

**Supplementary
Submission
No 6a**

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation:

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Telephone:

Date Received: 26/08/2009

Provided by Mr Tracey
26/8/09 ~~EB~~.

Record number opt to vote by post

A RECORD number of voters are planning to have their say by post in next week's local elections.

Almost 24,000 residents will be make their preferred choice of councillor known from the comfort of home rather than voting in person at a polling station.

Swansea Council has worked hard over a number of years to increase postal voting as a way of increasing turn outs at elections.

Now 23,946 residents have opted for a postal vote. In the Assembly elections last year there were around 22,000 postal voters.

A little over 20,000 voters in the city registered to exercise their franchise by post in the local government election in 2004. In the General Election in 2001, only 6,000 sought to vote that way.

Swansea Council Electoral Registration Officer Amanda Bebb said, "We welcome this increase in applications. It demonstrates public confidence in the system and we hope it will mean more people will exercise their right to vote.

"We are also making every effort to ensure polling stations are fully accessible for those who continue to wish to vote in person in the traditional way on the big day."

All 72 seats on Swansea council are up for election on May 1st. The new council will serve for a period of four years.

Postal voters receive a postal vote pack which includes a ballot paper and instructions.

In includes a Declaration of Identity, which has to be witnessed by a family member, friend or neighbour.

The ballot paper will be completed in the normal way and then sealed in envelope A provided.

This envelope together with the Declaration of Identity will go into envelope B which is returned back to County Hall, or it can be dropped off at any polling station in the City and County of Swansea


Anyone needing more information on postal voting should contact 01792 636042/636719.



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How Voting Works

Council Elections

Currently there are 68 Councils in South Australia - 67 of these hold periodic elections every four years to elected representatives. Roxby Downs Council is the only Council that does not hold elections as it currently does not have an elected body.

The last Council elections were conducted in 2006, and the next elections will be held in 2010. All Council elections are conducted using postal voting.

All Local Government elections are conducted using the counting system known as proportional representation. In summary, a candidate is elected when a quota or predetermined proportion of the total number of formal ballot papers cast is obtained.

To experience visually how this and other voting systems work visit the State Electoral Office's excellent website at <http://www.seo.sa.gov.au>

- and go to the section marked "How Your Vote Counts" (This is well worth a visit!)

When and How to Vote in a Council Election?

A kit of information which contains ballot papers and how to vote instructions is distributed by post to all registered voters.

These ballot papers must then be completed and returned to the Council's returning officer by a specified date.

Who Can Vote

To be eligible to vote in the Council elections you must be registered on the Councils voters roll.

Residents (including tenants) over the age of 18 who are on the State electoral roll and property owners or occupiers who pay Council rates should be automatically enrolled on the Council's voters roll.

What the Election Act says

The Local Government (Elections) Act sets out the eligibility requirements for voting. These are set out as follows: (Note: the information shown below has been provided as a guide only. As legislation is subject to change please check with a current copy of the the legislation for any recent amendments)

Part 4 - (14) Qualifications for enrolment

(1) Subject to this Act1.-

(a) a natural person of or above the age of majority is entitled to be enrolled on the voters roll for an area or ward if that person-

(i) is enrolled as an elector for the House of Assembly in respect of a place of residence within the area or ward; or

(ii) is resident at a place of residence within the area or ward and has lodged the prescribed application with the chief executive officer of the council; or

(iii) is a ratepayer in respect of rateable property within the area or ward and is the sole owner or sole occupier of that rateable property; and

(b) a body corporate is entitled to be enrolled on the voters roll for an area or ward if it is a ratepayer in respect of rateable property within the area or ward and is the sole owner or sole occupier of the rateable property; and

(c) a group of persons (consisting of natural persons, bodies corporate or partly of natural persons and partly of bodies corporate) is entitled to be enrolled as a group on the voters roll for an area or ward if-

(i) the members of the group are all ratepayers in respect of rateable property within the area or ward; and

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- [Being a Council Member](#)
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- (ii) the members of the group are joint owners, owners in common or joint occupiers of the rateable property; and
- (iii) at least one member of the group (being a natural person of or above the age of majority or a body corporate) is not enrolled on the relevant voters roll under paragraph (a) or (b), and no member of the group is enrolled on the relevant voters roll under paragraph (a)(i) or (ii) as a resident in respect of the rateable property.

Part 16 - Entitlement to vote

- (1) A natural person who has his or her name on the voters roll used for an election or poll as an elector in his or her own right is entitled to vote at that election or poll.
- (2) A natural person is entitled to vote at an election or poll for a body corporate which has its name on the voters roll if-
 - (a) the natural person is an officer of the body corporate; and
 - (b) the natural person is acting on behalf of the body corporate (which may be assumed on the basis of a declaration under section 39).
- 3) A natural person is entitled to vote at an election or poll for a group which has its name on the voters roll if-
 - (a) the natural person is a member of the group or an officer of a body corporate that is a member of the group; and
 - (b) the natural person is acting on behalf of the group (which may be assumed on the basis of a declaration under section 39).
- (4) However, if a body corporate or group has nominated a person as a candidate for a particular election, that person is the only person entitled to vote at the election for the body corporate or group.
- (5) If the name of a natural person has been omitted in error from a voters roll used for an election or poll, the person is, subject to this Act, entitled to vote at the election or poll as if the error had not occurred.
- (6) If the name of a body corporate has been omitted in error from a voters roll used for an election or poll, a person is, subject to this Act, entitled to vote at the election or poll under subsection (2) as if the error had not occurred.
- (7) If the name of a group has been omitted in error from a voters roll used for an election or poll, a person is, subject to this Act, entitled to vote at the election or poll under subsection (3) as if the error had not occurred.
- (8) An elector is only entitled to one vote in a particular election (and so an elector who is entitled to vote in more than one ward is still only entitled to one vote in an election for the area of the council as a whole).
- (9) A natural person cannot vote at an election or poll for another natural person pursuant to a power of attorney.
- (10) If a natural person has two or more entitlements to vote at an election or poll under this section, the provisions of this Act will be construed so that they apply to the person distinctively in relation to each such entitlement.

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Local government elections

The [Local Government Act 1993](#) establishes the framework for the conduct of local government elections. The [Tasmanian Electoral Commission](#) conducts elections on behalf of councils.

A feature of Tasmanian local government elections is the now exclusive use of postal voting.

Tasmania was the first state to introduce postal voting for local government elections when it was trialled in the 1994 and 1996 elections. The rate of return of postal votes in these elections was 55% and 60% respectively, which is regarded as a good participation rate for a non-compulsory vote.

Under the previous polling booth system the participation rate was generally less than 25%.

The State Government therefore legislated to make universal postal voting the only means by which council elections are to be conducted. Part 15 of the [Local Government Act 1993](#) deals with postal voting.

Recent elections have been held in October 2000, October 2002, October 2005 and October 2007. Past results are available from the [Tasmanian Electoral Commission](#). The rate of return in these elections was 57.78%, 57.48%, 58.52% and 57.43% respectively.

In April 2000 the Local Government Board reported to the Premier on a State-wide review of the method of election for council mayors and deputy mayors. The board recommended that the offices of mayor and deputy mayor for all Tasmanian councils be filled by election of the electors in each municipal area.

The State Government accepted the recommendations and amended the [Local Government Act 1993](#) with the changes taking effect on 14 July 2000 and applicable to the October 2000 and subsequent elections.

In the lead up to the 2000 elections the Local Government Division and [Women Tasmania](#) conducted a "[Women into Local Government](#)" project to encourage a greater involvement and representation of women in local government. Prior to the 2002 elections the Local Government Division and the [Office of Youth Affairs](#) undertook a project to increase the awareness of local government amongst young people.

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Participating as a voter

The entitlement to be enrolled and vote in a council election is restricted to people who are residents or ratepayers of the municipality. People who are entitled to vote are listed on the council's voters' roll and are entitled to vote for a councillor to represent their ward or district.

The exact voting procedure will depend on whether the council has decided to conduct an election entirely by postal voting or whether the election will be predominantly by attendance voting at voting centres.

A voter in a council election must be at least 18 years of age by the election day and must be entitled to be enrolled on the voters' roll. To be entitled to be enrolled a person must qualify as a "resident" or as a "ratepayer".

Enrolment as a resident

For council elections, a "resident" is a person who is enrolled on the state electoral roll for an address in the council area. (State rolls are maintained by the Victorian Electoral Commission)

Residents of a municipality who are Australian citizens must apply to the Australian Electoral Commission or the Victorian Electoral Commission to be enrolled on state rolls. Once on the state roll, they will then automatically be enrolled for council elections.

A state elector must be an Australian citizen (or a British subject who was on an Australian electoral roll on 26 January 1984). The address for which a state elector is enrolled must have been the person's principal place of residence for at least one month prior to application.

Enrolment as a ratepayer

For council elections, "ratepayers" are owners or occupiers of rateable property in the council area. (Lists of ratepayer voters are compiled by the relevant councils.)

The council will generally enrol the owner of the property without requiring an application. There are exceptions to this:

- if there are more than two owners, a maximum of two can be enrolled

- if an owner is a corporation the council will not automatically enrol it. A corporation can apply to enrol one of its directors or company secretaries as a voter
- if an owner lives at the property the council will not automatically enrol them because they will normally be on the State electoral roll. A resident owner, who is not on the State roll, can apply for enrolment on the council roll

Note: The following properties do not give rise to an enrolment entitlement: properties that are only single vehicle car parks, single boat moorings or lockable storage units with floor areas not exceeding 25 square metres.

Some occupiers of rateable property are required to pay council rates as a condition of their lease. They may apply for enrolment on the council roll as ratepayers.

- owners and occupiers may not both be enrolled for the same rateable property. If occupiers are enrolled, owners will not be enrolled for the property
- no more than two occupiers can be enrolled for a single rateable property
- the enrolment of occupiers is subject to written agreement from the owner(s) unless council rate notices are addressed directly to the occupiers

Applications for enrolment by ratepayers and enrolment appointments by corporations are valid for a single term of the Council. Before the next election the council will send a letter to each person or corporation whose enrolment is due to expire, advising them how they can re-enrol if they are still eligible. All enrolment applications must be lodged by the entitlement day. Refer to [Conducting Elections](#).

Enrolment arrangements for Melbourne City Council are different. Contact [the council](#) for details.

One enrolment only

A person can only be enrolled once in a council area, even if the person has entitlements in more than one ward.

- if a person is on the state electoral roll for an address in the municipality he or she will only be enrolled for that address, irrespective of any other entitlement
- if a person owns more than one property he or she can only be enrolled for one of those properties.
- a person can not apply for enrolment as an occupier or a corporation representative if he or she is enrolled as a resident or as an owner

Silent voters

put their personal safety or their family's safety at risk.
Applications to be silent voters need to be made to:

- The Victorian Electoral Commission if the voter is enrolled on the state electoral roll as a resident of the council area, or to
- The Chief Executive Officer of the council if the voter is enrolled as a ratepayer of the council

The voters roll

The voters roll names all those people eligible to vote at a council election. It is prepared by a "Registrar" who is generally a person appointed by the electoral commission conducting the election, but may be the Chief Executive Officer of the council.

Before the final roll is prepared, the registrar will prepare an exhibition roll for public exhibition. The registrar will advertise stating where exhibition roll can be inspected and the closing date for inclusions and amendments to the roll. The advertisement will include information about how to enrol or correct enrolment details on the roll.

To protect individual privacy, access to voters' rolls is strictly limited by legislation and penalties may apply if rolls are accessed or used contrary to the Local Government Act.

- Candidates may obtain copies of the voters roll for election campaigning, but subject to strict conditions and a requirement that all copies be returned or destroyed afterwards
- A council may use the voters roll in connection with an election or for communicating with or surveying constituents about council matters
- The privacy commissioner may also allow use of a voters roll for a purpose deemed to be in the public interest. This is subject to application and, again, strict conditions apply

An individual can access his/her own details on a voters roll under privacy legislation. If you require information about your personal enrolment records at the council, you may need to make your request in writing to the Chief Executive Officer.

Voting process

Local council elections can be conducted by either postal voting or attendance voting. Each council chooses its preferred method before each election. Since 1999, 88% of council elections have been by postal ballot.

Voting in postal elections

In a postal election, voting is conducted entirely by post. Voters are mailed ballot packs containing their ballot papers, instructions and information about the candidates. These are posted to the address at which voters are enrolled. Voters cast their votes by

- A ballot paper envelope
- A reply-paid envelope

Voters packs also include candidate statements and recommended preferences, which have been provided to the Returning Officer by each candidate.

To vote, a voter must

- complete the ballot paper
- place the completed ballot paper in the ballot paper envelope
- sign and date the declaration on the outside of the ballot paper envelope
- comply with any other instructions of the Returning Officer
- place the ballot paper envelope in the reply paid envelope and return it to the Returning Officer

If voters have changed address after the entitlement date or can't collect their mail when ballot packs are mailed out, they can apply to have their ballot pack redirected to another address.

Applications for redirection must be received by the close of nominations. After the close of nominations, voters can request an early postal vote if they have a good reason for requiring it.

Voting in attendance elections

In an attendance election, most people vote at voting centres on election day. The locations of voting centres are advertised in local papers and from the [Victorian Electoral Commission](#) before elections.

When you arrive at the voting centre, an election official will ask you for your name and address and whether you have already voted in the election. If you are eligible to vote the electoral roll will then be marked and you will be given a ballot paper, which contains voting instructions. You should complete the ballot paper and place it in a ballot box at the voting centre.

Early voting

You can vote before election day by visiting an early voting centre. Early voting is possible from the day after the close of nominations until the day before the election.

Voting by post

If you wish, you can apply to the returning officer for a postal vote.

Information about early voting and postal voting will be advertised in local newspapers and from the [Victorian Electoral Commission](#) before elections.

Failure to vote

Voting in council elections is compulsory for all residents aged under 70 who are listed on the voters roll. Residents on the voters

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MAYOR'S MINUTE 21/2007

SUBJECT:	Abolishment of Council Bi-election
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DATE:	5 April, 2007	FILE NO:	F2004/06584
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REPORT BY: MAYOR

INTRODUCTION:

Councillors are seldom full time representatives and during a Council four year term, circumstances may occur which force a Councillor to seriously consider leaving the Council, or even compulsory vacating his/her seat. Some of these reasons might be career based, breakdowns in relationships, bankruptcy, criminal activity, movement of residence or even partners or family being promoted, transferred or relocated.

Two instances have arisen in recent weeks regarding different methods of replacing representatives in multi member electorates.

In the case of a recent death of a Senator, the political party losing the Senator will nominate the replacement without the need for a bi-election. This is the same procedure that is in place for vacancies in the NSW Upper House and for most other multi member systems throughout the world.

In contrast at Waverley Council, a forced vacancy in the Waverly ward will be filled by a bi-election next month which may cost Waverley Council up to \$50,000 to stage.

At Randwick, where wards are much larger the cost of a similar contested bi-election in one ward is estimated to be close to \$80,000.

In Tasmania, under the Hare-Clark system, a vacancy is filled by recounting the original ballot, disregarding the person originally elected who is no longer available.

There is a strong case to do away with bi-elections in local government. This can be easily achieved by registered political parties nominating replacements and by independents being replaced by the next person who would have been elected.

FINANCIAL IMPACT STATEMENT:

There is no direct financial impact for this matter.

RECOMMENDATION:

That Council approach the Minister for Local Government requesting the abolition of bi-elections in multi member wards by filling vacancies by political party nomination, or in the case of independents, by recounting the original ballot.

ATTACHMENT/S:

Nil

.....
PAUL TRACEY
MAYOR

.....

Section omitted by resolution of the Committee.



Postal voting and electoral fraud

Standard Note: SN/PC/03667

Last updated: 21 January 2009

Author: Isobel White and Mo Moulton

Section: Parliament and Constitution Centre

There have been many allegations of electoral abuse since the introduction of postal voting on demand in 2001. This note gives a brief history of postal voting including the piloting of all-postal pilots at local and European Parliamentary elections. Further information about all-postal voting can be found in Library Standard Note SN/PC/2882. The different election offences are outlined and the note explains the means of challenging an election result by election petition. There is a chronology of recent developments including allegations of postal vote fraud at recent elections and subsequent court cases. Details of the provisions of the *Electoral Administration Act 2006* to increase the security of postal voting are also given.

Following an application to initiate a monitoring procedure to investigate electoral fraud in the UK, the Council of Europe Parliamentary Assembly's Monitoring Committee authorised a fact finding visit in February 2007. The opinion of the rapporteurs, which was published on 22 January 2008, was that 'the electoral system in Great Britain is open to electoral fraud' but 'despite the vulnerabilities in the electoral system, there is no doubt that elections...are conducted democratically'. The Committee did not recommend opening a monitoring procedure at present but proposed that this should be initiated if 'the vulnerabilities noted are found to undermine the overall democratic nature of future elections'.

On 28 April 2008 the Joseph Rowntree Reform Trust published a report, *Purity of elections in the UK: causes for concern*. The report concluded that there has been a decline in public confidence in the electoral process and that there is a widespread view that 'a fundamental overhaul of UK electoral law, administration and policy is urgently required'.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

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1 History of postal voting

Voting at elections originally took place by way of a public show of hands or by a public ballot. The right to vote by secret ballot was introduced by the *Parliamentary and Municipal Elections Act 1872*. After this voting took place at polling stations where voters marked their votes in secret and placed their ballot papers in a closed box.

Absent voting was first introduced for the immediate post-war period in 1918 for servicemen and others debarred 'by reason of the nature of their occupation...from voting at a poll' by the *Representation of the People Act 1918*. The armed forces still serving overseas at the end of World War I were entitled to vote by post, and permanent arrangements were made for proxy voting by servicemen. The *Representation of the People Act 1945* again made temporary provision for postal voting by service voters. Postal voting was not extended to civilians until 1948 when the *Representation of the People Act 1948* granted postal voting facilities to both service personnel and to certain groups of civilians including those who were physically incapacitated, those unable to vote without making a journey by sea or air or because of the nature of their occupation, and those who were no longer residing at their qualifying address. All had to provide an address in the UK to which ballot papers could be sent. Service personnel could, alternatively, vote by proxy if they were likely to be at sea or abroad on polling day.

In 1983, in its review of electoral law, the Home Affairs Select Committee criticised the categories of absent voters who were allowed to vote by post. The Committee made clear that they would not wish absent voting facilities to be made available to everybody on demand but recommended that 'the Home Office should review the existing criteria for eligibility for absent voting facilities, and in particular we suggest that it would be permissible to apply for a postal vote due to absence "by reason of employment", without the necessity to distinguish between one type of employment or another.'¹ The Committee also called for voters absent on holiday to have the right to apply for a postal vote. The Government responded to the Committee's report in January 1984.² The Government expressed some concern at the increased opportunities for abuse offered by absent voting (especially postal voting) and in particular by the standing arrangements made for those allowed and absent vote for an indefinite period. The Government's proposals were summed up as follows:

First, apart from service voters and electors resident abroad, the right to apply for an absent vote for an indefinite period should in general be confined to those who are unable or likely to be unable to vote in person on polling day (or to vote unaided) through blindness or other physical incapacity. (The special arrangements for those unable to reach the polling station from their qualifying address without a sea or air journey would continue unchanged).

Second, the right to apply for an absent vote at a particular Parliamentary, European Parliament or local election in Great Britain should be extended to all those who for whatever reason are unable or likely to be unable to vote in person on polling day. This would benefit holiday makers, people who are away in the course of employment and all other electors who although prevented from voting in person on polling day may not apply under existing provisions.³

¹ *Representation of the People Acts*, Report of the Home Affairs Select Committee, HC 32 1982-83, para 54

² Cmnd 9140

³ Cmnd 9140, paras 3.11-12

The *Representation of the People Act 1985* made provision for these extensions to the right to absent voting. The proposals did not apply to Northern Ireland where there was already widespread concern, shared by the Government, at the extent and nature of electoral abuse, including the abuse of postal voting. Further amendments were made to the rules governing absent voting in the *Representation of the People Act 1989*.

By 1999 the system of postal and proxy voting for those unable to vote at polling stations was seen as cumbersome and complex. The Working Party on Electoral Procedures chaired by George Howarth, Minister of State at the Home Office, published its report in October 1999. The working party recommended that

- Absent voting should be allowed on demand
- The application and voting procedures for absent voting should be simplified

The subsequent *Representation of the People Act 2000* implemented the Howarth report's recommendations. The *Representation of the People (England & Wales) Regulations 2001* introduced from 16 February 2001 the changes to the absent voting arrangements.⁴ The main change was to allow postal voting on demand. It is now no longer necessary to state a reason for applying for an absent vote, or to obtain attestation of illness etc from a medical practitioner or employer. Applications may be requested and allowed for an indefinite period, a definite period, or a particular election.

2 All-postal voting

The *Representation of the People Act 2000* made provision for postal voting on demand and also allowed local authorities to apply for permission to pilot a range of new electoral arrangements for local elections. A total of 32 authorities ran 38 pilot schemes in May 2000. In a review of these pilots the Local Government Association found that all-postal voting was the only new electoral arrangement to have significant potential for increasing local election turnout.⁵

In 2003 there were further pilots to test alternative voting methods at local elections. The Electoral Commission published an evaluation of these pilots in July 2003. *The Shape of Elections to Come: a strategic evaluation of the 2003 electoral pilot schemes* found that all-postal schemes were effective at boosting participation rates and concluded that all-postal elections were ready to be made available at all local government elections in Great Britain (the form of local elections in Scotland is a devolved matter). Although the Commission recommended that all-postal voting should be made available at all local elections, it also sought measures that would increase the security of postal voting generally:

- There should be a new offence of intending fraudulently to apply for a postal or proxy vote, with a maximum penalty of imprisonment;
- The law on undue influence should be revised to clarify the nature of the offence;
- Specified secrecy warnings should be included in postal and proxy voting literature;

⁴ There are similar regulations for Scotland and Northern Ireland. However the postal voting changes did not take place in Northern Ireland due to continuing concerns about electoral abuse. For more information about elections in Northern Ireland see Library Research Paper 05/15, *The Electoral Registration (Northern Ireland) Bill [HL]*, available at <http://www.parliament.uk/commons/lib/research/rp2005/rp05-015.pdf>

⁵ *Elections – the 21st Century Model: an evaluation of May 2000 local election pilots*. Local Government Association, 2000

- Police should be able to arrest a person on suspicion of personation at any location, not just at a polling station, as at present;
- The court should be able to extend the period in which a prosecution must be brought by up to 12 months, where the prosecution has demonstrated all due diligence;
- A random audit process should be used after significant elections, to check for fraud;
- The Commission should develop a Code of Practice in relation to the handling of postal ballots by representatives of political parties, with the option of legislation, should self-regulation be ineffective.

The Commission also considered that an integral component of all-postal elections would be a move to individual, rather than household, registration.

The Government responded to these recommendations in September 2003 and accepted 'as a basis for consultation, the broad thrust of the Commission's recommendations for all-postal voting to be rolled out generally for local elections in England and Wales.'⁶

2.1 The European Parliamentary and Local Elections (Pilots) Act 2004

Legislation was introduced to allow the piloting of all-postal voting at the combined European and local government elections on 10 June 2004. Christopher Leslie, Parliamentary Under-Secretary of State for Constitutional Affairs, moved the second reading of the Bill on 21 October 2003. He said:

The Bill's purpose is to allow continuation of the government's successful programme of piloting innovative electoral processes – including all-postal voting, electronic voting and other electoral innovations – at the forthcoming European elections and, where they are held, at local elections next year. Piloting new voting mechanisms is not done for its own sake. It is innovation for a purpose: to engage the maximum number of voters in the elections, and to make their participation more easy and convenient.⁷

The Bill is considered in detail in Library Research Paper 03/76.⁸ Briefly, it provided for pilot schemes to take place in selected regions in the 10 June elections. The Bill also ensured that the Electoral Commission would make a full report on the pilot schemes; extended the power of arrest for personation and prevented by-elections in other types of election from taking place within a set period of the European elections. The Electoral Commission was consulted by the government on the location of the all-postal pilots. The Government announced on 16 December 2003 that it would be taking forward the Commission's recommendations to hold all-postal pilots in the North East and the East Midlands regions. On 21 January 2004 the Government added a further two regions, the North West and Yorkshire & the Humber. There was opposition to this in the House of Lords where there was much concern about the possibilities of electoral malpractice. The Bill 'ping-ponged' between the two Houses until the Commons eventually accepted a Lords amendment which made provision for all postal ballot papers to be accompanied by a declaration of identity which had to be signed by a witness. The Commons refused to reduce the increased number of pilot regions from four to two. The Bill received Royal Assent on 1 April 2004.

⁶ *The Government's response to the Electoral Commission's report: The Shape of Elections to Come – a strategic evaluation of the 2003 Pilot Election Schemes*, Cm 5975

⁷ HC Deb Vol 411c510

⁸ Available at <http://www.parliament.uk/commons/lib/research/rp2003/rp03-076.pdf>

2.2 European Parliament and local elections June 2004

The timing of Royal Assent to the *European Parliamentary and Local Elections (Pilots) Act 2004* only ten weeks before the elections and the late publication of the relevant regulations meant that the electoral administrators had limited time to prepare for the all-postal pilots. There were allegations of delays in delivering postal ballot papers and of electoral fraud involving postal votes. In an Opposition Day debate on the electoral system after the European Parliament and local elections earlier in the month, Alan Duncan drew attention to these allegations:

The greatest problem with all-postal ballots lies in the loss of confidence caused by the massive scope that exists for electoral malpractice. Under the traditional system, there was perhaps a minor chance that someone would be able to impersonate someone else, and exercise another person's right to vote. Under all-postal voting, there is massive scope for fraud and undue influence. It is, at every turn, open to fiddles. So much can go amiss between the ballot paper being sent out by the returning officer and it coming back to him. Votes can be gathered up when lying on the doorstep or in flats.⁹

Christopher Leslie, Parliamentary Under-Secretary of State for Constitutional Affairs, responded to the allegations:

The question of fraud and malpractice has not only excited the Opposition, but garnered many column inches in the press. However, I do not believe that the allegations have been fully scrutinized to assess whether they stand up, so I welcome the opportunity once and for all to deal with this important issue. The various media reports of a small number of voters being bullied or put under duress to cast their ballot continued throughout the last week of the election. It is vital for elections both to be secure and to be seen to be secure, and for any evidence of malpractice to be reported to the police straight away.¹⁰

Turnout in the four all-postal pilot regions in the European Parliamentary elections more than doubled from that in the previous elections in 1999. In a Written Ministerial Statement Christopher Leslie said that 'the all-postal pilots have shown, on a significantly larger scale than ever before, that a system in which a postal vote is automatically given to every elector positively encourages participation.'¹¹

On 27 August 2004 the Electoral Commission published evaluation reports on the all-postal pilots and a report on the future of postal voting, *Delivering democracy? The future of postal voting*. The Commission had found that there had been an increase in the take up of postal voting outside the pilot regions; in three, London, the West Midlands and the South West, the take up had doubled since the 2001 general election. The Commission said it was not yet able to conclude whether the increased use of postal voting had led to an increase in fraud or malpractice but there was no evidence to date which suggested any widespread abuse of postal voting either within or beyond the pilot regions. However the Commission recommended that all-postal voting should not be used in the future at UK statutory elections. The key issue being that all-postal voting deprived voters of any choice in voting methods.

⁹ HC Deb Vol 422c 1209

¹⁰ Ibid c1219

¹¹ HC Deb Vol 422 c72WS

2.3 ODPM Housing, Planning, Local Government and the Regions Committee: report on postal voting, seventh report 2003-04

The Committee's report was published on 20 May 2004.¹² The Committee had examined the question of electoral security in some detail, especially the concern that all-postal voting would lead to increased incidences of fraud, in particular personation. The Committee proposed a number of measures to deal with electoral offences and urged the Government to introduce legislation to provide for individual rather than household registration following the recommendation from the Electoral Commission to ensure an accurate and secure register. The Government's response to the Committee's report was published in August 2004.¹³ The Committee had recommended that any extension to all-postal voting must be accompanied by a move to individual registration and called on the Government to legislate for this at the earliest opportunity. The Government stated in its response that it was intending to consult further about individual registration but added

We agree with the Committee that if individual voter registration is introduced in Great Britain, it is essential that the transition be managed well. The experience of Northern Ireland in making this transition will be useful in guiding the process and ensuring that everyone who is eligible to vote is on their local electoral register.¹⁴

On 16 September 2004 the Committee published a follow-up to its seventh report on postal voting.¹⁵ After the all-postal pilots of 10 June 2004 the Committee had re-opened its inquiry and had written to each of the Regional Returning Officers and Local Returning Officers involved in the pilots and asked them for their observations. The Royal Mail and the Association of Electoral Administrators were also consulted. Despite press reports of increased fraud the Returning Officers reported little difference from experiences in the pilot all-postal ballot to the level of such allegations in a traditional poll.

2.4 All-postal ballot for the referendum for a North East Regional Assembly

Although the Electoral Commission had recommended in its report *Delivering democracy? The future of postal voting* that all-postal ballots for statutory elections and referendums should not be used, it concluded that the referendum in the North East region should proceed as an all-postal ballot. The Commission stated that in reaching this view it had been influenced by the fact that the referendum process was already underway and that there were a number of factors specific to this referendum. These included the voters' and election administrators' experience of all-postal ballots in the North East; the lack of evidence of electoral fraud in the all-postal ballots in June 2004; the improvements to the form of all-postal voting defined in law for the referendum, especially the removal of the need for a witness to sign the security statement, and the discretion given to counting Officers to provide additional Assistance and Delivery points for voters.

¹² HC 400, 2003-04

¹³ *Government response to and Electoral Commission's observations on the Committee's seventh report, Session 2003-04, postal voting*. ODPM Committee first special report 2003-04, HC 973, 6 August 2005.

¹⁴ *Ibid*, p6

¹⁵ HC 400-IV 2003-04

3 Electoral offences

The main electoral offences as set out in the *Representation of the People Act 1983* are as follows. The Act largely consolidated the offences from nineteenth century legislation and defined them as corrupt practices.

3.1 Undue influence

Section 115 of the *Representation of the People Act 1983* states that an individual is guilty of undue influence if he directly or indirectly, makes use of or threatens to make use of force, violence or restraint, or inflicts or threatens to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent the free exercise of the franchise of an elector.

3.2 Personation

Section 60 of the *Representation of the People Act 1983* states that a person is guilty of personation if he votes as someone else (whether that person is living, dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the individual voting can be deemed guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force. Vote – rigging is personation on a larger scale. The basic technique has been described as follows. Vote-riggers consult the marked registers which are available locally after every election and which show who has voted. The vote-rigger notes the names of those who never seem to vote and applies for postal votes in their names. The postal ballot papers do not have to be sent to the voter's home address so these can be directed to the vote-rigger at another address.

3.3 Bribery

Under Section 113 of the *Representation of the People Act 1983* a person is guilty of bribery if he directly or indirectly, by himself or by any other person on his behalf gives any money or procures any office to or for any voter, in order to induce any voter to vote or refrain from voting.

3.4 Treating

Section 114 of the *Representation of the People Act 1983* states that a person is guilty of treating if either before, during or after an election, he, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision in order to influence corruptly any voter to vote or refrain from voting. Any elector or his proxy who accept such food, drink, entertainment or provision is also guilty of treating.

4 Election petitions

A Parliamentary election can only be questioned by a petition complaining of an undue election or undue return presented in accordance with the procedure laid down by Part III of the *Representation of the People Act 1983*. An election petition can be presented by:

- a person who voted as an elector at the election or had a right so to vote;
- a person claiming to have had a right to be elected or returned at the election; or

- a person alleging himself to have been a candidate at the election.¹⁶

The Member whose election or return is complained of must be a respondent to the petition, and if the petition complains about the conduct of the (Acting) Returning Officer or their staff during the election, the (Acting) Returning Officer is deemed to be a respondent.

The petition must be issued within 21 days after the date of the return of the Writ (which in most cases will be the day after the election) and can be issued at any time up to, but no later than, midnight on the last day. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward that has taken place since the election, or an illegal practice relating to election, further time may be allowed.

The petition itself should follow the form prescribed by the *Election Petition Rules 1960*, and include the following information:

- in which capacity the petitioner or petitioners present the petition;
- the date and result of the election in question and, in the case of a Parliamentary election, on which the return was made to the Clerk of the Crown;
- the date from which the time for lodging the petition is calculated, if not within 21 days;
- the grounds on which relief is sought; and
- the relief claimed.

The petition must be signed personally by each petitioner. The petition must be presented together with three copies at the elections petitions office at the Royal Courts of Justice (or the Petitions Office of the Court of Session in Edinburgh). A copy will be sent to the Returning Officer of the constituency to which the petition relates and he has a duty to publish it in the constituency.

37 election petitions were issued between 1997 and May 2005. A written parliamentary question answered on 24 May 2005 gives details of the grounds and results of the petitions.¹⁷ A petition was lodged on 31 May 2005 by the Respect party challenging the general election result in the constituency of Birmingham Sparkbrook and Small Heath.¹⁸ The petition was later withdrawn after Salma Yaqoob, the Respect candidate, failed to secure legal aid. A number of petitions have been issued following the local elections of May 2006. After an election petition presented by the Labour Party the High Court has ordered a recount of the election in Kingstanding ward in Birmingham where the BNP candidate, Sharon Ebanks, was declared elected in May 2006. The Returning Officer realised that a substantial number of votes for Ms Ebanks must have been double counted as the total number of votes cast was considerably more than could have been cast on the number of ballot papers issued at the election.¹⁹

¹⁶ *Representation of the People Act 1983* Section 121 (1)

¹⁷ HC Deb Vol 434 c89W. Available at http://www.publications.parliament.uk/pa/cm200506/cmhansrd/cm050524/text/50524w13.htm#50524w13.html_sbhd4

¹⁸ Poll challenged over postal votes, *Times*, 1 June 2005

¹⁹ Court orders recount of poll which elected BNP, *Birmingham Post*, 8 June 2006

5 Election Courts

Election courts are held when a petition is issued following an election, whether parliamentary or local. Election courts to hear petitions relating to parliamentary elections were established in the nineteenth century, as the Commons ceded the power to investigate disputed results to the courts.

The trial of a petition takes place in open court without a jury, and is tried by two judges who are on a rota for the trial of parliamentary election petition. This is known as an election court under s123 of the *Representation of the People Act 1983*. An election court has the same powers, jurisdiction and authority as a judge of the High Court and is a court of record.²⁰

Procedures are slightly different for an election court in relation to a local government election. The election court here consists of a person who has a ten year High Court qualification, within the meaning of s71 of the *Courts and Legal Services Act 1990*. But that person may not hear a petition relating to any local government area in which he resides or practises.²¹ The judges who are on the rota for parliamentary elections appoint up to five qualified persons to act as commissioners for the trial of local government petitions, and assign the petitions to each commissioner.²² The election court has in general the same powers as for a parliamentary election court, but it is an inferior tribunal and subject to judicial review by the High Court. The relevant local authority must provide premises and meet expenses incurred in holding the court.

Under s144 (7) of the *Representation of the People Act 1983* the election court produces a certificate and report for the Speaker which is entered into the Commons Journal. The Commons is bound to give the necessary direction for confirming or altering the list or returns compiled after the general election, or to issue a writ for a new election or to "carry the determination into execution as the circumstances may require".

The *Political Parties, Elections and Referendums Act 2000* inserted s160 (4) and s173, which amended the procedures for when a Member is found guilty by an election court or through a criminal prosecution. There is now a three month suspension before the seat is vacated, to allow for an appeal. This followed the prosecution of Fiona Jones MP in 1999 for election expenses fraud.

An election court may report a person personally guilty of corrupt or illegal practices, resulting in disqualification from election or registration as an elector for periods up to five years. This applies also to local government elections. Under s160 of the RPA, a report from the election court is sent to the Director of Public Prosecutions. Under s181 the DPP must make relevant inquiries when presented with information about alleged election offences. For example an election petition held for the Belfast West constituency in 1992 found Joseph Hendron's election agent guilty of illegal practices and the court held that he 'may be liable to criminal conviction for allegation 3 (breach of s110 of RPA)' which was not an illegal offence.²³ The DPP has the power under s171 of the RPA to rule that the prosecution for a corrupt practice be held in a crown court, and a person charged with a corrupt practice can choose to be tried by jury rather than summarily before an election court.

²⁰ In England they are basically the same as a Divisional Court of the Queen's Bench Division of the High Court. In Northern Ireland petitions are heard by the High Court. In Scotland they are heard by the Court of Session

²¹ S130 of the RPA, as amended by S 71 Schedule 10, para 50 of the *Courts and Legal Services Act 1990*

²² S130(3) of the RPA as amended

²³ *In re Parliamentary election for Belfast West Constituency on 9 April 1992 Mc Grory v Hendron and another* High Court 22 February 1993

An election court hearing a petition under the *Local Government Act 1972* may either declare an election void and order a new election to be held, or declare that another candidate has been elected. It must certify in writing the court's determination to the High Court. If the petition alleged corrupt or illegal practices had been committed, the court must make a report on that matter to the High Court.²⁴ Where there is a vacancy following the decision of the election court, a new election must be held to fill the vacancy in the same manner as on a casual vacancy.²⁵

The petitioner on an election petition may challenge an election by asking for a scrutiny of the counted votes. The court has the power to order production of the counted, tendered and rejected ballot papers.²⁶ A full scrutiny was undertaken following the Winchester election in 1997. An account of the process is given in the Association of Electoral Administrators' *Arena* periodical for 1997.

Standard Note 1526 *Election Petitions* gives examples of famous election petitions in relation to parliamentary elections. The Winchester Election Petition of 1997 remains the most recent election court decision which resulted in the rerun of an election for the Commons. In 1999 Fiona Jones MP was initially convicted in 1999 for election expenses fraud, but the conviction was later overturned on appeal and she did not have to vacate her seat. As the Note explains, the law was clarified to allow temporary retention of a post until an appeal could be held.

The case illustrated how it is possible to overturn an election result by using the route of criminal prosecution under s176 of the RPA, which allows for a prosecution to be made up to a year after the election. In contrast, election petitions generally must be brought within 3 weeks of the poll and can only be brought by a losing candidate or an elector for the relevant area. The election petition route is also very costly, and petitions are generally brought only by large political parties which can underwrite the costs. The interaction between the petition/election court and the criminal prosecution route is complex and reflects the antiquity of the election court process, which was derived from attempts to 'clean up' elections in the nineteenth century.

Local election petitions are more common, partly because elections in wards may be won by a handful of votes and so parties have an incentive to overturn results.

On the Crown Prosecution Service's website there is a page giving advice about prosecutions concerning electoral offences.²⁷ When a complaint is made to the DPP that an electoral offence has taken place then it is his duty under Section 181 of the *Representation of the People Act 1983* to 'to make such inquiries and institute such proceedings as the circumstances appear to require. If the primary information indicates that an election offence may have been committed police enquiries will normally be requested. Those enquiries will normally be confined to the taking of statements from the complainant and the returning officer and an interview with the alleged offender'.

²⁴ S 158 and s160 of the RPA 1983

²⁵ S135 of the RPA 1983

²⁶ Provision is made in the various election rules, such as the Parliamentary Election Rules, or the Local Government (Principal Areas) Rules 1986

²⁷ http://www.cps.gov.uk/legal/section12/chapter_i.html#_Toc3005474

6 Council of Europe Parliamentary Assembly Committee report

On 28 June 2006 David Wilshire MP tabled a motion entitled “Application to initiate a monitoring procedure to investigate electoral fraud in the United Kingdom” at the Council of Europe Parliamentary Assembly.²⁸ A decision to appoint two rapporteurs to carry out a fact finding visit to the UK was taken by the Monitoring Committee at its meeting in Yerevan, Armenia on 16 October 2006.²⁹ The rapporteurs’ report is available on the Council of Europe’s website.³⁰ The full text of the Council of Europe Parliamentary Assembly (PACE) press release announcing the report is copied below:

Strasbourg, 22.01.2008 – The voting system in the United Kingdom is open to fraud, and while it delivers democratic elections, this is despite vulnerabilities in the system which should urgently be addressed, according to a committee of the Council of Europe Parliamentary Assembly (PACE).

In an opinion made public today, PACE’s Monitoring Committee said 2006 changes to the postal voting system had enhanced security, but shortcomings remained. In particular, registering voters without personal identifiers – such as date of birth or national insurance number – made it “childishly simple” to register bogus voters, the parliamentarians said. Postal voting then provided the anonymity to carry out fraud without detection.

The opinion’s authors, former German Justice Minister Herta Däubler-Gmelin (SOC) and Polish Senator Urszula Gacek (EPP/CD), urged the introduction across the UK of the electoral system used in Northern Ireland since 2002, and strongly recommended that the checking of personal identifiers on all returned postal ballots be made mandatory before the next elections. They also recommended that party activists should no longer be allowed to handle postal ballots.

The UK should not face a full PACE monitoring procedure at this stage, the committee concluded – but special attention should be paid to these outstanding vulnerabilities during periodic monitoring reports on the UK. If they are not addressed, and start to have an impact on the overall democratic nature of British elections, a full monitoring procedure should again be considered.³¹

In response to a Parliamentary Question about whether the Government would issue a formal response to the opinion of the rapporteurs of the Council of Europe Parliamentary Assembly’s Monitoring Committee, the Minister of State, Bridget Prentice, said:

The Government have noted the Committee’s findings, and that it has not recommended opening a monitoring procedure with respect to the United Kingdom. I understand that the opinion will now be considered by the Bureau of

²⁸ Council of Europe motion for a resolution, *Application to initiate a monitoring procedure to investigate electoral fraud in the United Kingdom*, Doc 10993, 28 June 2006,

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc06/edoc10993.htm>

²⁹ Council of Europe press release, *Council of Europe parliamentarians to assess alleged electoral fraud in the United Kingdom*, 17 October 2006,

<http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ID=546>

³⁰ Council of Europe Parliamentary Assembly, *Application to initiate a monitoring procedure to investigate electoral fraud in the United Kingdom*, AS/Mon (2007) 38,

http://www.assembly.coe.int/CommitteeDocs/2008/electoral_fraud_UK_E.pdf

³¹ Council of Europe press release, *PACE committee says UK electoral system ‘open to fraud’, urges further changes to postal voting and voter registration*, 22 January 2008,

http://www.coe.int/t/dc/press/noteRedac2008/20080122_ap_en.asp

the Parliamentary Assembly of the Council of Europe, and the Government will await the outcome of the Bureau's consideration of the opinion before deciding whether it would be appropriate to issue a formal response to the opinion.³²

7 Joseph Rowntree Reform Trust report, *Purity of Elections*

On 28 April a report was published by the Joseph Rowntree Reform Trust which examined the integrity of the electoral system in the UK. The author of *Purity of Elections in the UK: Causes for Concern*, Stuart Wilks-Heeg, said in his preface that the report had been commissioned 'to review the extent to which there is evidence of electoral principles and processes being undermined in the UK.'³³

Wilks-Heeg's key findings were as follows:

- Experienced election observers have raised serious concerns about how well UK election procedures measure up to international standards.
- There have been at least 42 convictions for electoral fraud in the UK in the period 2000–2007.
- Greater use of postal voting has made UK elections far more vulnerable to fraud and resulted in several instances of large-scale fraud.
- There is widespread, and justifiable, concern about both the comprehensiveness and the accuracy of the UK's electoral registers – the poor state of the registers potentially compromises the integrity of the ballot.
- There is a genuine risk of electoral integrity being threatened by previously robust systems of electoral administration having reached 'breaking point' as a result of pressures imposed in recent years.
- Public confidence in the electoral process in the UK was the lowest in Western Europe in 1997, and has almost certainly declined further as a result of the extension of postal voting.
- The benefits of postal and electronic voting have been exaggerated, particularly in relation to claims about increased turnout and social inclusion.
- There is substantial evidence to suggest that money can have a powerful impact on the outcome of general elections, particularly where targeted at marginal constituencies over sustained periods of time.
- Outside of ministerial circles, there is a widespread view that a fundamental overhaul of UK electoral law, administration and policy is urgently required.³⁴

Wilks-Heeg commented that the current controversies about the integrity of elections in the UK 'are without precedent in recent British political history' and that during the past ten years views on electoral procedures have moved away from 'a broad consensus in favour of 'modernising' reforms to a highly polarised debate centred on competing claims about the extent of electoral malpractice and the degree to which ballot secrecy are being compromised.' His research and analysis into convictions for electoral malpractice over the

³² HC Deb 10 March 2008 c155W

³³ *Purity of Elections in the UK: Causes for Concern* by Stuart Wilks-Heeg, Joseph Rowntree Reform Trust, 2008. Available at <http://www.jrrt.org.uk/Purity%20of%20Elections%20in%20the%20UK.pdf>

³⁴ *Ibid*, p7

past 15 years suggested however that 'that there would not appear to be any specific patterns to these convictions; they are not restricted to a single political party, to specific geographical areas or to particular migrant communities.'³⁵ The majority of cases concerned elections in England and Wilks-Heeg noted that 'there is no denying that numerous convictions for electoral fraud since 2000 have concerned postal and proxy ballot fraud in specific inner-urban wards where a large concentration of voters originate from the Indian sub-continent' and he cited the cases in Oldham, Blackburn, Burnley and Birmingham.

The report also examined the effect of the *Biraderi* system on electoral practices in some British Asian communities. Wilks-Heeg acknowledged that this issue required further and more detailed research and that much of the existing knowledge depended heavily on largely anecdotal evidence but he noted that 'it has been widely suggested that the *Biraderi* system disenfranchises voters, given the combination of a patriarchal clan system and widespread 'use of postal voting, in which ballot papers are completed within the family home, or, in some cases, taken to a central facility (so called 'voting factories') for completion by party representatives.'³⁶

The report concluded that the rebuilding of public confidence in the electoral process is urgently required and attributed this loss of confidence to high profile cases of fraud; administrative shortcomings associated with the under resourcing of electoral administration, and the often unrealistic timescales for introducing changes to the electoral process.³⁷

8 Chronology

June 2003 The Electoral Commission published *Voting for change: an electoral law modernisation programme*. The Commission called for more robust security arrangements for absent voting and more effective tools for prosecutors, including new offences in relation to postal voting applications and electoral registration. The Commission also called for individual registration with new requirements for individual voter identifiers.

10 June 2004 European Parliamentary and local elections. All-postal voting took place in four pilot areas, the North East, the North West, Yorkshire & the Humber and the East Midlands.

August 2004 The Electoral Commission published *Delivering democracy? The future of postal voting*. The Commission recommended that all-postal voting should not be pursued for use at UK statutory elections and that there should be primary legislation as soon as possible to provide for an updated offence of undue influence in relation to postal voting and a new offence relating to the fraudulent completion of postal vote applications.

9 December 2004 The Government published its responses to the Electoral Commission's reports *Delivering democracy? The future of postal voting* and *Voting for change – an electoral law modernisation programme*.³⁸

3 April 2005 Sam Younger, chairman of the Electoral Commission, acknowledged that the large increase in postal voting at the general election could be open to abuse. Interviewed

³⁵ Ibid, p34

³⁶ Ibid, p35

³⁷ Ibid, p51

³⁸ *The Government's response to the Electoral Commission's report: Delivering democracy? The future of postal voting*, Cm 6436 and *The Government's response to the Electoral Commission's report: Voting for change – an electoral law modernisation programme*, Cm 6426

on GMTV's *Sunday Programme*, Mr Younger said that it was important that legislation was introduced as soon as possible after the general election to introduce new safeguards.

4 April 2005 Judgment announced in respect of the allegations of postal voting fraud in the Birmingham wards of Bordesley Green and Aston. Both elections were declared void. Richard Mawrey QC said that the evidence of electoral fraud 'would disgrace a banana republic.'³⁹

5 April 2005 The Minister for Local and Regional Government, Nick Raynsford, made a statement to the House of Commons on the judgment in respect of allegations of postal voting fraud in the Birmingham wards of Bordesley Green and Aston.⁴⁰

8 April 2005 Former Labour councillor on Blackburn Council, Mohammed Hussain, was jailed for stealing 233 people's postal votes in 2002. Hussain was given a sentence of 3 years and 7 months for tricking voters into handing over their blank ballot papers. The police said he had sent friends to collect postal ballots and then arranged a 'conveyor belt' at his home to put crosses next to his name. Judge Peter Openshaw said that he had no precedent for deciding Hussein's punishment because election fraud on such a scale had been unknown in Britain for 100 years.

10 April 2005 The *Sunday Times* reported that there were fears that there would be vote-rigging in the constituency of Blackburn. Craig Murray, an Independent candidate, said he had been approached by several people in the Asian community 'who are under huge pressure from Labour activists to apply for a postal vote...and then hand over their postal vote to the Labour party.'⁴¹

14 April 2005 John Owen, head of Birmingham's electoral services team, was suspended after the discovery of 1,000 uncounted postal votes from the city council elections in June 2004.

18 April 2005 The *Times* reported that the Liberal Democrat candidate for Leicester South had alleged that senior members of the Asian community in his constituency were putting pressure on voters to register for a postal vote and then instructing them who to vote for. Parmit Singh Gill said 'a number of people have told me that this is going on, but because of pressure not to bring shame on the community, none of these sources will come forward. I have no evidence to present to the authorities because no one will go on the record.'⁴²

21 April 2005 Mr Justice Collins rejected an application by John Hemming, the Liberal Democrat candidate for Birmingham Yardley, for a judicial review of the postal voting system. Mr Justice Collins said that the application was premature but he accepted that there were insufficient safeguards and that the next government would come under 'tremendous pressure' to tighten the postal voting rules.

A meeting was held at the Department for Constitutional Affairs on the same day of civil servants, returning officers, the chairman of the Electoral Commission and representatives of the Royal Mail and the police to discuss the risks of postal voting fraud at the general election. The DCA said that a public information campaign to warn voters of the risk of fraud

³⁹ Executive summary of judgement, available at <http://www.hmcourts-service.gov.uk/cms/2384.htm>

⁴⁰ HC Deb Vol 432 cc1274-1291

⁴¹ Could the election be won by fraud? *Sunday Times*, 10 April 2005

⁴² Fraud accusation sours contest, *Times*, 18 April 2005

would be stepped up and that 'all reasonable measures to identify and tackle potential fraud will be fully funded.'

26 April 2005 A statement on postal voting was issued by the Electoral Commission:

The Electoral Commission believes that the postal voting process needs to be strengthened and we have made a series of recommendations to improve the integrity of the system. We expect the Government to move quickly after the election to implement our recommendations.

In our view the key to providing the appropriate level of security lies in reform of voter registration. Collecting individual voter identifiers like a signature and date of birth at registration would enable them to be checked against postal vote applications and postal ballots.

Around 6 million electors have asked for a postal vote, and many of them have used postal votes before because they find this method more convenient for them. It would be wrong in our view to deprive them of that facility because we believe that there is enough awareness of the risks and that enough steps are being taken for postal voters to cast their ballot with confidence. Where any allegations arise, we are confident that Returning Officers and the police will respond robustly in order to ensure the integrity of the election.⁴³

3 May 2005 The Court of Appeal considered a challenge to the ruling by the election commissioner, Richard Mawrey QC, in Birmingham in April. The election of six Labour councillors in the wards of Bordesley Green and Aston had been declared void as a result of the ruling. The Court of Appeal cleared Muhammed Afzal of being personally guilty of corrupt and illegal practices involving postal voting in the ward of Aston. However the rulings against the other two councillors in Aston still stand.

12 May 2005 The *Times* reported that the police were conducting 25 inquiries in 19 constituencies, mostly into alleged postal ballot fraud in the general election.⁴⁴

17 May 2005 Following the general election the Government announced in the Queen's Speech that 'legislation will be brought forward to encourage greater voter participation in elections while introducing further measures to combat fraud and increase security'.

20 May 2005 The Electoral Commission published its report *Securing the vote*:

This report sets out a package of recommendations for change to the process of registering to vote and applying for, receiving and casting a postal or proxy vote, together with recommendations relating to the process of voting in person at a polling station. We believe that these changes are essential measures to secure the future of postal voting. We also regard it as essential that any changes to reform the foundations of electoral processes in the UK are realistically and appropriately resourced, in order that they can be implemented effectively and in a timely fashion.⁴⁵

25 May 2005 The Department for Constitutional Affairs published *Electoral Administration: a policy paper for discussion*. The Government asked for written responses to the paper to be submitted by 10 June 2005. In the foreword Lord Falconer stated that the Government

⁴³ http://www.electoralcommission.org.uk/files/dms/statement260405_17053-12290_E_N_S_W_.pdf

⁴⁴ Police forces across Britain investigate postal vote fraud, *Times*, 12 May 2005

⁴⁵ *Securing the vote*, Electoral Commission, May 2005, p1

believed that the recent general and local elections were safe and secure and had produced results that were fair and accurate. However, 'there were a number of issues, which arose during the course of the election, which may have raised issues of public confidence'. The Government aimed to introduce legislation as soon as possible to have as many of the proposed security measures in place for the local elections in May 2006 but also wanted to achieve as much consensus as possible on the proposals.⁴⁶

1 June 2005 The *Times* reported that the Respect candidate Salma Yaqoob had presented a petition seeking to overturn the election of Roger Godsiff in the constituency of Birmingham Sparkbrook and Small Heath. The constituency includes the ward of Bordesley Green where the local elections were declared void by an election court in April 2005. The *Birmingham Post* reported on 15 July 2006 that the Respect challenge to the election alleging widespread postal vote fraud had been withdrawn after Salma Yaqoob failed to secure legal aid to pursue the action.

11 October 2005 The *Electoral Administration Bill 2005-06* was introduced into the Commons. The Bill was intended to improve the overall administration and enhance the security of elections. For further details of the Bill see Library Research Paper 05/65.⁴⁷ The Bill introduced a new offence of falsely applying for a postal vote.

25 October 2005 Second reading of the *Electoral Administration Bill 2005-06*.

27 February 2006 The Electoral Commission and the Association of Chief Police Officers published guidance for local police forces on preventing and detecting voting fraud.⁴⁸

9 March 2006 The Representation of the People (England and Wales) (Amendment) Regulations 2006 made a number of amendments to the Representation of the People (England and Wales) Regulations 2001. Some of the provisions, which came into force before the local elections took place on 4 May 2006, aimed to improve the security of postal voting. The Department for Constitutional Affairs outlined these measures as follows:

- Reason to be given for re-direction of postal vote
- Closing date for applications for postal votes to be 11 days before the poll (applications for proxy votes still allowed up to six days before the poll)
- 'Emergency' proxy votes for incapacity after sixth day allowed up to day of poll
- All outcome of applications for postal votes to be confirmed in writing
- Replacement postal voting papers to be available up to 5pm on day of poll
- Replacements allowed for lost or spoiled voting papers - not just ballot papers
- Allow for postal votes returned to polling stations to be collected throughout polling day

⁴⁶ *Electoral Administration: a policy paper for discussion*. Department for Constitutional Affairs, 25 May 2005. Available at <http://www.dca.gov.uk/consult/elections/electoraladmin.htm>

⁴⁷ Available at <http://www.parliament.uk/commons/lib/research/rp2005/rp05-065.pdf>

⁴⁸ Available at http://www.electoralcommission.org.uk/files/dms/Guidancetopolice3March_20550-14538_E_N_S_W_.pdf

- Provision for 'Form K' to be completed for both parliamentary and local elections and sent to Secretary of State and Electoral Commission within 10-15 days after the day of the poll
- Clarification of the power to check signatures for postal vote applications
- Allow electors to apply for a postal vote when registering to vote, though using separate forms.⁴⁹

21 March 2006 The three main political parties signed up to the Electoral Commission's code of conduct on the handling of postal votes. The code provides guidance for the political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers.⁵⁰ The Commission said that the code aimed 'to balance the important role parties and candidates play in encouraging people to vote with the need to protect secrecy and minimise the risk or perception of fraud.'⁵¹ The code advises candidates and canvassers:

- not to handle or help voters complete their postal ballot papers;
- to encourage voters to post or deliver ballot papers themselves;
- if asked to take a completed ballot paper to make sure that the voter has sealed it first, and to post or return it to the Returning Officer immediately;
- to ensure that voters complete ballot papers in secret and seal them personally; and
- not to solicit completed postal ballot papers from electors⁵²

27 and 28 April 2006 The *Times* reported that the police were investigating postal vote fraud in East London where it had been alleged that hundreds of votes had been stolen from residential tower blocks. The claims had been made by Respect and other parties fighting local elections in Tower Hamlets where postal vote applications had nearly doubled since 2005. The *Times* also reported that the police were investigating vote-rigging allegations in six other London boroughs; Harrow, Kensington & Chelsea, Merton, Southwark, Hounslow and Barnet. There was also an inquiry underway in Birmingham. A Conservative candidate in Oxford was being investigated by police after being accused of forging signatures on his nomination papers.⁵³

4 May 2006 Local elections in England.

5 and 6 May 2006 The *Times* reported allegations of intimidation and mishandling of ballot papers in Woking as well as claims of vote-rigging in Birmingham and London. Three councils, Peterborough, Lewisham and Brentwood, had carried out a pilot scheme of asking all voters at polling stations to sign for their ballot papers. The Electoral Commission is to evaluate the schemes.⁵⁴ There were continuing problems in Tower Hamlets where two Respect candidates were barred from standing for election because their nomination papers

⁴⁹ <http://www.dca.gov.uk/legist/secleg0506.pdf>

⁵⁰ Electoral Commission Code of Conduct on the handling of postal ballots. Available at <http://www.electoralcommission.org.uk/templates/search/document.cfm/14904>

⁵¹ <http://www.electoralcommission.org.uk/media-centre/newsreleasecorporate.cfm/news/526>

⁵² Ibid

⁵³ Councils are investigated for postal vote fraud, *Times*, 27 April 2006

Police investigate 'postal vote theft on massive scale', *Times*, 28 April 2006

⁵⁴ Fresh complaints of vote-rigging could herald a night of recounts. *Times*, 5 May 2006

were judged invalid by the Returning Officer. A subsequent court case found in the claimants' favour and the judge ordered a fresh election. However the Returning Officer appealed and this was upheld.⁵⁵ George Galloway MP has announced that he will mount a legal challenge to the election in Tower Hamlets amid further allegations of voting fraud. There had been reports that a number of people had been denied the right to vote after turning up at polling stations only to be told they had already cast a postal vote.⁵⁶

5 June 2006 The *Times* reported that the police in Coventry were investigating allegations that there had been personation offences in the ward of Foleshill at the local elections in May 2006 and that there had also been postal voting fraud. An election petition has been lodged at the High Court by the defeated Labour councillor in the ward giving the names and addresses of ten voters whose identities were apparently stolen:

The Times has seen passports of three voters, a veteran Labour Party member and a young couple, which indicate that they were out of the country on election day, May 4. Documents also seen by the newspaper show that staff in polling stations in Coventry that day clearly marked the three down as having turned up and voted. The Conservatives won the ward, Foleshill, by six votes after a recount, one of two gains that turned a deadlocked council into one with a slender Tory lead.⁵⁷

The *Times* also reported that five people have been bailed in Birmingham in connection with two police investigations into the local elections and that police are investigating complaints of irregularities in nine London boroughs.

11 July 2006 The *Electoral Administration Bill 2005-06* received Royal Assent. The new Act created two new election offences to improve the security of the electoral system and tightened up the offence of undue influence so that an attempt to prevent the free exercise of the franchise would also amount to a corrupt practice even if it was not successful. Section 15 makes it an offence to supply false information or fail to supply information to an electoral registration officer at any time and Section 40 makes it an offence to falsely apply for a postal or proxy vote. Section 14 of the Act makes provision for the collection of personal identifiers, signatures and dates of birth, from electors applying to vote by post or proxy and for these to be provided on the postal vote statement, thus enabling checks to be carried out to ensure that the identifiers correspond.

31 July 2006 The election petition relating to the local election in Foleshill, Coventry, was thrown out by the High Court on a technicality following a challenge to the petition by the city's Returning Officer, Chris Hinde.⁵⁸

1 September 2006 The Peterborough *Evening Telegraph* reported that Mohammed Choudhary, who was the city's mayor from May 1996 to April 1997, had appeared at Peterborough Crown Court the day before. Choudhary is facing 13 charges of defrauding election officers by submitting false postal ballots.

11 September 2006 Sections 15 and 40 of the *Electoral Administration Act 2006* came into force. These sections related to the new offences of supplying false information to an electoral registration officer and of falsely applying for a postal or proxy vote.

⁵⁵ Intervention in election should be exceptional, *Independent*, 4 May 2006

⁵⁶ Bitter war of words over Galloway's wins, *Times*, 6 May 2006

⁵⁷ Victorious Tories face call for a poll rerun after fraud allegations, *Times*, 5 June 2006

⁵⁸ Court throws out challenge to city election, *Coventry Evening Telegraph*, 1 August 2006

15 September 2006 A man who obtained two postal votes at different addresses and voted twice in the 2005 local elections in the Aston ward of Birmingham was fined by magistrates:

Ahmad Ali pleaded guilty to contravening the Representation of the People Act during the Aston ward by-election last year after voting twice by postal ballot and was fined £100 with £43 costs. The small fine, described by Ali's legal representative as a "slap on the wrists", surprised police officers who had been anticipating a larger penalty for an offence where the maximum fine is £5,000. Fraud Squad officers and council officials had privately hoped for a much larger fine which, it was thought, would act as a deterrent to others. The hearing, at Birmingham Magistrates Court, followed extensive investigations into alleged fraud in by-elections in Aston and Bordesley Green. Inquiries regarding several other cases are continuing.⁵⁹

25 September 2006 The trial of two Burnley councillors accused of electoral fraud began at Preston Crown Court. Two Liberal Democrat councillors, Mozaquir Ali and Manzoor Hussain, were accused of conspiracy to defraud the Borough's Returning Officer by dishonestly causing and permitting applications for proxy votes at the local elections of June 2004 which were all-postal elections. Suspicions had been aroused by the large number of applications for proxy postal votes in the Daneshouse with Stoneyholme ward:

A Returning Officer has told a vote-rigging trial of her amazement at a surge in applications for proxy votes, nearly all of them coming from one of the poorest parts of Burnley. Gillian Taylor said that she received 195 applications from the ward of Daneshouse with Stoneyholme, in Lancashire. There were 15 applications from the rest of the borough.⁶⁰

27 September 2006 In Northern Ireland a Coleraine DUP Councillor, Dessie Stewart, admitted four counts of pretending to be someone else in order to cast postal votes and two of fraudulently stopping free exercise of a proxy vote at the local elections in May 2005. After appearing before Antrim Crown Court Mr Stewart resigned his seat and is awaiting sentencing in late October.

October 2006 An article by John Stewart in *Parliamentary Affairs* examined the investigation into electoral fraud by the Birmingham Election Court in 2005. Stewart concluded that 'both academics and politicians have taken the integrity of the electoral process for granted'. He continued:

...there is no research on the extent of fraud and its causes, and, without research, difficult although it would be, it is impossible to be definitive about the causes. The danger of electoral corruption and fraud is that it is presently hidden. The Birmingham election court exposed its presence in one major British city. It is possible it would be found elsewhere if the same degree of scrutiny were applied.⁶¹

18 October 2006 The *Times* reported that the Council of Europe is to investigate a possible breach of the European Convention on Human Rights in the UK because of "the growing

⁵⁹ Man who voted twice is fined £100, *Birmingham Post*, 16 September 2006

⁶⁰ Election officer tells of alarm at 195 proxy votes in a single ward, *Times*, 27 September 2006

⁶¹ A Banana Republic? The investigation into electoral fraud by the Birmingham Election Court by John Stewart. *Parliamentary Affairs*, Vol 59, No 4, October 2006

body of evidence that widespread absent vote fraud is taking place'.⁶² The Council of Europe published further details of the planned inquiry on its website:

A committee of the Council of Europe Parliamentary Assembly (PACE) is to assess whether or not electoral fraud in the United Kingdom merits the opening of the Assembly's "monitoring procedure". Meeting yesterday in Yerevan, Armenia, PACE's Monitoring Committee appointed two of its members, former German Justice Minister Herta Däubler-Gmelin (SOC) and Polish Senator Urszula Gacek (EPP/CD), to look into allegations of irregularities involving postal and absentee votes in Birmingham, Blackburn, Coventry and London. The decision was in response to a motion for a resolution, signed by 18 members of the Assembly, which said there was "a growing body of evidence that widespread absent vote fraud is taking place in the United Kingdom" and pointing out that holding free elections is an obligation of all Council of Europe member states. The motion calls for the opening of a monitoring procedure, which involves ongoing dialogue with a member state on the state of its democracy, rule of law and respect for human rights, as well as periodic plenary debates on its progress in honouring its Council of Europe obligations and commitments. The two parliamentarians said they intended to visit London and, if necessary, other parts of the United Kingdom before reporting their conclusions to the committee, which can then make a recommendation. A final decision on whether or not to open monitoring is taken by the plenary Assembly.⁶³

19 October 2006 The two Liberal Democrat councillors on trial for electoral fraud in Burnley at the local elections of 2004 were convicted of postal vote rigging.⁶⁴ Manzur Hussain and Mozaquir Ali will be sentenced on 23 November 2006 and have been told to expect custodial sentences.⁶⁵

23 October 2006 The *Times* reported that the Metropolitan Police's Special Prosecutions Unit is considering prosecuting several suspects after an investigation into allegations that hundreds of postal votes had been stolen from blocks of flats in Tower Hamlets during the local elections of May 2006. Assistant Commissioner Andy Hayman said that it was the view of the Unit that 'widespread use of postal votes has opened up a whole new area to be exploited by the fraudster and the opportunity has been taken.'⁶⁶ The report to the Metropolitan Police Authority by the SPU revealed that around 30 other offences arising from the local elections of May 2006 had been or were currently under investigation in addition to the postal voting fraud allegations in Tower Hamlets.⁶⁷

14 November 2006 The *Coventry Evening Telegraph* reported that investigations by the police into election irregularities at the local election in the Foleshill ward in Coventry in May 2006 were still continuing. The West Midlands police have won a court order allowing the ballot boxes to be opened to examine the ballot papers.

17 November 2006 Former Coleraine DUP Councillor, Dessie Stewart, was sentenced to four months in prison for electoral fraud. Stewart had pleaded guilty to six charges of fraud at the 2005 local elections. Judge Piers Grant said that a custodial sentence was called for

⁶² Vote scandal puts Britain in the dock over human rights, *Times*, 18 October 2006

⁶³ http://www.coe.int/t/dc/press/NoteRedac2006/20061017_elections_UK_en.asp

⁶⁴ Politicians won seats with fake proxy votes, Lib Dems, *Times*, 20 October 2006

⁶⁵ Vote riggers facing jail, *Burnley Express*, 20 October 2006

⁶⁶ Vote fraud rife, says police chief, *Times*, 23 October 2006

⁶⁷ <http://www.mpa.gov.uk/committees/mpa/2006/061026/14.htm>

because what Stewart had done 'compromises our electoral system and attacks the very heart of our democracy.'⁶⁸

22 November 2006 In response to a PQ, the Minister of State for the Department for Constitutional Affairs, Bridget Prentice, said that the introduction of any monitoring of the electoral system by the Council of Europe would be 'wholly unnecessary and unwarranted' given the steps that have been taken to strengthen the security of postal voting in the UK.⁶⁹

23 November 2006 The two Liberal Democrat councillors, Manzur Hussain and Mozaquir Ali, convicted of postal vote rigging in Burnley at the 2004 local elections were both jailed for 18 months.⁷⁰

24 November 2006 Derbyshire police launched an investigation into allegations of electoral fraud at the local elections in May 2006. The police are looking at the use of postal votes in Derby's Arboretum ward after a complaint was made by a former Labour councillor, Abdul Rehman, who lost his seat to the Liberal Democrats.⁷¹

30 November 2006 The *Times* reported that West Yorkshire police had forwarded a file to Crown Prosecution Service after an investigation into postal voting irregularities in Bradford at the local elections in 2005. The *Times* had reported in April 2005 that Jamshed Khan, then a Conservative councillor in Bradford, had 13 voters registered at his home, all of whom had applied for postal votes.⁷²

5 January 2007 West Midlands police arrested five more people in a long running investigation into electoral fraud at the 2005 local elections in Birmingham.⁷³

18 January 2007 The Committee on Standards in Public Life published its review of the Electoral Commission and called for radical reforms to the Commission to refocus its mandate on two priorities: the integrity of the electoral administration system and the regulation of political party funding.⁷⁴ The Committee commented that information about the extent of investigation and cases of electoral fraud was not collected centrally and published in its review tables giving examples of cases of electoral fraud investigated by the police between 2001 and 2006.⁷⁵

23 January 2007 The Burnley Express reported that Steven Smith was standing as a candidate in the Stoneyholme with Daneshouse by-election, the seat left vacant by Mozaquir Ali who was jailed for 18 months for election fraud in November 2006. Smith had only just come to the end of a 5 year ban on standing for public office following his conviction for

⁶⁸ Former mayor who 'attacked the very heart of democracy' is jailed, *Irish Times*, 18 November 2006

⁶⁹ HC Deb 22 November 2006 c87W

⁷⁰ Courts: Councillors jailed after admitting election fraud, *Guardian*, 24 November 2006

⁷¹ Ballot fraud probe, *Derby Evening Telegraph*, 24 November 2006

⁷² Politician at risk of vote-rigging charges, *Times*, 30 November 2006

⁷³ Five more held in poll fraud probe, *Birmingham Mail*, 5 January 2007

⁷⁴ Review of the Electoral Commission. Committee on Standards in Public Life Eleventh Report. Cm 7006, January 2007. Available at http://www.public-standards.org.uk/Library/OurWork/11thReport_Summary.pdf

For further information see Library Standard Note SN/PC/ 3127

<http://www.parliament.uk/commons/lib/research/briefings/snpc-03127.pdf>

⁷⁵ Review of the Electoral Commission. Committee on Standards in Public Life Eleventh Report. Cm 7006, January 2007, Table 5.1

election fraud in 2001; he had admitted allowing false nominations when he was organiser for the Burnley branch of the British National Party.⁷⁶

26 February 2007 An Opposition Day debate was held on the electoral system. The Shadow Secretary of State for Constitutional Affairs, Oliver Heald MP, opened the debate and said that 'since coming to office Labour has tinkered with the electoral system and repeatedly ignored cross-party warnings, and has thereby damaged the integrity of our electoral system.'⁷⁷ The Parliamentary Under-Secretary of State for Constitutional Affairs, Bridget Prentice, stressed that new measures had been put in place to tighten the security of postal voting and that 'these new measures demonstrate that we have taken every allegation of electoral fraud seriously and that we are absolutely determined to prevent any future incidents of fraud, as far as we can, while ensuring that the anti-fraud measures are proportionate to the scale of the problem.'⁷⁸

8 March 2007 The *Guardian* reported that a delegation from a committee of the Council of Europe Parliamentary Assembly visited the UK to look into election irregularities and met with the Minister, Bridget Prentice; the Electoral Commission; police who had been involved in investigating electoral fraud and Richard Mawrey QC. The delegation will make its report to the Committee by the end of March and recommendations will then be put to the full Council of Europe Parliamentary Assembly.⁷⁹

13 March 2007 Burnley Liberal Democrat councillor, Manzur Hussain, who was jailed for election fraud in November 2006, failed in his appeal against his conviction.⁸⁰

16 March 2007 The *Birmingham Evening Post* reported that the applications for postal ballots were 30,000 less than in 2004. By the beginning of March 2007 there were 43,000 on the postal voting register compared to 60,000 in 2006 triggering claims that the new provisions requiring the provision of personal identifiers were deterring possible fraudsters.⁸¹

4 April 2007 The *Evening Standard* reported the arrest of a man in connection with allegations of postal vote fraud at the 2006 local elections in Tower Hamlets.⁸²

20 April 2007 The BBC reported that there had been a large increase in applications for postal votes and that there was concern about the software to be used in the checking of signatures of those voting by postal ballot. The *Electoral Administration Act 2006* requires those voting by post to supply their date of birth and signature when they apply for a postal ballot and to supply the same personal identifiers when they complete the ballot so that these can be checked against the originals. The measures were designed to increase the security of the voting system. Electoral administrators are required to check at least 20% of the postal ballot papers and most councils were intending to do this electronically at the local elections.⁸³

⁷⁶ Former BNP leader contest council seat, *Burnley Express*, 23 January 2007

⁷⁷ HC Deb 26 February 2007 c688

⁷⁸ HC Deb 26 February 2007 c696

⁷⁹ Britain may face European inquiry into electoral fraud, *Guardian Unlimited*, 8 March 2007

⁸⁰ Election fraud councillor loses appeal, *Burnley Express*, 13 March 2007

⁸¹ 30,000 names go in vote fraud crackdown, *Birmingham Post*, 16 March 2007

⁸² Man held in postal vote fraud inquiry, *Evening Standard*, 4 April 2007

⁸³ 'Large increase' in postal votes, BBC report, 20 April 2007, http://news.bbc.co.uk/1/hi/uk_politics/6577169.stm

23 April 2007 Iftkhar Hussain appeared in court charged with two counts of personation at the local elections in May 2006 in the Foleshill ward in Coventry.⁸⁴

26 April 2007 An Oldham Liberal Democrat councillor, Khurshid Ahmed, was arrested on suspicion of electoral fraud relating to applications for postal votes. Ahmed was released on bail and contested his ward in the May local elections.⁸⁵

28 April 2007 The West Midlands police launched a campaign to stamp out election fraud. Hundreds of leaflets warning of the consequences and penalties if postal votes are misused will be handed out in the run up to the council elections on 3 May 2007. The leaflets urged voters to:

- Look after your vote
- Make sure your postal vote arrives safely – don't give it to anybody else
- Do not let anybody steal your vote
- If you commit election fraud the consequences are the same as any other offence – a criminal conviction.⁸⁶

Sam Younger, chairman of the Electoral Commission, said in an interview in the *Times* that there was a need for greater security at the ballot box after the new safeguards for those voting by post; voters should have to produce a passport, driving licence or other photo ID at polling booths, or an electoral identity card.⁸⁷

29 April 2007 The *Sunday Times* reported that Labour party canvassers in Leeds were handling postal ballot papers in contravention of the code of conduct on handling postal votes drawn up by the Electoral Commission and which all the three major political parties had agreed should be observed.⁸⁸

2 May 2007 The Parliamentary Under-Secretary of State, Department for Constitutional Affairs, Bridget Prentice, told Radio 4's *Today* programme that the new postal ballot checks in which voters had to provide a signature and date of birth had made the postal voting system as secure as possible. On the same programme Richard Price QC called for individual registration to combat the possibility of electoral fraud.⁸⁹

5 May 2007 The *Yorkshire Post* reported allegations of electoral fraud in Leeds and Bradford. In Leeds there were concerns about the number of rejected postal ballot papers and in Bradford there were eight complaints about electoral irregularities.⁹⁰

Police are investigating alleged voting fraud in the Foleshill ward in Coventry after being called to a polling station on 3 May 2007.⁹¹

⁸⁴ Voting accusation, *Times*, 23 April 2007

⁸⁵ Councillor arrested, *Times*, 26 April 2007

⁸⁶ Police highlight election fraud, *Birmingham Post*, 28 April 2007

⁸⁷ Election fraud threat is 'so great that photo ID is urgently needed', *Times*, 28 April 2007

⁸⁸ Get the votes and we can win, but don't get caught with them, *Sunday Times*, 29 April 2007. The code of conduct is available at http://www.electoralcommission.org.uk/files/dms/Code-of-Conduct-England-and-Wales-Final-Edit-2006-12-14_24416-18081_E_.pdf

⁸⁹ Minister defends post vote system, BBC report, 2 May 2007, http://news.bbc.co.uk/1/hi/uk_politics/6614067.stm

⁹⁰ Claims of electoral fraud set to be examined, *Yorkshire Post*, 5 May 2007

⁹¹ Local elections: alleged voting fraud probed by detectives, *Coventry Evening Telegraph*, 5 May 2007

14 May 2007 The Liberal Democrats in Nottingham alleged that there was electoral fraud in the Berridge ward at the local elections on 3 May 2007 and have passed evidence of personation to the police.⁹²

14 May 2007 A Respect party candidate, Sajid Mehmood, who stood for election in the Park ward of Halifax in the local elections of 3 May 2007, was arrested after it was discovered that he was not qualified to stand as a candidate. The Returning Officer wrote to candidates who also stood for election in the ward to inform them that Mr Mehmood was disqualified from being a candidate because he had been convicted of an offence for which he received a term of imprisonment between 2003 and 2005. The other parties are considering whether to challenge the election result.⁹³

8 July 2007 The *Sunday Mercury* reported that Iftkhar Hussain is set to stand trial in August. He is charged with two counts of personation over the votes of local people alleged to have been in Pakistan. It was also reported that West Midlands Police are currently working on three other separate inquiries into alleged electoral fraud, which relate to the 2005 and 2006 local elections in Birmingham.⁹⁴

20 July 2007 The by-election in Ealing Southall was overshadowed by a police inquiry into alleged postal vote fraud. The Director of Public Prosecutions has also been asked to probe claims that the Liberal Democrats claimed that the Labour candidate, Virendra Sharma, was 72 (he is 60) in their election leaflets.⁹⁵

29 July 2007 Mohammed Khan, of Small Heath, Birmingham, a Liberal Democrat candidate who was arrested last April on suspicion of conspiracy to defraud the election process, is to face charges. His wife, Naseem Akhtar was also arrested in April after the discovery of a number of postal votes at a second address. In January 2007 five other people were arrested as part of the same inquiry.⁹⁶

1 August 2007 An election court is to convene in Birmingham, for the second time in two years, to consider allegations of 'dirty tricks' at a city council poll. A High Court judge will sit in October to consider claims that Liberal Democrat candidate Saeed Ahmed was beaten by Labour's Muhammed Afzal in Aston as the result of a smear campaign.⁹⁷

3 October 2007 Muhammed Afzal is accused of publishing false statements about the personal character of Liberal Democrat candidate Saeed Ahmed in the local elections in the 2007. A High Court hearing will begin on 31 October 2007. All of the allegations are denied by Councillor Afzal.⁹⁸

15 October 2007 In Oldham Adeel Hanif pleaded guilty to the offence of personation at Minshull Street Crown Court. Hanif was sentenced to three months in jail.⁹⁹

19 October 2007 Three Labour officials were accused of directing ballot papers to more than 50 core addresses in an attempt to rig a local election. Mohammed Choudhary, a former

⁹² Election: fraud claim is probed, *Nottingham Evening Post*, 14 May 2007

⁹³ Calderdale Council: new vote appeal after candidate arrested, *Halifax Evening Courier*, 14 May 2007

⁹⁴ Tory is accused of Vote Rigging, *Birmingham Sunday Mercury*, 8 July 2007

⁹⁵ Election is hit by probes, *Mirror*, 20 July 2007

⁹⁶ Lib Dem hopeful to face fraud charges, *Birmingham Sunday Mercury*, 29 July 2007

⁹⁷ Judge to rule on poll claims, *Birmingham Mail*, 1 August 2007

⁹⁸ 'Smear campaign' hearing at High Court, *Birmingham Post*, 9 October 2007

⁹⁹ Man jailed for election fraud, *Asian Image*, 15 October 2007

Mayor of Peterborough, along with Maqbool Hussein and Tariq Mahmood were on trial at Kings Lynn Crown Court.¹⁰⁰

21 October 2007 The Independent on Sunday reported that seven people have been charged with postal ballot fraud at the last general election and face charges of conspiracy to defraud Bradford's returning officer in 2005. They are to appear before Bradford Magistrates Court on 14 November.¹⁰¹

1 November 2007 Liberal Democrats seeking to overturn the Aston ward result in the 2007 Birmingham Council elections suffered a blow yesterday when a judge ruled a central part of their case was inadmissible. Lawyers representing Liberal Democrat candidate, Saeed Aehme, who lost in May 2007 to Labour's Muhammed Afzal, wanted to raise fresh evidence about allegations of corruption at Aston during the 2004 elections. On 31 October 2007 a new election court began sitting in Birmingham to consider claims that Councillor Afzal and his supporters conducted a character assassination campaign in Aston against Saeed Ahmed during the run-up to the 2007 council elections.¹⁰²

1 November 2007 A judge ordered the city's Liberal Democrats to give a full explanation as to why it took them five months to produce evidence of alleged "dirty tricks" in Birmingham Council elections in May 2007.¹⁰³

2 November 2007 A leading Asian councillor, Muhamad Afzal, was alleged to have cheated his way back on Birmingham council by spreading rumours on election day in 2007 that his opponent had been arrested for fraud, a court was told yesterday. The hearing continues.¹⁰⁴

2 November 2007 A smear campaign to stop a Liberal Democrat candidate from being elected to Birmingham City Council was underpinned by corruption within the highest reaches of the West Midlands Labour Party, an election court was told yesterday. *The Birmingham Post* reported that it is claimed that Labour officials operated an "institutional policy" of inventing false allegations as a device to justify sacking election candidates properly selected by local ward parties but who fell out of favour with the regional party. The allegation was put forward on the second day of a trial to consider claims that Labour councillor Muhammed Afzal was unfairly elected at this year's city council elections after he and his supporters had allegedly spread false claims about the conduct and character of Liberal Democrat candidate Saeed Ahmed. Councillor Afzal and his supporters are alleged to have committed 14 illegal practices.¹⁰⁵

6 November 2007 Allegations that corruption in the West Midlands Labour Party lay behind the deselection of Birmingham Council candidates were described at the election court as 'absurd'.¹⁰⁶

12 November 2007 The *Times* reported that a Conservative Parliamentary candidate, Haroon Rashid, and two former Conservative councillors, Jamshed Khan and Reis Khan, would appear in court this week with four other men accused of electoral fraud following

¹⁰⁰ Election ballot papers 'hijacked' court told, *Peterborough Evening Telegraph*, 19 October 2007

¹⁰¹ Seven charged with postal ballot fraud. *Independent on Sunday*, 21 October 2007

¹⁰² Court blow to Lib Dem fight over Aston result, *Birmingham Post*, 1 November 2007

¹⁰³ Judge quizzes Lib Dems, *Birmingham Mail*, 1 November 2007

¹⁰⁴ Councillor 'cheated his way back into seat'

¹⁰⁵ Labour corrupt at highest level – court claim, *Birmingham Post*, 2 November 2007

¹⁰⁶ Labour corruption claim 'absurd', *Birmingham Post*, 6 November 2007

police investigations into the misuse of postal ballots in Bradford during the 2005 general election.¹⁰⁷

At the election court in Birmingham claims that witnesses were too frightened to give evidence are to be investigated by the Director of Public Prosecutions.¹⁰⁸

16 November 2007 Six men, including two former Conservative councillors, appeared in court in Bradford charged with vote-rigging in the run-up to the 2005 General Election. A seventh man also charged was not in court for the brief hearing. The defendants face charges that 'they conspired together, and with others unknown, to defraud the electoral registration officer of Bradford City Council by dishonestly causing or permitting to be submitted to that officer, falsely completed applications to vote by post between January 1 2002 and May 6 2005'.¹⁰⁹

23 November 2007 More than 100 people have given evidence at Kings Lynn Crown Court over the past five weeks in the trial of three Labour party members. Former Mayor Mohammed Choudhary, Maqbool Hussain and Tariq Mahmood denied a number of charges, including conspiracy to defraud and forgery in relation to the local elections in June 2004. It is alleged that the men "hijacked" ballot papers and directed them to more than 50 core addresses, in an attempt to rig the election to get Mr Choudhary and Mr Hussein elected in the Central ward. The prosecution said that the victims of the fraud fell into two categories; those who had not seen their ballot papers and those who had handed over their papers to someone else. Prosecutor Anthony Leonard QC told the jury that the sheer number of votes cast in the Central ward, 2,900, was "out of all proportion" with the rest of the city. The closest other ward was West, with 1,182. The trial continues.¹¹⁰

1 December 2007 The Director of Public Prosecutions is to examine allegations of witness 'nobbling' in the election court in Birmingham. One witness appeared to lose his voice whilst giving evidence, one has gone into hiding and another told the judge that he had been warned against giving evidence and feared for the safety of his family. A Liberal Democrat witness stayed away after his car was torched and another potential witness appeared to be no longer in Birmingham.¹¹¹

21 December 2007 The prosecution case against a former Peterborough mayor accused of vote rigging has finished. Handwriting experts and more than 100 witnesses have been called. The prosecution alleged that Mohammed Choudhary, Maqbool Hussain and Tariq Mahmood abused the voting system by manipulating it to their advantage. Jurors will return to the court on January 7, when the defence case opens.¹¹²

5 January 2008 Liberal Democrat, Saeed Aehmed, who was seeking a seat in last year's local elections in Birmingham, yesterday admitted changing his name so he would appear above a political rival, Labour candidate Muhammad Afzal, on a ballot paper. Mr Aehmed made the admission at the election court in Birmingham in which he claimed Mr Afzal, who won the seat, conducted a smear campaign against him rendering the election void.¹¹³

¹⁰⁷ Conservative candidate Haroon Rashid in court on vote-plot charge, *Times*, 12 November 2007

¹⁰⁸ DPP witness 'intimidation' inquiry, *Birmingham Post*, 12 November 2007

¹⁰⁹ Seven face postal vote fraud charges, *Bradford Telegraph and Argus*, 14 November 2007

¹¹⁰ Witnesses top 100 at vote trial, *Peterborough Evening Telegraph*, 23 November 2007

¹¹¹ Prosecutions chief is called in over 'witness nobbling' at election trial, *Times*, 1 December 2007

¹¹² Vote rigging prosecutors finish giving evidence, *Peterborough Evening Telegraph*, 21 December 2007

¹¹³ Councillor changed name as 'cheap political trick', *Birmingham Post*, 5 January 2008

7 January 2008 Sajjid Mehmood, who was due to be sentenced later this month for election fraud, died. Mr Mehmood admitted making a false statement on nomination papers when standing in the 2007 Calderdale Council elections for the Respect Party. He had failed to declare time he had spent in jail; three months in 2003 for possession of heroin and cocaine, and four months in 2004 and 2005, both for driving offences.¹¹⁴

In response to a Parliamentary question about the implementation of the provisions in the *Electoral Administration Act 2006* for voters to sign for ballot papers in polling stations, the Minister of State, Bridget Prentice, said that primary legislation which would set out a clear requirement would be brought forward when parliamentary time allowed.¹¹⁵

8 January 2008 A Birmingham man voted using the identities of two other people, who were not in the UK at the time of the election, in order to help his cousin win a local election in the Foleshill ward in Coventry, Birmingham Crown Court heard yesterday. Iftikhar Hussain has denied two charges of personation in the names of Abdul Khaliq and Mukhtar Hussain. Conservative candidate Altaf Adalat won the Coventry ward by six votes against his labour opponent, following the alleged fraud, in May 2006.¹¹⁶

The Government announced that it was not planning to require 100% checking of the personal identifiers on returned postal votes at the elections scheduled for May 2008. Replying to a Parliamentary Question the Minister of State, Bridget Prentice, said that the Government was committed to the principle that 100% of returned postal votes should be checked but that it agreed with the Electoral Commission that no changes to the legislation should be contemplated for implementation before 31 May 2008.¹¹⁷

12 January 2008 Iftikhar Hussain was found guilty of rigging votes in the Foleshill ward in Coventry. The judge, Richard Griffith-Jones, said he felt 'disquiet' about the ease with which election fraud could be committed. He said security at polling stations should be stepped up and asked for his remarks to be passed on to politicians and the Electoral Commission. Sentencing will take place on 1 February 2008.¹¹⁸

16 January 2008 Conservative council leader Ken Taylor last night refused to speculate if there was a mastermind behind the Foleshill election fraud. He was challenged in the wake of a court case in which the cousin of a winning Tory council candidate was convicted of casting two false votes. Iftikhar Hussain was described by Judge Richard Griffith-Jones as "very probably a foot soldier" in the deception¹¹⁹

20 January 2008 A Liberal Democrat local election candidate, Mohammed Khan, arrested in a major electoral fraud inquiry, is to be charged on 11 separate counts of forgery. His wife, Naseem Aktar, was also arrested following the discovery of a number of postal voting forms at an address in Bordesley Green. The ward was at the centre of a vote-rigging scandal in 2004. Mr Khan is one of several individuals at the centre of a lengthy investigation into alleged postal vote fraud during the 2006 local council elections in Birmingham. Five other people have been arrested as part of the same enquiry.¹²⁰

¹¹⁴ Community worker dies while awaiting sentencing for election fraud, *Halifax Evening Courier*, 7 January 2008

¹¹⁵ HC Deb 7 January 2008 c149W

¹¹⁶ Man 'used two false identities' to help elect cousin to council, *Birmingham Post & Mail Ltd*, 8 January 2008

¹¹⁷ HC Deb 8 January 2008 c432W

¹¹⁸ Election vote rigger faces jail, *Coventry Evening Telegraph*, 12 January 2008

¹¹⁹ We can't say fraud was masterminded – Taylor, *Coventry Evening Telegraph*, 16 January 2008

¹²⁰ Police: we will charge election fraud suspect, *Sunday Mercury*, 20 January 2008

22 January 2008 The opinion of the rapporteurs of the Council of Europe Parliamentary Assembly's Monitoring Committee's fact finding visit in February 2007 was published.¹²¹ The rapporteurs found that:

...it is clear that the electoral system in Great Britain is open to electoral fraud. This vulnerability is mainly the result of the, rather arcane, system of voter registration without personal identifiers. It was exacerbated by the introduction of postal voting on demand, especially under the arrangements as existed before the changes in the electoral code in 2006. The 2006 changes to the electoral code enhanced the security of the postal voting arrangements, but other shortcomings and vulnerabilities remain. Together with numerous British experts we strongly recommend to eliminate those.

However the Council of Europe Parliamentary Assembly's Monitoring Committee decided not to put in place a full monitoring procedure at the moment:

Despite the vulnerabilities in the electoral system, there is no doubt that elections in the United Kingdom are conducted democratically and represent the free expression of the will of the people of the United Kingdom. On these grounds, it can not be argued that the United Kingdom has fallen short on honouring its democratic commitments to the Council of Europe and we can therefore not recommend opening a monitoring procedure with respect to the United Kingdom.

It should be stressed however that the United Kingdom delivers elections despite the vulnerabilities in its electoral system. These vulnerabilities could easily affect the overall democratic nature of future elections in Great Britain. The Monitoring Committee should, in its periodic reports on the honouring of commitments by member states, pay special attention to electoral issues in the United Kingdom and, if the vulnerabilities noted are found to undermine the overall democratic nature of future elections in Great Britain, apply to initiate a Monitoring procedure with respect to the United Kingdom.

10 February 2008 The Labour Party has challenged the Conservative victory in the Central ward of Slough in May 2007, alleging postal vote fraud; more than half the Conservative votes were by post. Richard Mawrey QC is hearing the election petition.

21 February 2008 Mohammed Choudhary, Maqbool Hussain and Tariq Mahmood were found guilty of forgery at King's Lynn Crown Court after vote-rigging at the local elections in Peterborough in 2004. The judge told them to expect custodial sentences. Detective Inspector Ian Tandy who led the investigation said that it had been 'a long and complex investigation into a systematic and organised campaign of electoral fraud.'¹²²

18 March 2008 Richard Mawrey QC found Conservative councillor Eshaq Khan guilty of corrupt and illegal practices at the election court in Slough. Khan's election was declared void and he was banned from holding office for five years after being found guilty of vote rigging by using postal ballots in the names of hundreds of 'ghost voters'. Mawrey noted in his judgement that 'there is no reason to suppose that this is an isolated incident. Roll-stuffing [packing the electoral roll with fictitious voters] is childishly simple to commit and very

¹²¹ Available at http://www.assembly.coe.int/CommitteeDocs/2008/electoral_fraud_UK_E.pdf

¹²² Three face jail after vote rigging convictions, *Peterborough Evening Telegraph*, 22 February 2008

difficult to detect. To ignore the probability that it is widespread, particularly in local elections, is a policy that even an ostrich would despise.¹²³

In the wake of the case the Electoral Commission again called for the introduction of individual registration to strengthen the security of postal voting. Sir Christopher Kelly, Chairman of the Committee on Standards in Public Life, said that the case "highlights the need for fundamental changes to our electoral system ... electoral fraud is not a trivial matter - it is an affront to the democratic principle of one person one vote. Left unchecked it will eventually undermine trust and confidence in the democratic process and by implication the electorate's consent to the outcome of elections. This case has shown that the safeguards introduced by the government to combat electoral fraud particularly in relation to postal voting are easily bypassed because of the fundamental weaknesses in the current system of electoral registration."¹²⁴

2 April 2008 At the end of an election petition hearing in Birmingham, Timothy Staker QC, sitting as the Elections Commissioner, dismissed the petition brought by Saeed Aehmed, the Liberal Democrat candidate at the local election in Aston in 2007. Aehmed had alleged that he lost the election because of a smear campaign by Labour councillor Muhammed Afzal.¹²⁵

8 April 2008 The *Peterborough Evening Telegraph* reported that Mohammed Choudhary, Maqbool Hussain and Tariq Mahmood, who had been found guilty of forgery at King's Lynn Crown Court after vote-rigging at the local elections in Peterborough in 2004, had received prison sentences. Tariq Mahmood, who was described as the 'spider at the centre of the web' was jailed for 15 months; Maqbool Hussain for 3 months and Mohammed Choudhary for 9 months.¹²⁶

The *South Wales Echo* reported that a couple had been arrested on suspicion of attempted electoral fraud after allegedly trying to register to vote in an area where they were not entitled.¹²⁷

20 April 2008 Liberal Democrat Mohammed Anzal Anwar is being investigated by police after it was discovered that 27 voters were registered at his home address in Nelson, Lancashire. Labour Party officials asked the police to investigate amid claims that not all the residents living at Mr Anwar's home were entitled to vote. The Labour candidate for the local council election in Pendle is also subject to a police investigation; Mohammed Tariq has been accused of having 5 people registered to vote at his home who are also registered at properties elsewhere in Nelson. The *Express on Sunday* reported that the Liberal Democrat peer, Lord Greaves, who is also a Pendle borough councillor, believed that there was postal vote fraud in the run up to the local elections. Lord Greaves said: 'They are getting people to sign who have little or no idea what it is all about. They get landlords to force tenants to sign. They make women sign for postal votes whether they wish to do so or not. They steal the votes of elderly people who have little English. We all know what will happen next. When these votes are sent out in the post the Labour Party operatives and friends of the candidate

¹²³ Postal voting cheats are threat to May elections, *Times*, 19 March 2008

¹²⁴ http://news.bbc.co.uk/1/hi/uk_politics/7303606.stm

¹²⁵ Lib Dems heap election shame on Birmingham, *Birmingham Post*, 3 April 2008

¹²⁶ Vote riggers jailed: prison term is welcomed and condemned, *Peterborough Evening Telegraph*, 8 April 2008

¹²⁷ Couple are arrested as probe into votes is launched, *South Wales Echo*, 8 April 2008

will call and collect them from voters. It's called 'chasing the postman' and it too often involves intimidation, which is an electoral offence.¹²⁸

22 April 2008 The *Peterborough Evening Telegraph* reported that an unprecedented police operation would take place on polling day for the local elections in Peterborough following the recent sentencing of three former Labour Party members for vote rigging in the 2004 election.¹²⁹

25 April 2008 A Conservative, Norman Whitlock, was arrested following allegations that he had forged signatures on the nomination papers of candidate Simon Bright for the Swansea council election.¹³⁰

28 April 2008 The Joseph Rowntree Reform Trust published a report, *Purity of elections in the UK: causes for concern*. The report had been commissioned to 'review the extent to which there is evidence of electoral principles and processes being undermined in the UK'. See Section G above for further details of the report.

29 April 2008 Michael Wills, Minister of State, Ministry of Justice, was questioned about electoral fraud at an evidence session held by the Public Administration Select Committee as part of its enquiry. In response to a question suggesting that the Government was resisting the introduction of individual registration he said:

Of course there have been instances of fraud and they have to be tackled and they will be tackled. We face as a democracy certain challenges and we have to find our way through them. Participation is declining. I think it is right that the Department should look for ways of increasing participation in our elections. Postal votes is one of them. If the system is opening itself up to fraud—and there have been cases of it—we have to close those processes which do render it open to fraud. We are looking at the question of individual voter registration. We are not resisting it, but we have to be sure that any changes we make do not worsen the problem in another area.¹³¹

The Committee's chairman, Tony Wright, suggested that almost all the cases of electoral abuse involved minority communities and that 'we should not be mealy mouthed about it. It is importing cultural practices from one place to another. If we are serious about Britishness, surely one of the things we have to be serious about is telling everybody who lives here about the integrity of democratic politics.'¹³²

2 May 2008 Mohammed Chaudhary Saghir, a former Conservative councillor, was arrested in Halifax in connection with alleged false applications for proxy votes in the Calderdale Council elections.¹³³

10 May 2008 West Midlands police have begun an investigation into allegations of postal vote fraud in the Aston ward in last week's local elections. There have also been allegations

¹²⁸ There is nothing suspicious about 27 voters who are registered at my house, says the would-be MP who is being probed over poll-rigging, *Express on Sunday*, 20 April 2008

¹²⁹ Police will patrol the polling stations, *Peterborough Evening Telegraph*, 22 April 2008

¹³⁰ Tory arrested in fraud row. *South Wales Evening Post*, 25 April 2008

¹³¹ Constitutional renewal; draft Bill and White Paper. The tenth report of the Public Administration Select Committee, HC 499, 2007-08. Minutes of evidence, available at <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmpublicadm/499/8042908.htm>

¹³² Ibid

¹³³ Ex-councillor is arrested in poll fraud probe, *Yorkshire Post*, 2 May 2008

that voters were intimidated; that candidates handled postal ballot papers and that voters were impersonated.¹³⁴

5 June 2008 The West Midlands police are also investigating alleged vote rigging at the local elections in Walsall. The Labour candidate for Palfrey, Allah Ditta, alleged that there were 60 false voter registrations in Palfrey.¹³⁵

10 June 2008 Mohammed Chaudhary Saghir has been formally reported to the Crown Prosecution Service in relation to five allegations of making false statements to obtain proxy votes for the local elections in Calderdale on 1 May 2008.¹³⁶

25 July 2008 A former Peterborough Conservative councillor, Abdul Razaq, was found guilty of vote rigging at the 2004 local elections. Razaq had hijacked voters' poll cards and filled them in to ensure that postal votes would be diverted to his friends and relatives.¹³⁷

28 July 2008 The *Peterborough Evening Telegraph* described the police investigation, Operation Hooper, which began in June 2004 when Peterborough City council began to receive complaints from people who arrived at polling stations to vote in the local elections, only to be told their votes had already been cast. Of the nine candidates who stood for election in the Central ward, five were eventually brought before the courts accused of electoral abuse, including two of the three successful candidates.¹³⁸

29 August 2008 The *Birmingham Mail* reported that the leaders of Birmingham's four leading political parties have signed a joint letter to the Government calling for an end to postal voting on demand. The letter said that 'members of all political parties have grave concerns over the lack of integrity and security of postal voting arrangements.'¹³⁹

8 October 2008 Raja Akhtar, a former Conservative Mayor of Peterborough, was sentenced to three months in prison at Norwich Crown court after he had been found guilty of vote rigging. Former Conservative councillor Abdul Razaq and candidate Mohammed Khaliq were also given prison sentences of two months and five months respectively for their part in postal vote fraud at the 2004 local elections. Three other men, Mohammed Choudhary, Maqbool Hussein and Tariq Mahmood, had been jailed in April 2008 for vote rigging at the same elections. Judge Alasdair Darroch told Akhtar, Razaq and Khaliq that 'the public has to have confidence in elections, and a clear message is, if you interfere with the electoral process, you will go to prison.'¹⁴⁰

14 January 2009 The Conservative candidate for Bradford West at the 2005 general election, Haroon Rashid, appeared before Leeds Crown Court with five other men, including two councillors, charged with conspiracy to defraud the electoral registration officer. The prosecution said the six had applied for hundreds of postal ballots in the names of people who were listed on the electoral register but who did not live at the relevant property. The vote rigging was uncovered by a police investigation during the run-up to the 2005 general election and Gordon Cole QC, for the prosecution, said that 'had this conspiracy carried on

¹³⁴ Probe on poll fraud claims, *Birmingham Mail*, 10 May 2008

¹³⁵ Police probe into claims of voting fraud at election, *Walsall Advertiser*, 5 June 2008

¹³⁶ Councillor may face action, *Huddersfield Examiner*, 10 June 2008

¹³⁷ Ex-councillor guilty of rigging election votes, *Peterborough Evening Telegraph*, 25 July 2008

¹³⁸ Special report: how police investigated vote rigging offences, *Peterborough Evening Telegraph*, 28 July 2008

¹³⁹ Four city parties in vote plea, *Birmingham Mail*, 29 August 2008

¹⁴⁰ Trio jailed for part in council vote rigging, *Peterborough Evening Telegraph*, 9 October 2008

through to the end and been successful, then Haroon Rashid may very well have been elected as a Member of Parliament'. The case is expected to last ten weeks.¹⁴¹

¹⁴¹ Tory activists 'used empty homes in postal vote scam.' *Times*, 15 January 2009

News releases

Report on 2008 electoral fraud cases published

01 May 2009

The May 2008 elections in England and Wales were free from major incidents of electoral fraud, a report published today found. There were no cases on the scale of the past high-profile incidents in Birmingham, Peterborough and Slough and there were no elections in which the outcome was challenged on the grounds of, or shown to have been affected by, incidents of electoral malpractice.

Details of electoral malpractice allegations at the 2008 elections have been revealed in a report published by the Electoral Commission, in partnership with the Association of Chief Police Officers (ACPO) Police National Information and Co-ordination Centre. The report is the first of its kind in the United Kingdom and sets a benchmark for the analysis of electoral fraud in future elections.

In May 2008, over 16 million votes were cast at the local elections in England and Wales and for the London Mayor and London Assembly. Of a total 103 cases of alleged electoral malpractice recorded at the May 2008 elections, one case resulted in a conviction and nine resulted in a caution. In the vast majority 82 cases or 81 percent police decided to take no further action. Thirteen cases are still under investigation or awaiting decision by the CPS. [1]

Commenting on the report, Jenny Watson, Chair of the Electoral Commission, said:

"It's important that when people cast their vote, they can have confidence that the electoral system is secure. The data in our report - the first of its kind - should go a long way to reassuring voters that the most recent elections were free from major incidents of electoral fraud.

High profile cases like those in Birmingham, Peterborough and Slough influence our perception of the levels of fraud but things have changed since then. There have been a number of changes to make registration and voting safer, including new security checks for postal votes and new powers for Electoral Registration Officers to review registrations that they believe are suspicious. The police have devoted time and resources to investigating this type of crime and prison sentences for electoral fraud send a message about its seriousness.

But there are still vulnerabilities in the system, and that is why we welcome the Government's commitment to move from the current outdated system reliant on the "head of the household" to a system of individual registration which gives us all the right to register to vote for ourselves. We will continue to work hard with the police to prevent and deal with any instance of electoral fraud."

Commenting on the report, Stuart Hyde, Assistant Chief Constable of West Midlands Police and lead on electoral fraud for the Association of Chief Police Officers, said:

The 2008 elections mark a decisive step forward in monitoring reports of electoral malpractice across England and Wales. Now that this system has been put in place, through further collaboration between the police service and the Electoral Commission we can build on it to ensure it develops for future elections. The police service continues to support the democratic process and tackle those who would seek to undermine it. There is little evidence of fraud on a major scale but by promoting best practice and learning from previous experience we can further reduce the opportunities for fraud. We remain vigilant and prepared to investigate where evidence of wrong doing emerges.

Working with ACPOs Police National Information and Co-ordination Centre branch, the Commission gathered information from police forces across England and Wales on allegations made to them in relation to these elections.

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Notes to editors:

1. The Electoral Commission is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the UK's democratic process. We regulate party and election finance and set standards for well-run elections.
2. An embargoed copied of the report *Allegations of electoral malpractice at the May 2008 elections in England and Wales* are available upon request.
3. The report was a joint project by the Association of Chief Police Officers and the Electoral Commission.
4. The Electoral Commission works to prevent malpractice by producing guidance and training for the police and the people that run elections. The police have established Single Points of Contacts local officers who are responsible for electoral fraud matters in their area - in every territorial police force in Great Britain. The

Commission also works with political parties and candidates; all the main parties have signed up to a code of conduct on handling postal votes that goes beyond minimum legal requirements.
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