79 cases (representing 29% of all cases) were locally resolved by police forces, with informal advice given either by the police or the Returning Officer.

2.13 In 138 cases (representing just over half of all cases of alleged electoral fraud) the police took no further action following the conclusion of their investigations. This included cases where the activity involved was not in fact an offence (49 cases), where there was no evidence that an offence had been committed (57 cases), or where there was insufficient evidence to identify an offender (15 cases). It also included cases which, following investigation, were found not to have involved electoral fraud offences (15 cases). There were an additional two cases where the police reported 'no further action' with no explanation why.

2.14 Based on the data recorded by police forces, there is currently no evidence of any large-scale cases of proven electoral fraud relating to the polls held during 2016. We will continue to monitor the outcome of those cases which are still under investigation or awaiting prosecution advice, in order to identify any significant cases which might result in prosecution or a police caution.

⁵ Electoral Commission (December 2015) [*Delivering and costing a proof of identity scheme for polling station voters in Great Britain*](#)

Convictions and cautions for electoral fraud in 2016

2.15 It is important that voters can be confident that electoral fraud is taken seriously. The convictions and cautions highlighted below do not mean that Returning Officers and police forces in these areas are complacent about the risk of electoral fraud. In fact, the actions taken by Returning Officers, police forces and prosecutors to respond to these allegations demonstrate that they treat electoral fraud with the seriousness which it deserves and ensure that offenders are punished.

Derby City Council, Allestree ward – fraudulent electoral registration and nomination form

Richard Smalley, a Conservative Party candidate who was successfully elected to the Allestree ward of Derby City Council on 5 May 2016, was accused of submitting a fraudulent registration application and nomination form knowingly using a false address within the local authority area, where he did not live. It was alleged that he also voted using that address.

He pleaded guilty at Derby and South Derby Magistrates' Court on 23 August 2016 and was sentenced to two months in prison. He was also disqualified from standing for election for a period of five years.

EU referendum, East Ayrshire voting area – personation in a polling station

A voter attended at a polling station in East Ayrshire during the EU Referendum claiming to be another voter (his friend) and was accordingly issued with a ballot paper in that name which he then used to cast a vote. The polling staff had no reason to be suspicious as the voter was not otherwise known to them and they had no reason to believe he was not who he said he was.

Later in the day the same voter attended again and sought to vote again, this time in his own name. Due to certain physical characteristics of the voter (he was very tall and wore distinctive clothing) and the vigilance of the Presiding Officer he was suspected of having already voted earlier and formally challenged. In response he answered the prescribed questions - and also produced his driving licence - and so the Presiding Officer had no choice but to issue him with a ballot paper in his own name.

The Presiding Officer remained certain, however, that he had already voted and referred his concerns to the central election office who immediately submitted a formal report to the Police with all relevant details, which enabled them in turn to secure an early admission of guilt.

The individual subsequently pleaded guilty in Court and was given a Community Payback Order of 300 hours. The elector was disqualified from standing for election for a period of five years.

EU Referendum, Cheshire West and Chester voting area – personation in a polling station

An elector voted at a polling station using his mother's polling card in the morning and voted in his own right at the same polling station in the afternoon. Polling station staff alerted the police after they became suspicious.

The police established that this was a mistake as he did not realise that he had committed an offence.

The police spoke at length with the person who accepted a police caution.

EU referendum, Oxford voting area – personation in a polling station

The offender (who had moved away from the area) attended his former local polling station wishing to vote there. He was not allowed to vote there as he was no longer registered to vote.

The offender had the same first name as the person currently registered at his old address. The offender left the polling station but returned to vote later claiming to be the person currently registered at his old address. He voted under the name of the current elector.

The offender fully admitted the offence of personation in Police interview and, after CPS advice was sought, he was offered and accepted a police caution.

Reigate and Banstead Borough Council – personation in a polling station

The offender gave the name and address of a registered elector at a polling station and cast a vote as that elector. The actual elector arrived to vote later in the day and was given a tendered ballot paper.

The offender was identified from a CCTV recording and interviewed by the police. He admitted the offence and accepted a police caution.

Preston City Council – false statement on a nomination form

The offender, who was an election agent for the Conservative party, forged signatures on 8 candidate nomination forms. The offender was subsequently interviewed by the police and admitted the offences, and accepted a police caution.

2.16 We have not received detailed information from PSNI about two cases which resulted in offenders accepting police cautions, relating to allegations of postal voting personation offences.

Election petitions following the 2016 elections

2.17 There was only one election petition following the polls in 2016, which related to the Greater London Assembly (GLA) West Central area. The Petitioner, Miranda Richards, the Labour candidate, argued that there had been a conspiracy against her election for the Labour Party, involving the Returning Officer. She argued that electoral fraud was demonstrated by various factors including reduced turnout figures for the constituency compared with previous elections and to other constituencies.

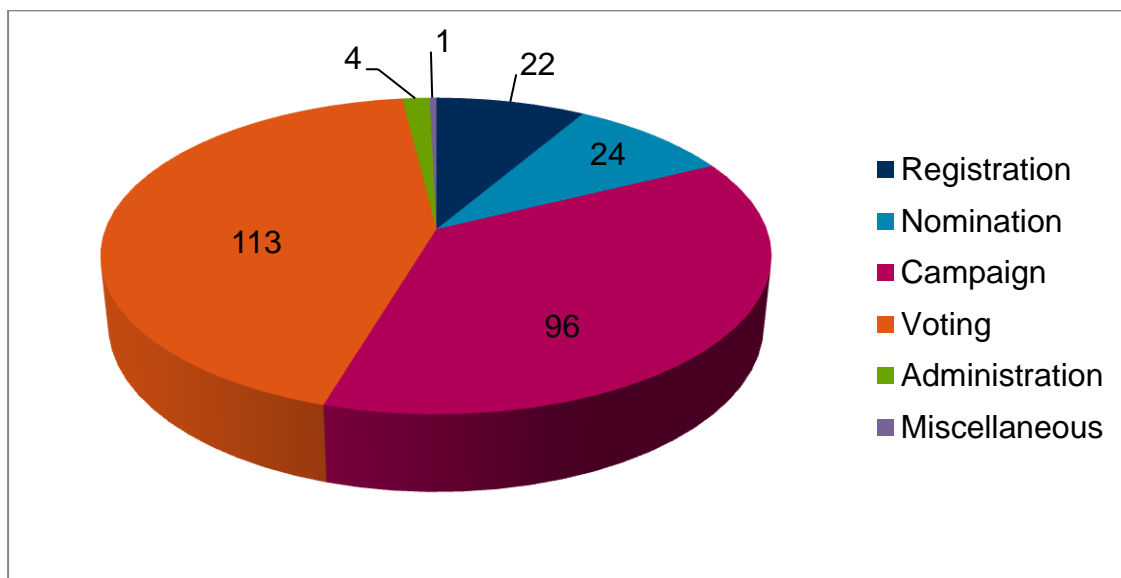
2.18 In his judgment dismissing the petition on 19 January 2017, the Election Commissioner ruled that the election was conducted in accordance with the law.

Categories of cases reported in 2016

2.19 As shown in Chart 2 below, the number cases in each category of alleged electoral fraud offences recorded by police forces during 2016 were:

- **Voting** – 113 cases, accounting for 44% of all reported cases
- **Campaign** – 96 cases, accounting for 37% of all reported cases
- **Nomination** – 24 cases, accounting for 9% of all reported cases
- **Registration** – 22 cases, accounting for 8% of all reported cases
- **Administration** – 4 cases, accounting for 2% of all reported cases
- **Miscellaneous** – 1 case

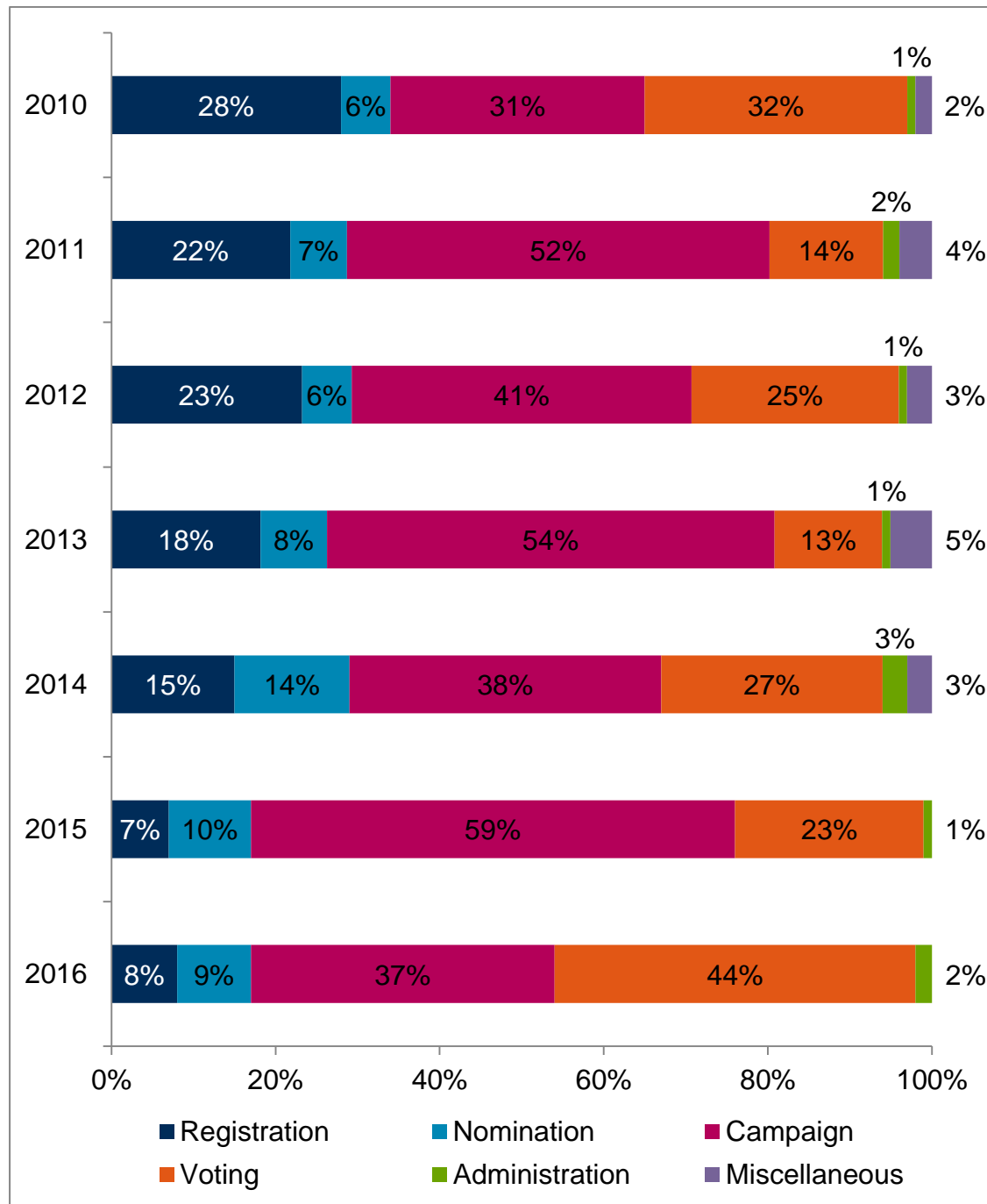
Chart 2: Number of cases in each category of alleged electoral fraud offences reported in 2016



2.20 A detailed analysis of each of these categories of offence can be found in appendix A.

2.21 Chart 3 below shows the different categories of cases of alleged electoral fraud recorded by police forces since 2010, as a proportion of the total recorded each year.

Chart 3: Categories of cases of alleged electoral fraud recorded by police forces since 2010



2.22 Since 2010 there has been a reduction in the proportion of cases of alleged electoral fraud which relate to electoral registration offences, with a more significant reduction in 2015 and 2016. The introduction of individual electoral registration, which was intended to improve the security of the electoral registration process in Great Britain, began in 2014 and concluded in

2015. Although it is not currently possible to demonstrate a direct link between this change and the reduction in the proportion of cases of fraud relating to electoral registration, the total number of cases relating to electoral registration offences has also reduced, from 40 cases in 2014 to 38 in 2015 and 22 in 2016.

2.23 Chart 3 also shows that there was an increase in the proportion of cases of alleged electoral fraud which related to voting offences during 2016 compared with previous years. There was also an increase in the overall number of cases relating to allegations of personation in polling stations, from 21 cases in 2014 and 26 in 2015, to a total of 44 cases in 2016.

Geographical distribution of cases of alleged electoral fraud

2.24 Table 2 below shows the number of cases of alleged fraud recorded by each force during 2016. This number does not include complaints made to the police which did not involve an RPA offence.

2.25 Six forces recorded no cases of alleged electoral fraud during 2016. These forces were:

- Bedfordshire Police
- City of London Police
- Durham Constabulary
- Suffolk Constabulary
- Wiltshire Police
- North Wales Police

2.26 A detailed breakdown by police force (of the number of cases and allegations in 2016, with details of the RPA offence and their outcomes) will be published alongside this report on our website.

Table 2: Number of cases of alleged electoral fraud recorded by UK police forces in 2016

Police Force	Number of cases
West Yorkshire Police	49
Metropolitan Police Service	30
Staffordshire Police	18
Lancashire Constabulary	14
Devon and Cornwall Constabulary	13
Cheshire Constabulary	10
Northumbria Constabulary	10
Essex Police	9
Greater Manchester Police	9
Police Scotland	9

Police Force	Number of cases
Police Service of Northern Ireland	8
Surrey Police	7
West Mercia Police	7
Derbyshire Constabulary	6
Lincolnshire Constabulary	6
Nottinghamshire Police	5
West Midlands Police	5
Hampshire Constabulary	5
Dorset Police	4
Hertfordshire Police	4
Warwickshire Police	4
Humberside Police	4
South Wales Police	4
South Yorkshire Police	3
Thames Valley Police	3
Avon and Somerset Constabulary	3
Cumbria Constabulary	3
North Yorkshire Police	2
Norfolk Constabulary	1
Gloucestershire Constabulary	1
Cambridgeshire Police	1
Cleveland Police	1
Gwent Police	1
Kent Police	1
Merseyside Police	1
Northamptonshire Police	1
Sussex Police	1

2.27 Our analysis of the data reported by police forces shows that in relation to the majority of individual local authority areas, only one or two cases of alleged electoral were recorded.

2.28 Police forces recorded more than seven cases in only two individual local authority areas: 28 cases were recorded in relation to Bradford and 10 cases were recorded in relation to Kirklees. These are both areas where we have previously identified a higher risk of allegations of electoral fraud, and where the respective Returning Officers and police forces have already taken appropriate steps to put in place additional actions to tackle electoral fraud which go further than the plans we would normally expect to see in areas with a lower risk of fraud allegations.

Cases of alleged electoral fraud by election type

2.29 Table 3 below shows the number of cases of alleged electoral fraud broken down by election type. This number does not include complaints made to the police which did not involve an RPA offence.

Table 3: Number of cases of alleged electoral fraud recorded by UK police forces in 2016

Election type	Number of cases
Local government – England	121
EU referendum – UK	66
Police and Crime Commissioner – England and Wales	26
Mayor of London and Greater London Assembly	10
Combined local government and Police and Crime Commissioner – England	8
Parish	5
National Assembly for Wales	4
Neighbourhood planning referendum	3
Scottish Parliament	2
UK Parliamentary by-election	2

2.30 In a further 11 cases the SPOC did not specify the election type and two cases were recorded as non-election specific, such as rolling registration.

3 Looking ahead to the 2017 polls

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

3.1 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.

3.2 We work with Electoral Registration Officers (EROs), Returning Officers (ROs), political parties, Royal Mail, police forces and the National Police Chiefs' Council (NPCC), the Crown Prosecution Service, the 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. It is for the police to investigate allegations of electoral fraud and to agree with the prosecuting authorities whether to initiate court proceedings.

3.3 The Electoral Commission will continue to provide electoral integrity guidance and support to EROs, ROs and police forces across the UK in advance of the following elections scheduled to be held on 4 May 2017:

- Local government elections across the whole of Wales and Scotland, and in parts of England, including the election of an executive mayor for Doncaster
- Combined Authority Mayor elections across parts of England

3.4 We also provided guidance and support ahead of the Northern Ireland Assembly elections held on 2 March 2017.

3.5 We have already made changes to our guidance to address recommendations from the Pickles' review. For example:

- Our guidance for Returning Officers and polling station staff now places greater emphasis on maintaining order and preventing undue influence outside polling stations.
- Our polling station handbooks for the May 2017 polls reinforce that the default language in polling stations should be English or, in Wales, English or Welsh.
- We have strengthened our guidance for polling station staff by explicitly stating in our polling station handbook that staff must ensure that voters go to the polling booth individually (unless they are disabled and have appointed a companion to assist them).

- In our guidance on polling station layout we explicitly reference that the layout should prevent voters from leaving the polling station with their ballot paper.
- We have recommended that Returning Officers provide guidance in postal ballot packs on the secrecy of the vote and how to report electoral fraud.

Supporting police forces, Electoral Registration Officers and Returning Officers

3.6 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. The Electoral Commission works closely with the NPCC to provide guidance and support to police forces:

- 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 Police Service of Northern Ireland (PSNI).
- We produce and distribute a [pocket guide](#) that is issued to police officers on duty at election time to help them understand and enforce the law relating to elections. This is also downloadable on our web-site.
- 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 every spring, which is also attended by ROs, electoral administrators and officers from political parties.
- We work with Police Scotland to provide an annual briefing and with the four police forces in Wales.
- We work closely with new SPOCs to ensure they understand election processes and electoral offences.

3.7 EROs and ROs 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. We provide guidance and support which aim to ensure that EROs and ROs have thoroughly analysed the risk of electoral fraud locally and that their plans represent an effective response to tackle those risks.

3.8 We focus our support and monitoring work in areas where the risk of allegations of electoral fraud arising is higher, including areas where there

have previously been cases of proven fraud or significant allegations or concerns raised locally.⁶

3.9 Police forces, EROs and ROs in these areas have significant experience of preventing and detecting electoral fraud, and they work hard to minimise the risk of allegations arising. We scrutinise their plans and help to identify where they might be able to improve their approaches, including working with peers to implement new procedures and safeguards. We will also continue to share learning and experience from these areas with other ROs and EROs to help them plan to minimise the risk of electoral fraud.

3.10 This is in addition to the work we do to support EROs and ROs deliver successful polls, including ensuring key risks to delivery are correctly identified and mitigated.

Helping voters to report electoral fraud

3.11 Building on the success of our joint work in 2015 and 2016, we continue to work in partnership with Crimestoppers on ‘Don’t stand for electoral fraud’, a national campaign to raise awareness of the option for members of the public to report concerns about electoral fraud to the police without disclosing their identity.

3.12 We have also 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.

Ensuring campaigners behave appropriately

3.13 Evidence about cases of electoral fraud shows that when fraud takes place it tends to be committed by campaigners, including candidates or their family members, election agents or supporters.

3.14 In order to help discourage inappropriate behaviour that may fall below the level of an electoral fraud offence, and to allow the police to focus on allegations relating to breaches of the RPA 1983, 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 in Great Britain about 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.

3.15 The Code has been agreed by political parties represented within the UK Parliament and details of all campaigners that have made a public

⁶ These areas currently include: Birmingham; Blackburn with Darwen; Bradford; Bristol; Burnley; Calderdale; Coventry; Derby; Hyndburn; Kirklees; Luton; Oldham; Pendle; Peterborough; Slough; Tower Hamlets; Walsall; Woking.

commitment to follow the Code are published on our website at <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/code-of-conduct-for-campaigners>

3.16 The Commission's Code for campaigners is a voluntary code and therefore at present has no statutory basis. However, in its response to Sir Eric Pickles' review of electoral fraud, the UK Government stated that it would seek to implement a ban on specified persons handling postal ballot papers, including enforcement and the creation of a new offence. This would require primary legislation and, if taken forward, would place this part of the Code on a statutory footing.⁷

3.17 The Government has also indicated its intention to strengthen offences, penalties and legal challenge processes through primary legislation. We look forward to working with the Government and other partners, including the Law Commissions, to further explore the options, in order to ensure voter confidence in the system.

⁷https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/580514/government-response-sir-eric-pickles-review-electoral-fraud.pdf

Appendix A: Analysis of cases of alleged electoral fraud reported in 2016

Here we provide an analysis of cases of alleged electoral fraud reported in 2016 as defined in the Representation of the People Act 1983 (RPA 1983). The 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. Details of these can be found on our [website](#).

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. Illegal practices are summary offences and subject to a fine.

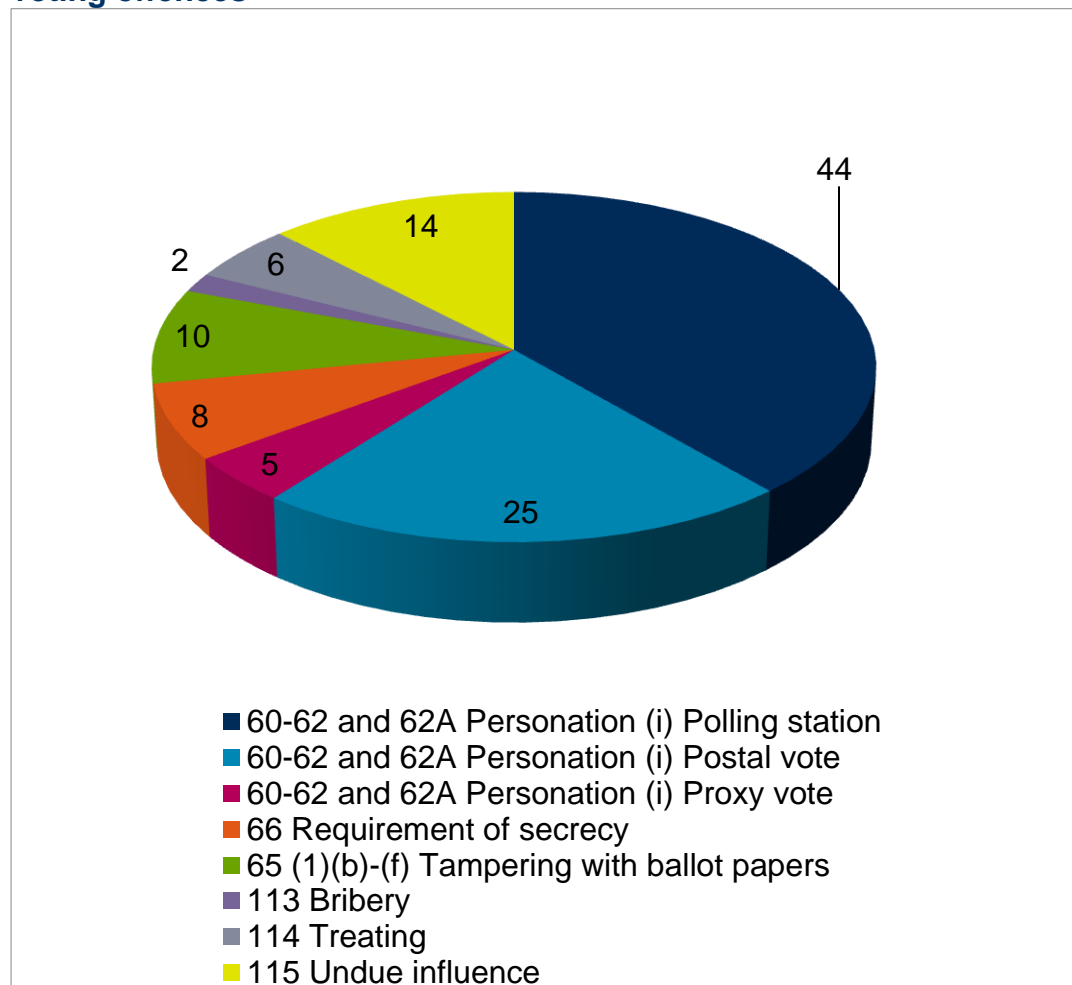
Voting cases

Our analysis shows that 43% percent of all reported cases of alleged electoral fraud (113 cases) relate to alleged voting offences.

As shown in chart A1, the most frequently reported types of voting case related to the offence of personation (voting as someone else) either at a polling station (44 cases), using a postal vote (25 cases) or using a proxy vote (5 cases). A further 14 cases related to the offence of undue influence.

The remaining voting cases related to attempts to tamper with ballot papers (ten cases), breaches of secrecy requirements (eight cases), alleged bribery (two cases) and treating – providing food or drink to influence a voter to vote in a particular way – (six cases).

Chart A1: Breakdown of cases of alleged electoral fraud relating to voting offences



The number of offences does not match the number of voting cases as one case consisted of two suspects with differing allegations: one a false application to vote by post and the other impersonation in a polling station.

In the majority of cases of alleged electoral fraud relating to voting offences (a total of 62 cases) police forces took no further action following the conclusion of their investigations. In 20 cases this was because it was clear that no offence had been committed, while in four cases the police identified that the alleged offence did not involve electoral fraud. In 28 cases the police found insufficient evidence to conclude their investigation, and in a further 9 cases it was not possible to identify a suspect. In the remaining case the police did not record the reason for no further action.

A total of 23 cases relating to alleged voting offences were locally resolved by police forces, with advice given either by the police or the Returning Officer. A further 20 cases are either under investigation and two awaiting prosecution advice.

One case resulted in a conviction, in relation to personation at a polling station. The remaining five cases relating to alleged voting offences resulted in police cautions, three of these related to allegations of personation at a polling station and two postal vote personations.

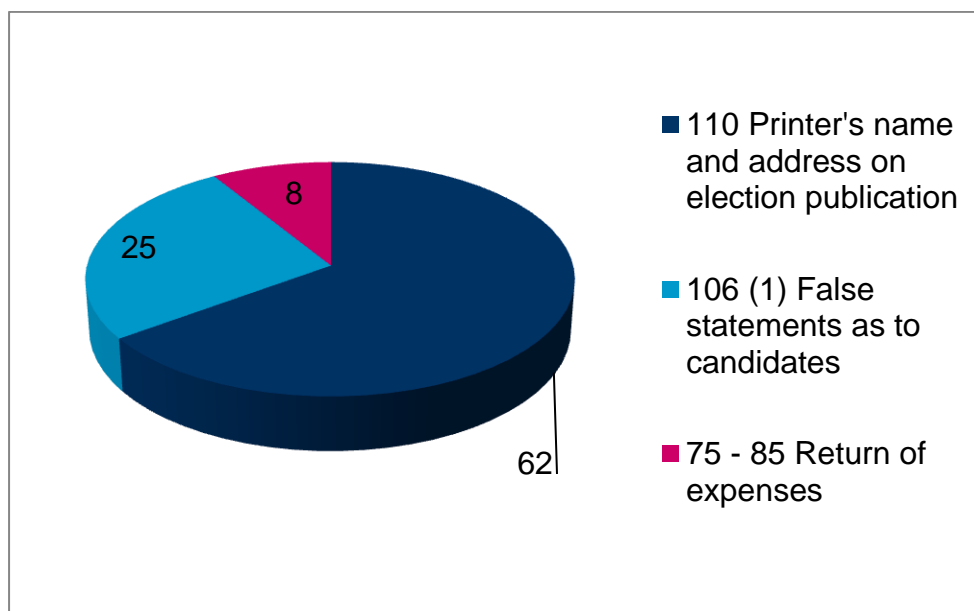
Campaign cases

Just over a third of all reported cases of alleged electoral fraud (96 cases, representing 37% of the total) related to campaigning offences.

As shown in the chart below, the most frequently reported types of campaign case related to the offence of failing to include details about the printer, promoter and/or publisher on election material, referred to as an 'imprint' (62 cases). The offence of, making false statement of fact about the personal character or conduct of a candidate was the second most reported campaign offence (25 cases).

The remaining eight campaign cases related to candidate election expenses offences.

Chart A2: Breakdown of cases of alleged electoral fraud relating to campaign offences



The majority of cases of alleged electoral fraud relating to campaigning offences were locally resolved by police forces, with advice given either by the police or the Returning Officer (49 cases).

In 42 cases of alleged electoral fraud relating to campaigning offences police forces took no further action following the conclusion of their investigations. In 22 of these cases this was because it was clear that no offence had been committed, while in a further nine cases the police identified that the alleged offence did not involve electoral fraud. In seven cases the police found insufficient evidence to conclude their investigation, and in a further three cases it was not possible to identify a suspect. One no further action outcome was not classified.

A further seven cases remain under investigation and one awaiting prosecution advice.

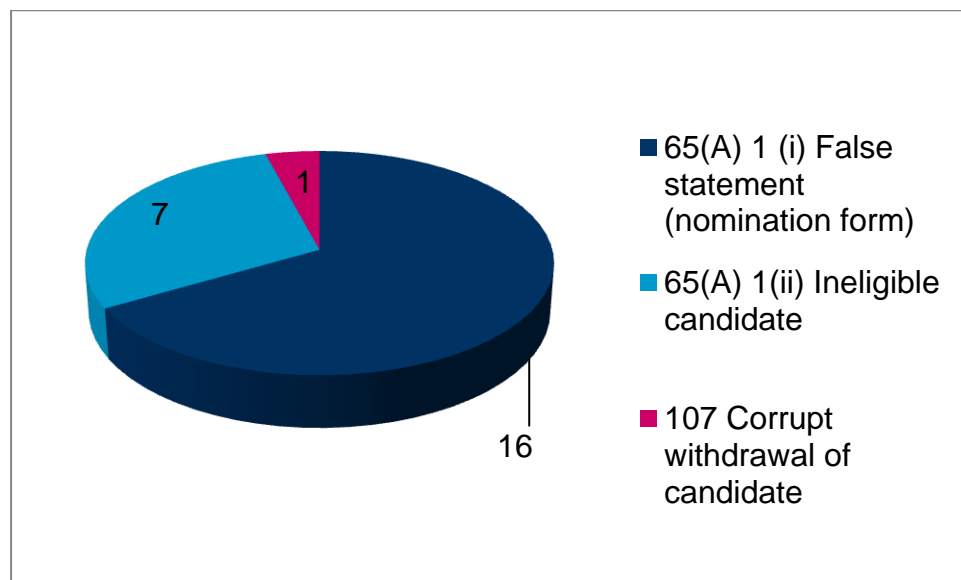
No campaign offences resulted in a conviction or a caution.

Nomination cases

Cases of alleged electoral fraud relating to nomination offences accounted for 24 cases, nine per cent of the total number of cases reported.

As shown in the chart below, the most frequently reported type of nomination case related to the offence of making a false statement in a nomination form (16 cases). A further 7 cases related to allegations that a candidate was ineligible to stand, with one further case where the candidate was disqualified from standing for election.

Chart A3: Breakdown of cases of alleged electoral fraud relating to nomination cases



In the majority of cases of alleged electoral fraud relating to nomination offences (a total of 14 cases) police forces took no further action following the conclusion of their investigations. In seven cases this was because it was clear that no offence had been committed. In six cases the police found insufficient evidence to conclude their investigation. In one case the police identified that the alleged offence did not involve electoral fraud

Three cases relating to alleged electoral registration offences were locally resolved by police forces, with advice given either by the police or the Returning Officer. A further 12 cases remain under investigation and one is awaiting prosecution advice.

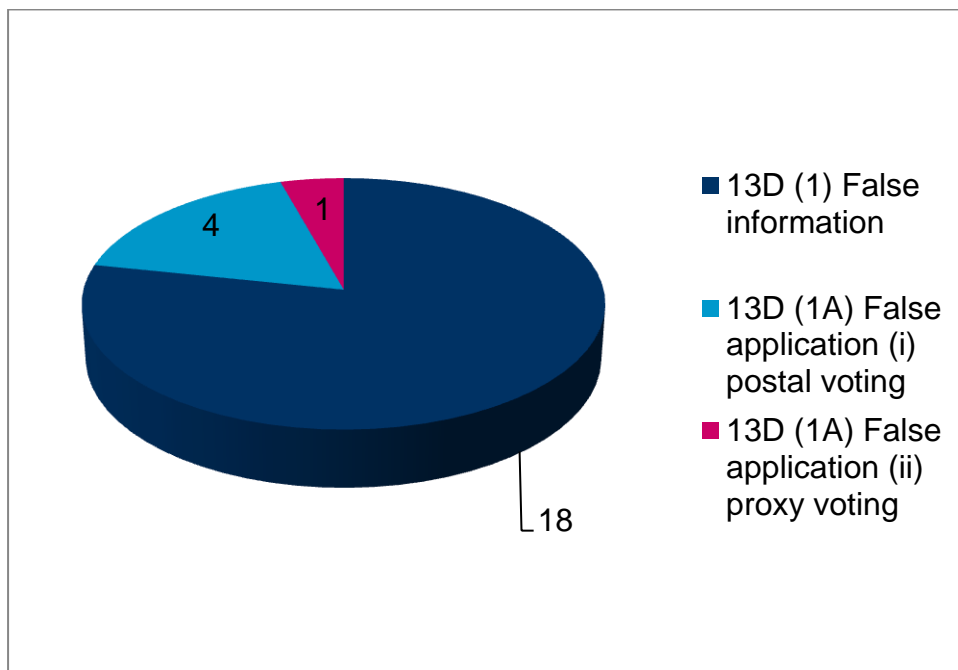
One case relating to allegations that a false statement had been made on nomination papers for a local government election resulted in a police caution.

Electoral registration cases

Cases of alleged electoral fraud relating to electoral registration offences accounted for eight percent of the total reported in 2016 (22 cases).

As shown in the chart below, the most frequently reported type of registration case related to the offence of providing false information in an electoral registration application (18 cases). Four cases were related to the offence of providing false information in a postal voting application and a further one case involving providing false information in a proxy voting application.

Chart A4: Breakdown of cases of alleged electoral fraud relating to registration cases



The number of offences does not match the number of registration cases as one case consisted of two suspects with differing allegations: one a false application to vote by post and the other impersonation in a polling station.

In the majority of cases of alleged electoral fraud relating to electoral registration offences (a total of 15 cases) police forces took no further action following the conclusion of their investigations. In five cases this was because it was clear that no offence had been committed. In seven cases the police found insufficient evidence to conclude their investigation, and in a further three cases it was not possible to identify a suspect.

A total of four cases relating to alleged electoral registration offences were locally resolved by police forces, with advice given either by the police or the Electoral Registration/Returning Officer. A further one case was under investigation and one case awaiting prosecution advice. There was one case where the police reported an outcome of other.

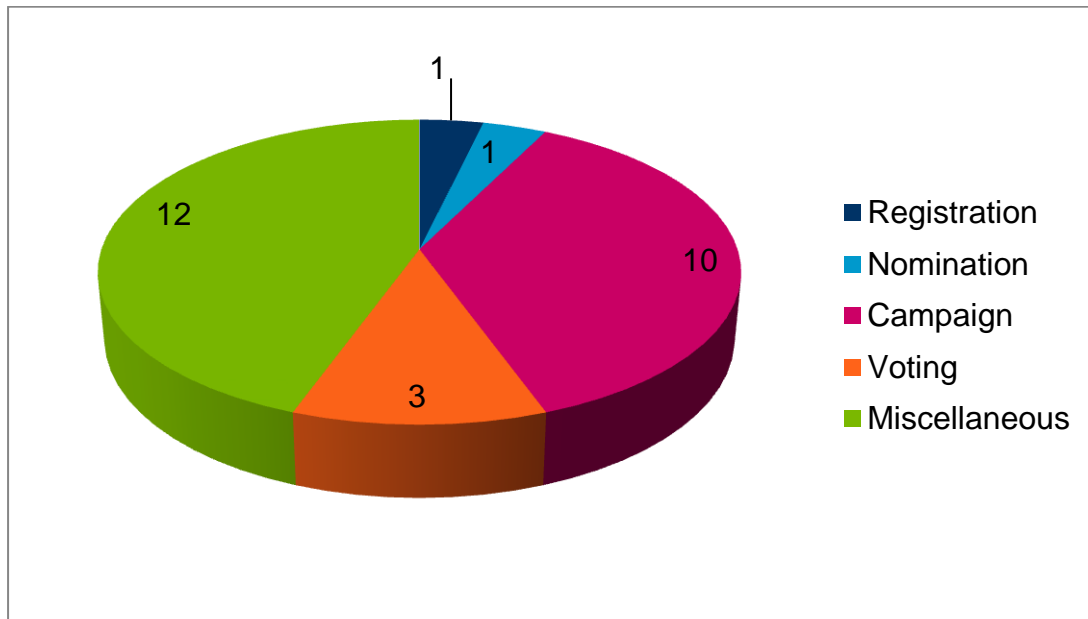
One case relating to an allegation of providing false information in a registration application resulted in the conviction of a successfully elected councillor (see case study – Derby City Council).

Other complaints about elections

In addition to cases of alleged electoral fraud, police forces also recorded 27 other complaints about elections which, although allocated to an offence category in the police returns, did not relate to allegations of electoral fraud. These included allegations of: theft or damage to property, election material or vehicles; stalking; trespassing; taunting; blocking a polling station car park; malicious communications, racist comments; offensive tweets or letters; assault; intimidating canvassers; copyright infringement.

Chart 7 below shows the categories of other complaints reported to the police in 2016.

Chart A5: Breakdown of other complaints about elections



Appendix B – Summary of polls held in 2016

Table B1: Participation at electoral events during 2016

Election	Number of seats contested	Electorate	Number of votes cast	Turnout
Scottish Parliament	129	4.01 million	2.3 million (constituency) 2.3 million (regional)	56%
National Assembly for Wales	60	2.2 million	1.02 million (constituency) 1.2 million (regional)	46%
Northern Ireland Assembly	108	1.3 million	703,744	55%
Mayor of London and Greater London Assembly	1 25	5.7 million	2.6 million (mayoral) 2.6 million (constituency) 2.6 million (regional)	46%
Police and Crime Commissioner Elections (England and Wales)	40	33.7 million	9.1 million	27%
Local elections (England)	2,744	15.7 million	5.3 million	34%
Directly elected Mayoral election - Bristol	1	316,765	142,120	45%
Directly elected Mayoral election - Liverpool	1	315,909	97,576	31%
Directly elected Mayoral election Salford	1	167,829	50,038	30%
UK Parliamentary by-elections				
Ogmore, Wales 5 May 2016	1	55,155	23,532	43%
Hillsborough and Brightside 5 May 2016	1	68,439	22,581	33%
Tooting 16 June 2016	1	74,701	32,048	43%
Witney 20 October 2016	1	82,277	38,455	47%
Batley and Spen	1	79,781	20,393	26%

20 October 2016				
Election	Number of seats contested	Electorate	Number of votes cast	Turnout
Richmond Park 1 December 2016	1	77,243	41,283	53%
Sleaford and North Hykeham 8 December 2016	1	88,714	32,834	37%
Referendums				
EU Referendum 23 June 2016 (UK-wide)	N/A	46.5 million	33.6 million	72%
Eccelshall neighbourhood plan (Staffordshire)	N/A	3,616	1,065	30%
Riseholm neighbourhood plan (West Lindsey)	N/A	243	76	31%
Fownhope neighbourhood plan (Herefordshire)	N/A	841	492	59%

Appendix C: Updated data on outcomes from cases reported in 2014 and 2015

2014 cases update

Following discussion with the Metropolitan Police Service (MPS) we agreed to delay the publication of data from the MPS when we published our analysis of cases from 2014.

This was because it contained information regarding ongoing investigations resulting from the election petition challenging the result of the May 2014 elections in Tower Hamlets. We said that once these proceedings had been concluded we would update this information with data from the MPS. We have now received this information.

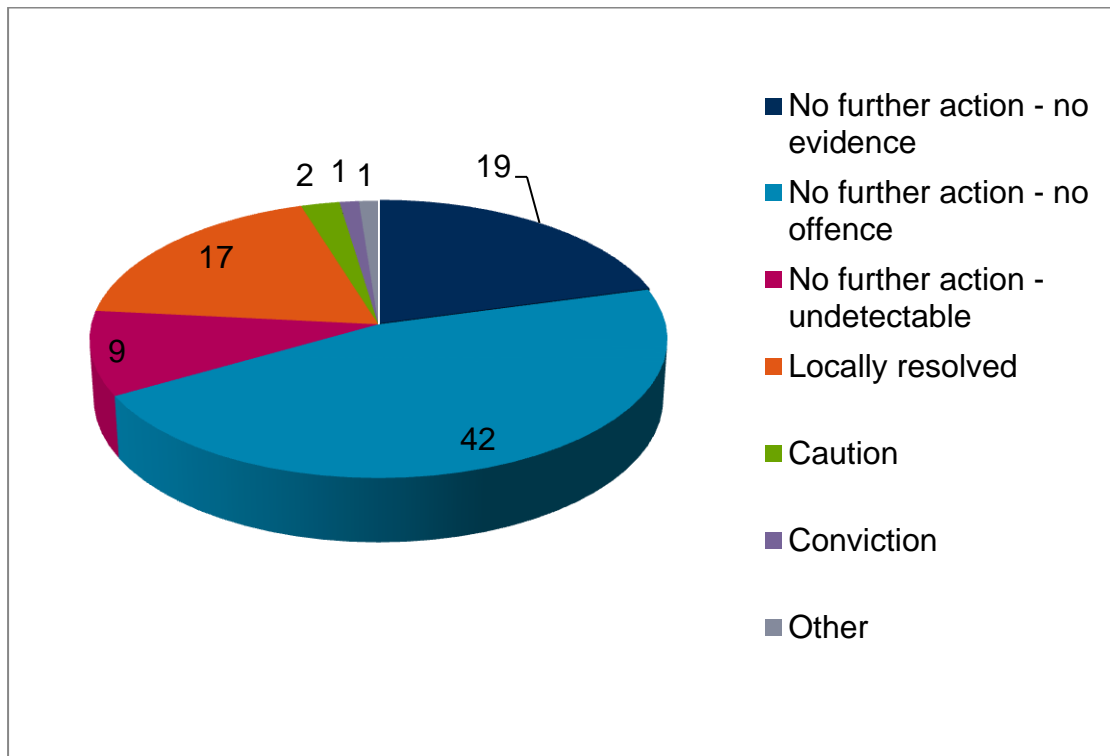
The MPS reported a total of 90 cases of alleged electoral fraud and 11 complaints.

- **Voting** – 33 cases (representing 37% of all cases reported by the MPS)
- **Campaign** – 26 cases (29% of all cases)
- **Nomination** – 20 cases (22% of all cases)
- **Registration** – 10 cases (11% of all cases)
- **Administration** – 1 case (1% of all cases)

Chart C1 shows the outcomes of these cases.

One case involving allegations of a nomination offence resulted in a conviction (details below). Two cautions were accepted, one relating to an allegation about a false statement of fact about the personal character or conduct of a candidate and one relating to a postal vote personation offence.

Chart C1: Outcome of cases of alleged electoral fraud reported by the Metropolitan Police Service in 2014



MPS convictions and cautions from 2014

London Borough of Enfield – false nomination form

A candidate from the Conservative party signed a nomination form in which he failed to declare a relevant conviction which meant that he was disqualified from standing for election.

The offender pleaded guilty and was sentenced to six months in prison.

London Borough of Tower Hamlets - false statement about a candidate

Allegation that a candidate posted a blog (racial hatred) against a rival candidate. Crown Prosecution Service advice. There was insufficient evidence for a 106 RPA offence.

The offender accepted a police caution for malicious communication.

London Borough of Tower Hamlets – personation: postal voting

Allegation that an absent vote was cast, even though the voter was out of the country when postal votes were sent out, and was therefore not able to vote by post.

A family member was interviewed. They admitted that they voted at the request of the family member who was out of the country, but that they were unaware of the proxy voting procedure and unaware that they had committed an electoral offence.

The Crown Prosecution Service was consulted. The offender accepted a police caution.

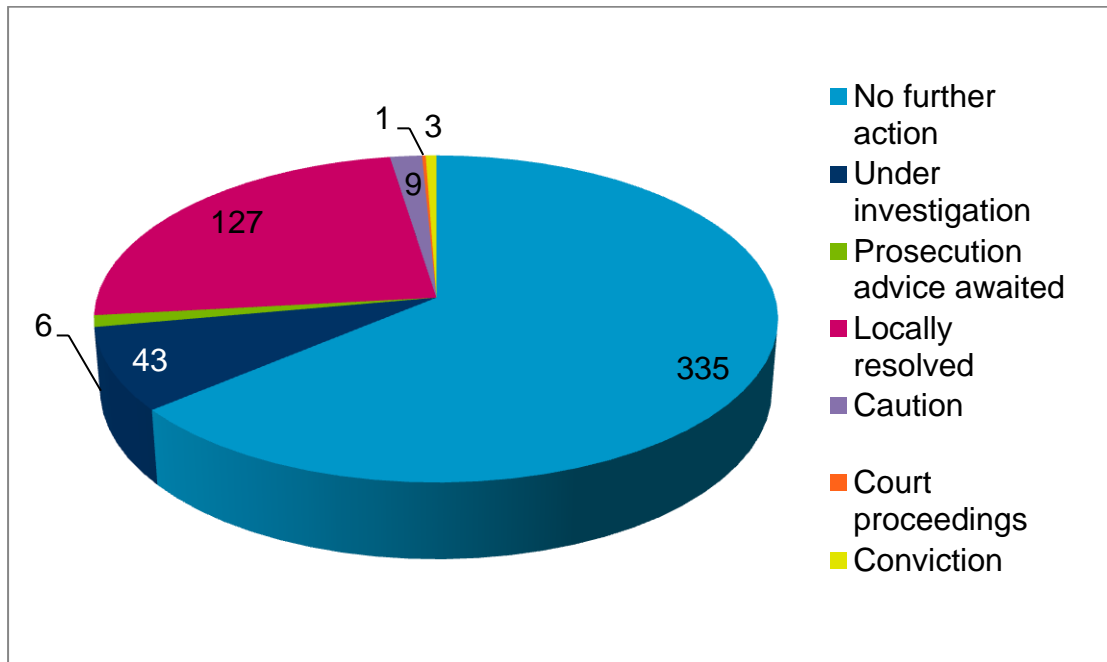
2015 cases update

Our March 2016 analysis of cases of alleged electoral fraud in 2015 reported that police forces had recorded 481 cases of alleged electoral fraud offences, and 184 other complaints. Since the publication of this report, further cases and complaints of have since been reported in relation to 2015 polls, which means that a total of 512 cases of alleged electoral fraud offences and 177 other complaints were recorded by police forces in 2015.

The majority of the additional cases reported by the police related to allegations of campaign offences, including offences under sections 75-85 of the Representation of the People Act 1983 relating to the return of candidate election expenses.

Chart C2 illustrates the outcome of cases of alleged electoral fraud reported during 2015.

Chart C2: Outcome of cases of alleged electoral fraud reported in 2015



The cases that resulted in no further action included cases where the activity involved was not in fact an offence (182 cases), where there was no evidence that an offence had been committed (108 cases), or where there was insufficient evidence to identify a perpetrator (34 cases), and where, following investigation, were found not to have involved electoral fraud offences (34 cases).

2015 convictions

Since publishing the details of three convictions relating to nomination offences in our 2015 report there has been one further conviction arising from a nomination offence⁸. Details of this case are provided below.

North Yorkshire (Local election, Hambleton)

It was alleged that an independent Candidate who stood for election to Easingwold Ward of Hambleton District Council had forged signatures on his nomination paper. The candidate was interviewed and admitted forging all the signatures on his nomination form. He was summonsed for 9 counts of providing a false statement on nomination form (forged signatures) and sentenced to a fine of £1,285, plus £185 costs, and disqualified from standing in an election for 5 years.

⁸ There have been no further cautions accepted since publication in 2015.