

[REDACTED]

From: FOI
Sent: 09 June 2021 09:05
To: [REDACTED]
Subject: FOI 075-21 - Response
Attachments: FOI 075-21 - Cases of alledged electoral fraud.pdf

Dear [REDACTED],

Our Ref: FOI-075-21

Thank you for your email to the Electoral Commission dated 11 May 2021.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

I was just hoping to request the following information from you.

A list of all electoral or vote fraud committed by candidates, their family members or their staff. I was aware you included a list of notable offences in a report from 2015, which ran from 1998-2014. If you have an internal list with such information then this is what I would be looking for assuming this has been updated or excludes information not included in the 2015 report- although I understand you may have combined the information solely for the 2015 report.

Also I would like to request the DUP candidate name who received a police caution for providing false information on a nomination paper relating to the 2019 local elections. Whilst the candidate was not elected I feel it is in the public interest to be aware of the candidates conduct should the candidate be able to run for office in the future.

Please use your discretion as to whether to process these as a single or separate FOI requests based on the easiest option for yourselves.

Our response is as follows:

We hold some of the information you have requested.

Electoral fraud offences relating to elections in the UK are specified in the Representation of the People Act (RPA) 1983, which you can access online at <http://www.legislation.gov.uk/ukpga/1983/2/contents>.

The UK's territorial police forces are responsible for investigating allegations relating to electoral fraud offences under the RPA 1983. 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 Special Crime and Counter Terrorism Division of 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.

The Electoral Commission does not investigate complaints or allegations about electoral fraud. We do, however, collect, analyse and publish data from police forces about cases of alleged electoral fraud in the UK each year. We have monitored issues around electoral fraud since 2001, but there was no one central database of allegations until 2008.

We are providing information in the form of a table (attached) showing details of cases between 2010 and 2019 where we hold information which relates to cases of electoral fraud for offences which have been taken through the courts and have resulted in a conviction. We have defined those cases as 'guilty'.

We have indicated where we hold any information which indicates that the person convicted had an affiliation with a political party – this could have been as a candidate, election agent, or a campaigner or family member who was supporting a particular candidate or party. However, this should not be relied on as definitive. It is based on the information provided to us in the format that we request it, which does not mandate that the police identify any individuals involved in allegations submitted to them.

We have also included information we hold on election petitions, where a candidate or campaigner has been found guilty of an election offence. Petitions are a civil legal process for challenging the result of an election if someone thinks it was not run properly, for example the votes were not counted correctly or a candidate broke the law. These are heard and tried in a special election court, and can lead to the result of the election being declared void. Individuals found guilty by an election court can be disqualified from voting or standing for election for a limited period of time.

You have also made a request for the name of a DUP candidate who received a police caution for providing false information on a nomination paper relating to the 2019 local elections.

This information is exempt in its entirety under section 40(2) of the Freedom of Information Act 2000. Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested would breach one of the data protection principles. The information contained in the requested information falls within the description of personal data as defined by the DPA because the information relates directly to an identifiable living individual. 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.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request. 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: <https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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: <https://ico.org.uk/>.

Yours sincerely

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The Electoral Commission
electoralcommission.org.uk

Table 1: Cases of alleged electoral fraud recorded by police forces across the UK, resulting in convictions 2010-2019

Year of election	Police force	Election type – local council/ constituency	RPA 1983 offence	Description of offence	Outcome	Political party affiliation (if any/if known)
2010	Greater Manchester Police	Local elections (Newton Heath)	110 106(1)	Distribution of election material lacking an imprint and making false statements about a candidate.	Guilty. Ordered to pay £100 compensation plus costs.	Not known
2010	Greater Manchester Police	Election petition Oldham East	106	Winning candidate made false statements about opponent alleging supported terrorist organisation	Petition upheld and election declared void. Respondent forfeited his seat and liable for the significant [£60,000] costs. CPS ruled not in public interest to prosecute.	Labour Party
2011	Kent Police	Ashford Borough Council	13D(1A)	False applications to register and to vote by post	Guilty. Custodial sentence: 12 months	Conservative candidate
2012	West Midlands	Local elections, Wolverhampton	65A	False nomination statement – did not live at address	Guilty. Custodial sentence: 6 months (suspended for 18 months), £2,000 costs, cannot stand or vote for 5 years	Labour
2012	West Midlands	Local elections, Sandwell	65A	False signatures on a nomination form	Guilty. Custodial sentence: 2 months (suspended for 12 months), £600 costs	Independent

2012	Surrey Police	Election petition Woking, Maybury and Sheerwater ward	60-62A	False postal votes	Election voided	Liberal Democrats
2012	Surrey Police	Election petition Woking, Maybury and Sheerwater ward	60-62A	False voter registration forms, false applications to vote by post and false postal voting statements	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 Democrats
2013	Leicestershire Constabulary	Local elections, Charnwood	65(A) 1 (i)	False nomination	Guilty. Four-months suspended sentence for failing to reveal a prior criminal conviction	Labour party candidate
2013	Hampshire Constabulary	Local government elections, Isle of Wight	65(A) 1 (i)	False signatures on nomination form	Guilty. 150 hours community service for use of false signatures on a nomination form	UK Independence Party (UKIP)
2013	Cambridgeshire Constabulary	Cambridgeshire County Council	65 (A)1	False signatures on nomination form	Guilty. Ordered to pay £110 costs plus being disqualified from the election process for five years	UKIP
2013	Kent police	Local elections, Tonbridge and Malling DC	s65(A)1	False statements on a nomination paper (including forged signatures)	Guilty. Sentenced to 7½ months in jail. Ordered to pay £1,000 prosecution costs Disqualified from standing for elected office for 5 years.	English Democrats

2013	Norfolk Police	Local elections, Norfolk County Council	s65(A)1	False statements on a nomination paper – Candidate allowed forged signature on his nomination paper.	Pleaded guilty to 1 and one count was allow to lie on the file. Sentenced to 200 hours Community Service Order, costs of £3,227, Banned from standing for 5 years.	UKIP
2014	Metropolitan Police	London Borough of Enfield	s65(A)1	False statement on nomination form - failure to declare ineligible to stand	Guilty. Sentenced to 6 months in prison	Not known
2015	Surrey Police	Local elections, Waverley District Council	s65(A)1	False statement on a nomination paper – eight false signatures	Guilty. Sentenced to 16 weeks in prison, suspended for 1 year 200 hours Community Service Order.	Independent
2015	Nottinghamshire Police	Local elections, Bassetlaw District Council	s65(A)1	False statement in a nomination paper (10 false signatures)	Guilty. Sentenced to 12 weeks in prison suspended for 1 year 180 hours Community Service Order Banned from holding public or elected office for 5 years.	Not known
2015	Essex Police	Brentwood Borough Council	s65(A)1	False statement in a nomination paper (3 false signatures)	160 hours Community Service Order. Fined £145	Not known
2015	North Yorkshire Police	Local elections, Hambleton	s65(A)1	False signatures on a nomination paper	Fined £1,285, costs £185 Disqualified from standing for 5 years	Independent

2015 May	Kent Police	South Thanet UK Parliamentary General election	s75-85	Electoral expenses - exceeding spending limit and false declaration	Party official, convicted of two counts of intentionally encouraging or assisting an offence relating to candidate's expenses. Sentenced to 9 months in prison, suspended, £5,000 fine	Conservative
2015	West Yorkshire Police	Bradford, Local elections	s75-85	Electoral expenses	No details	Not known
2016	Essex Police	Local elections, Castle Point District Council	s65(A)1	False signatures on a nomination paper	Guilty. Sentenced to 6 months in prison suspended for 2 years. 150 hours Community Service Order, £5,000 costs Barred from standing in future elections	UKIP
2016	Derbyshire Police	Local elections, Derby City	s13D, s65(A)1	False registration, fraudulent nomination – ineligible candidate, did not live in City	Guilty. Two months in prison. Not permitted to hold elected office for 5 years	Conservative
2016	Derbyshire Police	Local elections, Derby City	S65(A)1	Fraudulent signatures on nomination papers	Guilty. 15 months in prison	Trade Union and Socialist Coalition
2017	Derbyshire Police	Local elections, Derbyshire County Council, Ilkeston West	s65(A)1	False signatures on nomination paper.	Guilty. Fined £80, victim surcharge £30, costs £80	UKIP

2018	Norfolk Police	Local elections, Norwich City	s65(A)1	False signatures on nomination form	Guilty. Fined £300, victim surcharge £30, costs £85	Conservative
2018	Cambridgeshire Police	Local elections, Peterborough City, Fletton and Woodston ward	s65(A)1	False signatures on nomination form	Guilty. 2 months in prison, suspended one year. 100hrs Community Service Order. Fined £200 (including victim surcharge) Not allowed to stand for 5yrs	Green
2018	Metropolitan Police	Local elections, Hackney	s65(A)1	False signatures on nomination form	Guilty. Six months in prison, suspended for 18 months. 200 hours community service, Fined £2,000 and to pay a court surcharge.	Conservative
2018	Metropolitan Police	Local elections, Redbridge	s65(A)1	False statement on a nomination form	Guilty. 17 months in prison Ordered to pay £18,368 compensation he received in expenses as a councillor since May 2018, £10,000 towards the costs of running the by-election in 2021 to replace him, and £10,000 towards prosecution costs Barred from standing for election for the next 5 years	Labour
2019	Norfolk Police	Local elections, Norfolk County Council West Norfolk and Kings Lynn	s65(A)1	False signatures on nomination forms (2 offences)	Guilty. Fined £3,300, victim surcharge £180, costs £85 Not allowed to stand for 5yrs	Independent

2019	South Wales Police	Local council by-election, Neath Port Talbot	s65(A)1	False signatures on nomination forms	Guilty. Six months in prison, suspended for 12 months. 15 days rehabilitation requirement. 180 hours community service. Costs of £2,366	Conservative
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