From: FOI
To: [redacted]
Subject: FOI 107/17 Dual Registration Response
Date: 27 July 2017 15:13:02

Dear [redacted],

Our Ref: FOI 107/17

Thank you for your email to the Electoral Commission dated **30 June 2017**.

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

You have requested:

During the period 1st January 2015 to 19th June 2017 has anyone been reported to the Electoral Commission for the offence of having voted twice using two separate addresses one in each of two different constituencies, being legally registered to vote in each constituency? If such an offence was reported to the Commission, what action was taken and what was the outcome of that action.

I would ask if I could modify my Freedom of Information request. Could you let me have the most recent data that you have, starting from 1st January 2105 or whatever earlier date is most convenient.

Our response is as follows:

We hold some of the information you have requested.

During the period 1 January 2015 and 19 June 2017, the Commission received numerous enquiries in relation to people raising concerns that people may have voted twice using two separate addresses in two different locations. These coincided with a number of stories in the media and comments posted on social media.

We have reviewed our records and we can confirm that we received 30,234 email enquiries and 27,026 telephone calls in total for the period of 1January 2015 – 7th June 2017.

In addition, we received 956 emails and 3 telephone enquiries between the 8 June 2017 – 19 June which specifically related to concerns from electors voting twice in the UK Parliamentary election on 8 June in two different constituencies.

To determine how many, if any, of those emails constituted a member of the public making a specific allegation about an elector voting twice at two separate addresses would be a significant task. Section 12 of the Freedom of Information Act provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the cost limit of £600, taking into account the staff time taken to

determine whether we hold the information, locate it, retrieve it and extract it. In this case we estimate that the cost of complying with your request would exceed this limit.

In all responses to correspondence on this issue, we advised that if anyone had any evidence of that someone may have voted twice they should report it to the police force covering either voting area or should contact Crimestoppers, the anonymous crime reporting charity.

The Commission is aware of two instances specifically where someone has been reported as having voted twice: one at the UK Parliamentary general election on 7 May 2015; and another at the UK Parliamentary general election on 8 June 2017.

The first instance related to a public information query received from a person who said that they had inadvertently voted by post in one constituency and in person in a polling station in another constituency, and wanted to know what to do about it. At the time, we advised that in fact they had broken the law, and that there was nothing they could do to resolve it. We also advised them that voting in a local election in two entirely different elections is allowed, but they cannot use their vote in two places for a UK general election or a European Parliamentary election.

Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 1998 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by section 1 of the DPA because the information relates directly to an identifiable living individual. Release of this information would breach the first data protection principle, which states the information must be processed fairly and lawfully.

One of the individuals in this case is a junior staff member and they would not reasonably expect their information to be released. The other is the inquirer – a person ringing the Commission for advice in these circumstances would not reasonably expect their personal data to be released. Given the nature of the data and the potential for unjustified adverse effects on the individual concerned it would not be fair to release this information.

Additionally, some of the personal information will be sensitive personal data, as defined in the Data Protection Act 1998 (“DPA”), as this record concerns a potential criminal offence. In so far as the information is sensitive personal data, the conditions set out in Schedule 3 DPA do not apply and this information may not be released.

We received another public enquiry in relation to the general election on 8 June where someone phone to say that they had had inadvertently voted by post in one constituency and in person in a polling station in another constituency, and wanted to know what to do about it. At the time, we advised that in fact they had broken the law, and that there was nothing they could do to resolve it.

We referred this matter to the relevant police force to consider what investigatory and enforcement action is appropriate, and is exempt under s.31 (1)(a), prejudice to the prevention or detection or crime, and s.31(1)(b), prejudice to the apprehension or prosecution of offenders. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure to allow

Police Services to pursue active investigations.

In addition, the information contains personal data, some of which will be sensitive personal data, in view of the fact that it has been sought or provided in relation to potential criminal offences. The Commission considers that this information is exempt under s40(2) as its release would be in breach of the first data protection principle, which states that the information must be processed fairly and lawfully. Given the nature of the data and the potential for unjustified adverse effects on the individuals concerned it would not be fair to release this information. Additionally, the conditions set out in Schedule 3 DPA do not apply and this information may not be released.

Additional information

Entitlement to be registered to vote in more than one area

In certain circumstances, it is possible for someone to be lawfully registered to vote in more than one place.

In order to do so, the applicant must be resident at each address, as defined in Section 5 of the Representation of the People Act 1983 (the RPA 1983). Residence in the constituency or electoral area is central to the entitlement for any elector to be registered there, and the local Electoral Registration Officer (ERO) must be satisfied that the applicant is resident before determining their application.

There are several groups of people who may be entitled to be registered to vote in more than one place, including students who live at different addresses during term time; people required to work away from their normal home address and have a second residence for that purpose; and people who own a second home.

Our guidance for EROs (which is published on our website at www.electoralcommission.org.uk/i-am-a/electoral-administrator/running-electoral-registration) explains that each registration application must be considered on its own merits and that EROs will need to consider the following when determining whether or not someone is eligible to be registered at more than one address:

- a person may have more than one home, but property ownership is not sufficient to establish that someone is resident at an address;
- the purpose for which the second home is used will affect whether or not someone may be considered to be resident at an address, i.e. whether this is where the 'main business of life' is being conducted;
- temporary presence at an address does not make a person resident there;
- temporary absence does not deprive a person of their residence.

Electoral registration application forms (including the online electoral registration service at www.gov.uk/register-to-vote) specifically ask whether the applicant also lives at another address. If the ERO is not satisfied that an applicant or elector is resident at a particular address, they can ask the applicant or elector to provide further information to help them determine whether they are resident for the purposes of registration. If such information is not provided, the registration application may be put on hold, and if the person is already registered, a formal review of the elector's registration may be undertaken.

Voting in more than one area

People who are registered in at two addresses are entitled to vote in local government elections at each of those addresses, provided they are not in the same local government area.

It is, however, an offence under Section 61(2)(a) of the RPA 1983, for an elector to cast more than one vote on their own behalf in a UK Parliamentary general election or at a referendum. This offence carries a penalty of an unlimited fine in England and Wales, or a fine not exceeding £5,000 in Scotland.

Investigating allegations of voting twice

Where allegations involve potential criminal offences such as those outlined above, it would be for the relevant local police force to consider and take appropriate steps to investigate any allegations. We work with the National Police Chiefs' Council to provide guidance to police forces, including developing the *Authorised Professional Practice on policing elections,* which has been published by the College of Policing on their website at www.app.college.police.uk/app-content/policing-elections/. The Electoral Commission does not, however, have any direct role in investigating allegations of electoral fraud under the RPA 1983.

We have also provided further advice to UK police forces about how to investigate allegations that an individual may have voted twice, including obtaining from the relevant Returning Officers the marked copy of the register. The marked register records those electors who have been issued with and returned a postal ballot pack and those who have been issued with a ballot paper in a polling station. This information can be used by the police to investigate whether someone may have committed the offence of voting twice. Electoral registers are held at the local level by Electoral Registration Officers appointed by each local authority in Great Britain, and by the Chief Electoral Officer in Northern Ireland. There is currently no centrally compiled database of local electoral registers, which means that there is no system in place to automatically identify those electors who are included in more than one register.

Anyone who has evidence that someone may have voted twice or committed postal vote fraud in the recent UK Parliamentary general election should report it to the police force covering either voting area. They should use the normal approach for reporting non-emergency crime, which includes phoning 101 or contacting Crimestoppers, the anonymous reporting charity, on 0800 555 111 or at https://crimestoppers-uk.org/give-information/give-information-online/

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the

Information Commissioner. Details of this procedure can be found on the ICO website: http://www.ico.gov.uk

Yours sincerely,

[redacted]

[redacted]
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