



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Electoral Commission evidence and issues paper: Electoral fraud in the UK

1. Introduction

- 1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1767 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3. The key **aims** of the AEA are to:
 - a. contribute positively to electoral reform within the UK;
 - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
 - c. raise the profile of electoral administration both within the UK and internationally;
 - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4. The AEA supports and advocates two key principles set out by Gould (Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007) in his report on the 2007 elections in Scotland, namely that:
 - all those with a role in organising elections should consider the voters' interests above all other considerations: and

- electoral legislation should not be applied to any election held within six months of the new provision coming into force.
- 1.5. In this response, we address the issues and possible options posed by the Electoral Commission in addition to a number of overarching points, building on the issues and evidence we provided to the Electoral Commission in our response to its invitation to provide evidence and views on potential vulnerabilities in the current electoral system¹.

2. Overarching principles and issues

- 2.1. The AEA welcomes the scope of the Electoral Commission's review and its aim of identifying "whether there are opportunities to improve confidence in the security of electoral processes in the UK". We support the point made in the summary to the issues and evidence paper that,

"There is, however, an important balance to be sought between ensuring the integrity of electoral processes while guarding against risks to effective voter participation." [Page 1]

- 2.2. In our initial evidence we noted that,

"In designing or modernising any electoral system, there is a balance to be struck between access to the process for all eligible participants (electors, candidates and campaigners) and ensuring the integrity or security of that system. In doing so, a holistic approach should be taken that balances the overall effect and the relationships between the various parts of the whole system. This has not been the approach to date and this remains a concern."

- 2.3. Therefore, it is important that any package of proposed measures emerging from this review is considered in this holistic sense and that there is a process of robust challenge before any changes to the legislation are made. Any proposals might usefully be considered as part of the Law Commission review of electoral law² unless there is a compelling argument for earlier implementation.
- 2.4. In our response to the Law Commission scoping consultation³, we commented that a number of offences, such as undue influence and treating, use out-of-date language and terms which are unlikely to be well understood. In order to support effective and lawful participation in the electoral process, legal requirements and offences should be expressed in language which is accessible to all those who have an interest in the electoral process and

¹ http://www.aea-elections.co.uk/downloads/consultations_and_responses/aea_response_ec_elec_fraud_review_171212.pdf

² http://lawcommission.justice.gov.uk/docs/electoral_law_scoping_report.pdf

³ http://www.aea-elections.co.uk/downloads/consultations_and_responses/aea_resp_lawcomm_law_review_170912.pdf

particularly for voters and campaigners. Regarding the latter, it should be recognised that many of these participants are either independent (not supported by a political party structure) or are volunteers.

- 2.5. In our initial response to the review of 'electoral fraud' we noted that, "the term 'fraud' is an incomplete way of referring to the wide range of electoral and non-electoral offences that can impact on the actual and perceived integrity of the electoral process".
- 2.6. We welcome the Electoral Commission's working definitions for the purposes of the review. However, we would question the completeness and focus of the definition of malpractice.
- 2.7. There are occasions when a candidate or campaigner breaches electoral law without deliberate intent to distort the individual or collective will of the electorate. For example, the imprint requirements are an example of a significant offence within electoral law which is not always understood and with which a number of participants fail to comply (or to comply fully), seemingly inadvertently rather than by design. A similar such offence is that of unsuccessful candidates failing to make an expenses return. Such allegations can take up police time and resources and are rarely prosecuted. If this is not included within the definition of malpractice, we are unsure where it would be captured within the Electoral Commission definitions:

"Electoral fraud: Deliberate wrong-doing in the electoral process, which is intended to distort the individual or collective will of the electorate.

Electoral malpractice: The breach by an election professional of his or her relevant duty, resulting from carelessness or neglect rather than deliberate intent.

Non-electoral fraud: Deliberate wrong-doing involving the electoral process, but which is intended to influence or defraud an individual or body unrelated to the electoral process." [Appendix 1]

- 2.8. In commenting on the issues raised in the paper we have taken into account the evidence summarised in Chapter 3 and we have considered and set out our views on whether the proposals are proportionate, with particular reference to the key themes set out in paragraph 4.5 of the issues paper, namely:
 - The integrity of the electoral process, including security and secrecy of the ballot
 - The accessibility of the electoral process

- Levels of participation
- The equal treatment of electors
- The interests of voters and political parties
- Proportionality
- The workability and efficiency of electoral administration
- Cost

3. Issue 1: Electoral integrity in the UK – roles and responsibilities

- *What more would you want the people and organisations outlined above to do to tackle electoral fraud in the UK?*
- *Do you think any of the roles and responsibilities set out above should change? If so, why?*

- 3.1. We do not believe that any of the roles and responsibilities set out in the issues paper should fundamentally change.
- 3.2. However, there is a mechanism in place through roundtable discussions for the exercise of those roles and responsibilities to be kept under review. Where Electoral Registration Officers (EROs) or Returning Officers (ROs) and the police have been involved in responding to allegations of fraud (whether electoral or non-electoral), any learning should inform practical guidance on undertaking initial enquiries and/or registration reviews (as relevant).
- 3.3. In terms of electoral registration, there will be a need to reassess any level of risk and approaches to prevention and detection of potential fraud both during and following the transition to individual electoral registration. While the new system is intended to provide a more robust check against fraud, all those involved in delivering the new process and the police should remain vigilant.
- 3.4. It is vital that there is recognition and acceptance that electoral fraud, when it occurs, is serious and undermines confidence in the electoral process and in the outcomes of elections. If the electorate and participants in our electoral process are to have confidence in it, allegations of electoral malpractice should be swiftly and appropriately investigated by the police and anyone found guilty

of a serious electoral offence should receive a penalty that is appropriate to that offence.

- 3.5. Since 2004, there have been significant improvements in the recognition by the police of the kind of activity that might constitute electoral malpractice. The Electoral Commission (the Commission) has worked with representatives from police forces, ACPO, the CPS, political parties, EROs, ROs, electoral administrators, Royal Mail, and UK Government officials to ensure that there is more information available to the police and to campaigners about electoral offences and to coordinate activities to prevent and detect electoral malpractice.
- 3.6. Quite rightly, the emphasis has been on prevention as the investigations of the cases cited above, for example, require a significant investment in terms of police resources. It should also be recognised that such cases also have significant resource implications for EROs and ROs and their staff at a time when both financial and staffing resources are under significant pressure.
- 3.7. As part of this initiative there has been a system of Single Points of Contact (SPOCs) within police forces with the aim of ensuring that there is an officer who takes particular responsibility for leading when allegations of electoral malpractice are made. This person should also be the source of expertise and knowledge for colleagues.
- 3.8. Feedback from AEA members collated since 2010 shows a variable level of response from the police from 'excellent, as always' with a high level of engagement in some areas, to 'less than interested' in other areas. It should be noted that the quality of the relationship with the police is one of the main areas of feedback that the AEA receives in relation to electoral integrity. The feedback possibly reflects that, where there has been a history of issues, the police have developed expertise and recognition of the importance of building working relationships with electoral staff. Where incidents are rare this may be less likely to have taken place. The turnover of officers and diminishing resources within the police service may have also resulted in knowledge being lost and a lack of continuity.
- 3.9. At a time when budgets and resources are coming under considerable pressure, it is vital that this pressure does not impact negatively on the commitment of police forces to the role of the SPOCs within their area.

4. Issue 2: Evidence of electoral fraud in the UK

- *Do you agree with our overall assessment of the evidence of electoral fraud in the UK?*

- *If not, what further evidence do you have to suggest that this assessment is not accurate?*
- 4.1. The AEA agrees with the overall assessment and welcomes the Electoral Commission's commitment to undertake further work with regard to whether demographic or cultural factors mean that specific communities are more vulnerable to electoral fraud, and whether electoral fraud is based on political practices which are more common in other countries.
 - 4.2. We believe that it is important to understand the communities and demographics that make up a particular area in order to better able to provide appropriate preventative measures in the form of education, community engagement and monitoring for potential incidents of electoral fraud by the ERO, RO and the police.
 - 4.3. There is a distinct difference between the incidence of electoral fraud (which is reported to be low) and media and public perceptions about the incidence of fraud. Clearly, any abuse of the electoral system is unacceptable. However, there is a need to address public concerns based on perceptions of the level of actual fraud whilst, at the same time, providing a clear message that there are measures to prevent and detect fraud and to prosecute where fraud is found to have taken place.

5. Issue 3: Restricting the availability of postal voting in Great Britain

Options include:

- *Abolishing postal voting on demand. This would mean that postal voting across Great Britain would be restricted only to those who are unable to attend the polling station for reasons of disability, illness, occupation or holiday (i.e. reverting to the pre-2001 system or current Northern Ireland model).*
- *Temporarily restricting postal voting on demand for a defined period in constituencies or other electoral areas where there had been recent proven cases of postal voting fraud.*
- *Completely suspending postal voting for all electors for a defined period in constituencies or other electoral areas where there had been recent proven cases of postal voting fraud.*

What criteria should be applied to determine whether postal voting on demand should be abolished or restricted along the lines outlined above? Who would make such a determination?

- 5.1. The AEA does not support the abolition of postal voting on demand. It provides a convenient method of voting that enables many electors to vote who would otherwise be disenfranchised. However, we do have views on the role that campaigners and parties play within the process and we set these out in our response to Issue 5 below.
- 5.2. As the issues paper rightly identifies, there would be risks in bringing in legislative changes to the electoral process which are targeted at specific electoral areas. We agree that it is pertinent to ask who would make the judgement that any such measures should be introduced in a particular area and on what criteria? A selective approach to limiting or suspending the availability of postal voting on demand is likely to be disproportionate in that it would be unfairly punitive for the majority of law-abiding voters and campaigners in order to address the criminal activity of a few. In addition, it might have the effect of damaging relationships within local communities where this was applied.
- 5.3. In addition, such an approach would have administrative implications for the ERO and the RO if the measure were to be introduced, for example, in one or more wards within a local authority area rather than the whole area. Both sets of arrangements would need to be managed side-by-side. It is also likely that there would be implications in terms of answering enquiries from confused and unhappy voters. Any such arrangement would require a considerable amount of work to be undertaken to publicise and explain the measures and the reasons for them. It is highly possible that such an approach might deter electors within the area from participating in the electoral process. The question of timing would also arise in relation to when any such decision might be taken and the possible appeal process in relation to such a decision.
- 5.4. There is also the distinct possibility that such measures would simply result in 'displacement'. In other words, if there were more stringent measures in one electoral area those intent on defrauding the system would move elsewhere where these measures were not in place.

6. Issue 4: Alternatives to postal voting

- *Would either mobile polling facilities or a system of advance voting offer a viable alternative for electors, should the availability of postal voting in Great Britain be restricted?*
- *Would allowing an elector to 'cancel' their postal vote and then vote in person at a polling station offer an effective solution to concerns about undue influence and postal voting?*

6.1. We have responded that we do not believe that it is in the interests of voters to restrict the availability of postal voting. As regards any system of advance voting, in 2008 we responded to a Ministry of Justice consultation on weekend voting⁴ as follows,

“Although the concept of multi-channel voting might appear desirable, adding ‘advance voting’ to the two current voting channels (polling stations and postal voting) increases the costs and the complexity of the overall process. Returning Officers would need to ensure they are able to properly manage these projects and the associated risks which include adding to the security and integrity issues relating to the conduct of the election.”

6.2. We also noted the inconclusive results of previous pilots on this approach and stated that if advance voting were to be introduced we would want there to be further rigorous piloting of any arrangements. We do not see any reason to change our view on this matter. If anything, the financial context now is far more restrictive as regards being able to justify the additional costs such a measure would incur and, therefore, a robust cost benefit analysis would need to form part of any such piloting.

6.3. As regards the proposal to allow an elector to cancel their postal vote and then vote in person at a polling station, we cannot comment on whether this would offer an effective solution to concerns about undue influence and postal voting. We are not aware of any evidence that it would offer an effective solution. From an administrative perspective, such a solution could be delivered but it would have resource implications and there would need to be measures in place to ensure a robust audit trail. There would need to be a clear deadline for such changes ahead of polling day.

7. **Issue 5: Restricting the handling of postal vote application forms and postal ballot packs by political parties, candidates, canvassers and campaigners and prohibiting the availability of absent voters’ lists before elections**

Options for change include:

- *Legally prohibiting political parties, candidates, campaigners and supporters from handling postal vote applications and postal ballot papers.*
- *Making it a legal requirement for completed postal vote application forms to be returned directly to the relevant ERO’s address, with intermediary addresses prohibited.*

⁴ http://www.aea-elections.co.uk/downloads/aea_response_weekend_voting_sept_2008.pdf

- *Legally prohibiting the handing in, by anyone other than the voter, of postal ballot packs at polling stations on polling day.*
 - *Prohibiting the availability of absent voters' lists before elections*
- 7.1. The AEA welcomes the Commission's work to update the Code of Conduct and that it is now addressed to all campaigners and not just to the main political parties. This recognises that there are many registered political parties, and campaigners, as well as independent candidates with no party structure to support them. Having resources that can be provided to the smaller parties and campaign groups as well as independent candidates and their supporters is vital if the message about acceptable and lawful behaviour at elections is to be sufficiently well communicated and understood.
 - 7.2. There is a fundamental point of principle involved that should be addressed and it may be that the Law Commission's review of electoral law is the right vehicle for doing so. The officers responsible for electoral administration are required to be impartial and independent in law for a good reason which is to ensure that our electoral processes are in fact and are seen to be free and fair.
 - 7.3. We have questioned whether it is appropriate that our electoral system allows political parties and other campaigners to have a role in administrative processes such as the creation, dissemination and return of applications to vote by post or by proxy.
 - 7.4. We would support the legal requirement for such applications to be returned directly to the ERO's office and not to be redirected via an intermediary. Administrators continue to report receiving large numbers of applications via the political parties close to the 11 days before polling day deadlines. Many of these are duplications and the resources required to process and check these can be considerable. This situation does not provide administrators with the best environment in which to maintain vigilance to identify potential attempts at fraud.
 - 7.5. We continue to receive concerns about campaigners being involved in the absent voting application process given that the personal identifiers which are intended to provide security are included on the application forms.
 - 7.6. Quite apart from the integrity issues outlined above, the ability for anyone who wants to produce an application form to do so has the potential to undermine any efforts at ensuring accessible and consistent election forms, can create problems in the processing of such forms in order to give effect to the application, and has resulted in incorrect or less than helpful information being provided to electors. We commented on one such situation in relation to the 2011 UK-wide referendum.

- 7.7. Similarly, the handling of completed postal ballots by campaigners can lead to the perception of interference even where this has not taken place. Administrators remain concerned that large numbers of such postal ballots are returned to polling stations in some areas, and it has been suggested that the provision to hand postal votes into polling stations should be removed.
- 7.8. However, in some cases, electors may need some assistance with completing or returning an application or a completed postal ballot and therefore any restrictions on handling ought to be clear about who can and cannot assist electors. A blanket prohibition on anyone assisting the voter in this way is likely to be disproportionate.
- 7.9. Compliance with the Code of Conduct remains voluntary. It is important that the main parties on the Political Parties Panels across the UK do sign up to and actively communicate and monitor compliance with the Code within their party organisations. It is in their interests to do so.
- 7.10. However, if there continues to be breaches of the Code by campaigners and parties we would strongly urge the Law Commission to consider recommending that the Code (or specific elements within the Code) are given a statutory basis in its review of electoral law.
- 7.11. We would not support the prohibition on availability of absent voters' lists ahead of an election. The availability of these supports the transparency of the process and enables parties and campaigners to campaign.

8. Issue 6: Postal voting in Northern Ireland

- *Should current arrangements for Northern Ireland where electors must give a reason when applying for a postal vote continue? Please explain why, and provide any evidence you think helps to support your view.*

8.1. No comment.

9. Issue 7: Further restrict the availability of proxy voting in Great Britain

There are three main ways in which proxy voting could be further restricted:

- *Requiring proxy vote applicants for a particular election to have their application attested, as is the case for those wanting a proxy vote for definite or indefinite period. This would potentially make it more difficult for some electors to be coerced into applying for a proxy vote.*

- *Restricting the number of electors for which a person can be appointed as proxy either by (a) restricting the proxy appointment limit to two family members plus two others, or (b) completely removing the criteria on close relatives and limiting the overall number of electors for which a person can act as proxy to two.*
 - *Restricting the availability of proxy votes to special category electors, i.e. service voters, overseas voters and crown servants.*
- 9.1. There is merit in considering options to restrict the availability of proxy voting in Great Britain. When an elector appoints a proxy they are doing so on the understanding that the proxy will vote according to the elector's wishes. It is a matter of trust. The AEA understands that there have been incidents of proxies turning up to vote on behalf of an elector and not even knowing the elector's name. This raises concerns and doubts about whether that proxy is genuinely going to vote according to that elector's wishes.
- 9.2. Extending attestation would at least require another individual to state that the application has been made for a specified and justifiable reason. How much of an actual deterrent or preventative measure that would be in practice is uncertain.
- 9.3. Restricting the overall number of electors for which a person can act as a proxy to two should reduce the potential for organised fraud in that it would require a much larger number of people to be involved to influence the outcome of an election.
- 9.4. The AEA remains open to discussing the extent of any restriction on proxy voting as an outcome of this exercise.
10. **Issue 8: Introduce a requirement for voters to present photographic identification at polling stations**

There are several ways in which such a change could be implemented:

- *Require all voters to present an approved form of photographic identification when attending a polling station on polling day.*
 - *Temporarily require all voters in specific constituencies or other electoral areas where proven cases of personation had occurred at polling stations to present an approved form of photographic identification when attending a polling station on polling day.*
- 10.1. International observers continue to question the lack of any requirement to produce identification at the point of voting in person at a polling station in Great Britain. Administrators continue to raise the issue of whether

identification of some kind should be introduced in polling stations. We have not received reports of widespread personation, although isolated cases are reported. However, the lack of any check on a person's identity is a potential vulnerability in the system and is perceived as such.

- 10.2. Therefore, requiring all voters to present an approved form of photographic identification when attending a polling station on polling day should be considered. However, that consideration should include a full impact analysis with regard to the availability of 'approved' forms of photographic identification and any accessibility issues arising from a requirement to provide such identification. Any proposals for the introduction of this requirement should include measures to address those accessibility issues. In addition, there would be administrative, resource and training implications in terms of managing the process within the polling station that would need to be considered.
- 10.3. Such consideration could include the implications of the temporary introduction of this requirement in a particular electoral area or at a particular polling station in the circumstances described above. However, a more effective deterrent may be for those who commit personation to be prosecuted and given sentences appropriate to the crime and for this to be widely publicised.
- 10.4. We noted in our response to the Law Commission scoping consultation that the law reform project provides an opportunity to consider this issue further. In doing so the role of the prescribed questions should also be considered. The format of the prescribed questions has become increasingly complex and, if retained, ought to be reviewed and simplified.

11. **Issue 9: introduce alternative measures to improve the security in or around polling stations**

Options could include:

- *Giving Presiding Officers the power to ask voters to sign for their ballot paper (this power is already included in the Electoral Administration Act 2006, but has not been commenced) and amending the legislation so that Presiding Officers must withhold the ballot paper should any elector refuse to sign.*
- *Giving Presiding Officers the power to ask voters to confirm their date of birth if they have this on record before receiving their ballot paper (Presiding Officers in Northern Ireland already have this power).*
- *Introducing a statutory (rather than voluntary) Code of Conduct for campaigners operating in and around polling places.*

- 11.1. We cannot see any benefit from requiring voters to sign for their ballot paper if that signature is not verified in any way, nor does it appear to us to be achievable in a practical sense. To introduce this measure, it would require every elector to provide a signature and for the presiding officer to have access to a scanned copy of that signature in the polling station. That would require considerable technical and financial investment to achieve. Further, even with the introduction of Individual Electoral Registration (IER), EROs will not have a signature for every elector as many electors will be confirmed onto IER registers and some may apply online (where a wet signature is not required).
- 11.2. Giving Presiding Officers the power to ask for a date-of-birth if it is on record would not provide a consistent check that could be used in respect of every elector and therefore it does not seem to us to be a viable or equitable proposal.
- 11.3. The introduction of a statutory Code of Conduct for campaigners operating within or around the polling station is worthy of consideration, although there may be a number of obstacles to achieving a workable Code. However, there are currently powers for Presiding Officers to have a person removed from a polling station if their behaviour is not acceptable ('misconduct') or 'fails to obey the presiding officer's lawful orders'. The person can be removed either by a police officer or by anyone authorised in writing by the RO to do so.
- 11.4. The main issue therefore would be to regulate activity *around* the polling station. Consideration would need to be given as to whether this would require the statutory recognition of such campaigners and, if so, would they need to be registered to campaign in this way? Defining the area in which this activity is regulated might also present a considerable challenge. Polling stations are various in nature and location, and the area around them differs greatly. Therefore the definition of the 'polling place' would be crucial. Some polling stations are located with a door directly onto the street; others might be within grounds or have a car park through which voters pass to enter the polling station as is the case with many schools and community centres etc. Therefore, for these premises a wider space is encompassed by the definition of the polling 'place' within which the polling station is located.
- 11.5. As the issues paper points out, any incidents which occur outside of the polling place become a matter of public order which is dealt with by the police. The question arises as to what could or should be done where the activity which voters find intimidating does not represent a breach of public order. For example, simply the presence of a large group of campaigners which voters must pass through to enter the polling station can be seen as intimidating.

- 11.6. The aim, it would seem to us, is to ensure that voters are not intimidated or feel themselves to be intimidated by campaigners as they go into or out of the polling station. Therefore, a measure that might be included in any statutory Code could be that of limiting the number of campaigners that any one candidate could have supporting them within the vicinity of the polling station, notwithstanding the issues raised about defining this.
- 11.7. Educating campaigners as regards acceptable behaviour and the strategic deployment of police officers at particular polling stations might also achieve this aim, and indeed are measures currently employed by ROs.
- 11.8. The AEA would welcome the opportunity to debate these issues further.

12. Issue 10: Polling station arrangements in Northern Ireland

- *Should current arrangements for Northern Ireland where electors must present photographic identification at the polling station continue? Please give your reasons.*
- *Are the specified forms of photographic identification in Northern Ireland sufficient? Is there a case for the range of acceptable forms of identification to be extended?*

12.1. No comment.

13. Issue 11: Electoral registration

- *What, if any, further measures beyond those provided for under individual electoral registration do you believe are necessary to further secure the electoral registration process in Great Britain?*
- 13.1. The potential for fraud in relation to electoral registration in Great Britain currently lies in the lack of any requirement for the applicant's identity to be verified. Similarly, eligibility in terms of the residency qualification is largely taken on trust with no evidence required to be produced, although EROs have powers to check other records, and are required to canvass properties. It should be noted that EROs have powers to require information in order to maintain the electoral registers and to ask for evidence of age and nationality. Overall, the current system relies on EROs being vigilant in watching for patterns of applications or irregularities in applications that might indicate an attempt at fraud.
- 13.2. It might be reasonable to assume that fraud is attempted where there is some significant advantage to be had in doing so. In the case of electoral registration in Great Britain, this would appear to be largely for non-electoral

purposes - for financial, benefit or ID fraud⁵. The full electoral register is used for a range of non-electoral purposes including, in particular, by credit reference agencies as part of the process for vetting applications for credit. There is therefore a significant financial incentive to obtain a fraudulent entry on the electoral register.

- 13.3. However, this is not the only purpose for fraudulent registration activity, and there have been localised attempts to obtain entries on the register with the intention of influencing elections - for example, the case in Slough Central ward in 2007.
- 13.4. There have also been cases where fraudulent registration has been attempted to prove the vulnerability of the current system, and often linked to a media story. Such stories may have contributed to the public perception of 'widespread fraud'.

Individual electoral registration (IER)

- 13.5. The AEA has for some years called for the introduction of IER and welcomes the work being undertaken by the UK Government in moving forward with the implementation of IER in Great Britain. In trying to balance access to this new system whilst ensuring that it is secure and that there is some level of assurance of an applicant's identity, the Cabinet Office is in the process of developing a highly complex system which would be a hybrid of the current household canvassing system with the requirement for individual applications and registration.
- 13.6. It is proposed that the majority of electors would be confirmed via data matching with DWP data and so will not be required to make new applications to register until they move house, for example. The system would require new applicants to provide their date-of-birth and NINo which would then enable verification to take place. It is recognised that it is likely that this data would become even more valuable than it is currently given the uses of the electoral register with data security becoming an absolute priority.
- 13.7. The system as proposed would result in EROs being reliant on third party data holders such as DWP for verifying identifiers, and a newly developed IT infrastructure for transmitting data between EROs and data holders. For the reasons set out below, it is vital that this infrastructure and process works effectively and securely in real time with significant volumes of data.
- 13.8. In our 2010 report, we highlighted the challenge for electoral administrators faced with significant volumes of applications to register and to vote by post

⁵ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/147161/Analysis-of-alleged-cases-of-electoral-malpractice-in-2011.pdf ; paragraph 2.9

close to the deadlines 11 days before the poll.⁶ We noted that there had been a number of suspicious applications in the run-up to the elections in May 2010 and that the EROs involved had to take a variety of urgent actions working closely with the police.

- 13.9. One of the few options open to an ERO in such circumstances is to write to the applicant for further information or call them to a hearing which, given the timescales, does not give the applicant much time to respond. In some cases EROs mobilised local authority audit inspection teams to undertake visits to properties and to cross-check other data held by the local authority. All of this required a considerable resource commitment.
- 13.10. In the run-up to the UK Parliamentary General Election and other elections scheduled for May 2015, administrators will be operating an entirely new and complex system of registration at a time when there is likely to be significant interest in the elections, generating large numbers of last minute applications. In the event of the applicant being unable to provide their identifiers, an exceptions process would be available whereby an applicant to register could provide specified documentary evidence, or an attestation by a 'person of good standing' in support of their application. The inclusion of attestation may represent a weakness in the new system. EROs will be *required* to seek an attestation from an applicant where an applicant cannot prove their identity by providing documentary evidence to the type and quantity required by the exceptions process.
- 13.11. Managing all of the above processes at this key pressure point in the timetable is likely to put electoral services staff and the new infrastructure under extreme pressure. Therefore, the risk to confidence in the process could potentially be as a result of system overload or disenfranchisement rather than any attempt at electoral fraud.
- 13.12. As noted in paragraph 3.3 above, in implementing IER, guidance should be given to how EROs, administrators, the police and prosecuting authorities should manage any allegations or attempts at fraud within either the registration process or the absent voting process.

Residence and voting more than once

- 13.13. At present, a person can register at more than one address - this particularly applies to people with second homes and students. However, this facility is one which has been of concern to electoral administrators for some time and, in 2010, we highlighted that the law regarding "residency is not clear and leaves EROs to exercise their judgement in any particular case, with reference

⁶ http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf

to general guidance in section 5 of *The Representation of the People Act (RPA) 1983* and to case law⁷.

- 13.14. Although people can register in more than one electoral area, they should not vote more than once at any election to a particular body - so, for example, a person should not vote more than once at a UK Parliamentary General Election. To do so is an offence.
- 13.15. However, there is no mechanism for identifying how many people, unwittingly or otherwise, voted more than once at the 2010 General Election. The availability of postal votes on demand with a provision to have the postal vote sent to an alternative address to that at which a person is registered makes it relatively easy for a person to commit this offence, either knowingly or unknowingly. This is an issue which remains to be addressed.

14. Conclusion

- 14.1. The AEA welcomes the Electoral Commission review of electoral fraud. It raises many complex issues and suggests options and proposals that are inherently inter-linked. While we agree with the assessment that there is no evidence to suggest widespread electoral fraud within the UK, any incidence of fraud, however isolated, undermines confidence in the electoral process as does the perception of fraud.
- 14.2. In combatting that perception, and in attempting to address actual vulnerabilities within the system, careful consideration should be given to any new measures and a robust process should be put in place to examine how they would fit together as a complete package so as to mitigate the risk of unforeseen consequences.
- 14.3. All those with an interest in the electoral process in the UK should be mindful of their responsibility to support the actual and perceived integrity of the process.

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7 August 2013

⁷ http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf ; page 40.