

[REDACTED]

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**From:** FOI  
**Sent:** 05 July 2016 13:39  
**To:** [REDACTED]  
**Subject:** FOI 77/16 - Electoral Compliance, and Fraud Risk Monitoring - 2010 vs 2015 General Elections

Dear [REDACTED]

**Our Ref: FOI 77/16**

Thank you for your request under the Freedom of Information Act 2000 dated 9 June 2016.

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 in bold below followed by our response.

You have requested:

**1. Please confirm why the January 2014 report 'Electoral Fraud in the UK' does not consider or discuss expenses fraud or the failure of prospective candidates to accurately declare expenses?**

**[http://www.electoralcommission.org.uk/data/assets/pdf\\_file/0008/164609/Electoral-fraud-review-final-report.pdf](http://www.electoralcommission.org.uk/data/assets/pdf_file/0008/164609/Electoral-fraud-review-final-report.pdf)**

**2. Please provide the methodology by which 16 local authority areas (page 16), beginning with Birmingham, and ending with Woking, were both nominated for, and deemed to be, at high risk of electoral fraud?**

**3. Section 6 of the report states: "candidates representing large, well-established political parties, and their supporters - are significantly represented among those proven to have committed electoral fraud."**

**Despite this, unlike with potential electoral fraud committed by members of the public which is monitored and communicated to Returning Officers as key risk areas, the Electoral Commission does not appear to monitor potential fraud or risk areas for candidates?**

**One would expect such risk to be concentrated in marginal seats, or where candidates have a prior history of questionable behaviour.**

**Why are high risks areas for fraud committed by candidates not included in risk briefings to RO's? as they are for risk of fraud committed by members of the public?**

**4. In 2010, Gavin Barwell MP was cautioned by a High Court Judge for failing to declare office expenses in his local spending declarations submitted to Croydon Council**

**<https://insidecroydon.com/2016/04/29/police-receive-complaint-over-mp-barwells-election-expenses/>**

**Is such information monitored and the learnings from such cases communicated by the Electoral Commission to candidates and Returning Officers? - and does it, or should it, filter into Returning Officers briefings to candidates and election fraud risk planning procedures?**

**5. For both the 2010, and 2015 General Elections - please provide monitoring data for the numbers of complaints lodged with the Electoral Commission or consulted on in the course of investigations via local police forces, providing a break down of the types & subject of complaints, and the action(s) taken.**

Our response is as follows:

**1. Please confirm why the January 2014 report 'Electoral Fraud in the UK' does not consider or discuss expenses fraud or the failure of prospective candidates to accurately declare expenses?**

**[http://www.electoralcommission.org.uk/data/assets/pdf\\_file/0008/164609/Electoral-fraud-review-final-report.pdf](http://www.electoralcommission.org.uk/data/assets/pdf_file/0008/164609/Electoral-fraud-review-final-report.pdf)**

The Electoral Commission began a review of electoral fraud vulnerabilities in 2012 following concerns which had been raised about the vulnerability of electoral processes at elections earlier that year.

The evidence and issues paper which we published in May 2013 (available on our website at <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/electoral-fraud-vulnerabilities-review?a=155335>) set out the scope of the review and confirmed that "Issues relating to the financial regulation of political parties, organisations and individuals engaged in campaigning are also out of the scope of the review".

**2. Please provide the methodology by which 16 local authority areas (page 16), beginning with Birmingham, and ending with Woking, were both nominated for, and deemed to be, at high risk of electoral fraud?**

Paragraph 3.2 on page 16 of the final report explains that "We have identified the following 16 local authority areas (out of just over 400 across the UK as a whole) where there appears to be a greater risk of cases of alleged electoral fraud being reported". This was based on our analysis of data on cases of alleged electoral fraud which had been recorded by police forces in recent years.

**3. Section 6 of the report states: "candidates representing large, well-established political parties, and their supporters - are significantly represented among those proven to have committed electoral fraud."**

**Despite this, unlike with potential electoral fraud committed by members of the public which is monitored and communicated to Returning Officers as key risk areas, the Electoral Commission does not appear to monitor potential fraud or risk areas for candidates?**

**One would expect such risk to be concentrated in marginal seats, or where candidates have a prior history of questionable behaviour.**

**Why are high risks areas for fraud committed by candidates not included in risk briefings to RO's? as they are for risk of fraud committed by members of the public?**

Our analysis of cases of alleged electoral fraud, including cases which have been prosecuted, shows that where electoral fraud takes place it is committed by campaigners – either candidates directly, or their supporters, including family members. Our monitoring of higher risk areas does take into account the local political context (including the marginality of seats), as well as information about the previous activity of candidates.

Our guidance for Returning Officers (see for example the guidance we published for Returning Officers for the May 2016 local government elections in England at [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/141717/LGEW-MAY-RO-Part-B-Planning-and-Organisation.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/141717/LGEW-MAY-RO-Part-B-Planning-and-Organisation.pdf), section 6 from page 22) makes clear that they should consider a range of factors when assessing the risk of electoral fraud, including:

- Whether there has been a history of allegations of electoral fraud in the area, including in specific wards.
- Whether there are specific ward elections which are likely to be particularly close and hard fought.
- Whether there are marginal seats which would need only a relatively small swing in the number of votes to change control.
- Whether the overall outcome of the election (e.g. political control of a local authority) could be decided by a change in a relatively small number of seats.
- Whether there are contests which are based on strong personal disagreements as well as political arguments.

#### **4. In 2010, Gavin Barwell MP was cautioned by a High Court Judge for failing to declare office expenses in his local spending declarations submitted to Croydon Council**

**<https://insidecroydon.com/2016/04/29/police-receive-complaint-over-mp-barwells-election-expenses/>**

**Is such information monitored and the learnings from such cases communicated by the Electoral Commission to candidates and Returning Officers? - and does it, or should it, filter into Returning Officers briefings to candidates and election fraud risk planning procedures?**

The Commission does not have any direct powers of investigation or sanction in relation to offences (whether by candidates and agents or others) under the Representation of the People Act 1983. We do however liaise with police forces around the country in relation to potential offences and proceedings in relation to candidate spending returns, in order that where there is learning that can be incorporated into our guidance for candidates and agents we are able to update the guidance accordingly.

Returning Officers do not have any powers or role in relation to candidate spending returns other than to make them available to the public. The Commission has no power to prescribe the content of Returning Officers' briefings, which are generally more concerned with the conduct of the election than the reporting of spending afterwards.

We do, however, advise Returning Officers in our guidance (see for example the guidance we published for Returning Officers at the May 2016 local government elections in England at [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0015/141720/LGEW-MAY-RO-Part-C-Administering-the-poll.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0015/141720/LGEW-MAY-RO-Part-C-Administering-the-poll.pdf), section 1 from page 2) that they should ensure that candidates and/or election agents are issued with information on calculating the expenses limit (including the electorate figure), spending returns and declarations in order to enable them to meet reporting requirements. We believe our guidance for candidates and agents provides the necessary advice on what must be reported.

**5. For both the 2010, and 2015 General Elections - please provide monitoring data for the numbers of complaints lodged with the Electoral Commission or consulted on in the course of investigations via local police forces, providing a break down of the types & subject of complaints, and the action(s) taken.**

The Electoral Commission has worked with the National Police Chiefs' Council (NPCC – formerly ACPO, the Association of Chief Police Officers) 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.

You can read our analysis of allegations of electoral fraud which were reported to police forces in 2010 here:

[Analysis of alleged cases of electoral fraud in 2010 \(PDF\)](#)

You can also find the detailed data behind our analysis of allegations of electoral fraud in 2015, which includes a breakdown of allegations by police force and complaint type, here:

[Electoral fraud data from police forces from 2010 \(CSV\)](#)

You can read our analysis of allegations of electoral fraud which were reported to police forces in 2015 here:

[Analysis of allegations of electoral fraud 2015 \(PDF\)](#)

You can also find the data behind our analysis of allegations of electoral fraud in 2015 here:

[Electoral fraud data from police forces from 2015 \(XLS\)](#)

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority.

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

**Paul O'Malley**  
**Information Adviser (Records Management)**

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

Tel: 020 7271 0554

Fax: 020 7271 0665

[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

[www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

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