



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Sir Eric Pickles Electoral Fraud Review and Call for Evidence

1. INTRODUCTION

1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,857 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

1.2. This paper sets out the AEA's views in relation to the electoral fraud review and call for evidence.

1.3. The AEA's primary concern is about the effect of any proposed changes to the law which would impact on electoral registration and the administration of elections and which might arise as a result of the issues identified in the electoral fraud review. Any such changes would need to be carefully considered in terms of the practical implications and the way in which the changes would be introduced and administered.

1.4. Across the country the extent and nature of electoral fraud varies with some large rural parts where it is almost non-existent. This needs to be recognised in any proposed legislative changes so as not to create unnecessary burdens on local authorities. The Law Commission are currently looking at a consolidated electoral law bill which will provide an opportunity to include provisions to directly address electoral fraud.

2. EVIDENCE USED IN OUR RESPONSE

2.1 Two approaches have been taken in formulating our response. Firstly, a review of previous AEA post-election reports to identify any relevant issues and recommendations:

- Elections and Individual Registration – The challenge of 2015¹
- A question of timing? The administration of the Police and Crime Commissioner elections in England and Wales - 2012²
- The administration of the referendums and elections across the UK in 2011³
- Beyond 2010: the future of electoral administration in the UK⁴

¹ [Elections and Individual Registration – The challenge of 2015](#)

² [A question of timing? The administration of the Police and Crime Commissioner elections in England and Wales - 2012](#)

³ [The administration of the referendums and elections across the UK in 2011](#)

⁴ [Beyond 2010: the future of electoral administration in the UK](#)

Secondly, a survey of all AEA members. The survey consisted of 19 questions relating to electoral fraud as shown at Appendix A. A copy of all the survey responses is available at Appendix B.

2.2 A total of 217 survey responses were received which represented 199 local authorities. In order to keep the anonymity of our members and their local authority, their identity has not been disclosed at Appendix B. However, if you require further clarification in relation to any answers given, please contact Angela Holden at the AEA (email: angela.holden@aea-elections.co.uk) who will liaise with the member concerned.

3. ELECTORAL INTEGRITY

3.1 Our recent survey relating to electoral fraud showed that only 15.3% of responses had evidence of electoral fraud happening within their local authority area with 84.7% reporting no evidence. In relation to whether there was a perception of fraud happening within their local authority area, only 10.6% reported there was with 89.4% reporting there was no perception of fraud happening.

3.2 Our recent report "Elections and Individual Registration – The challenge of 2015"⁵ highlighted that international observers have commented in the past that the electoral system in Great Britain is based on trust and is therefore vulnerable to electoral fraud. Over the years, changes have been made in legislation to reduce the potential for electoral fraud:

Postal votes: Applications for a postal vote require the person's date of birth and signature. This data is then checked when the postal voting statement is returned with the postal ballot paper.

Registration: Last year IER was introduced which requires the verification of all electors. The date of birth and national insurance number must be supplied when registering to vote and then verified before a person is registered.

3.3 However there still remains other areas of concern within the electoral system which are outlined below in detail.

4. AEA POST-ELECTION REPORTS

4.1 Registration

4.1.1 Registration in more than one electoral area - The AEA expressed concern in our report "Beyond 2010: the future of electoral administration in the UK"⁶ and again in our recent report "Elections and Individual Registration – The challenge of 2015"⁷ about the current provision within the law for some people to be registered in more than one place. The law regarding 'residency' is not clear and leaves EROs to exercise their judgement in any particular case. For example, the ability for people to

⁵ [Elections and Individual Registration – The challenge of 2015](#)

⁶ [Beyond 2010: the future of electoral administration in the UK](#)

⁷ [Elections and Individual Registration – The challenge of 2015](#)

register at a 'second home' and the lack of a firm definition for what constitutes a 'second home'.

Although people can register in more than one electoral area, they should not vote more than once at a UKPGE. To do so is an offence. However, there is no way of knowing how many people, unwittingly or otherwise, have voted more than once at any particular General Election.

In March 2015 the AEA responded as follows to the following question in the Law Commission – Electoral Law: A Joint Consultation Paper⁸:

“Should the law lay down the factors to be considered by registration officers when registering an elector at a second residence?

Yes. With the factors included in legislation, this would make it clearer for the registration officer when determining applications from electors wishing to register at a second residence. Option 1 on page 55 appears to include the relevant factors that should be considered in relation to second residency.⁹”

Our recent report “Elections and Individual Registration – The challenge of 2015”¹⁰ made the following **recommendation**:

- The UK Government should review current legislation and provide further clarification in legislation in relation to second homes as outlined in the Law Commissions’ consultation paper.

4.2 Absent voting

4.2.1 Absent voting applications - In March 2015, the AEA responded to the Law Commission – Electoral Law: A Joint Consultation Paper fully supporting the following provisional proposal:

- Absent voting applications should substantially adhere to prescribed forms set out in secondary legislation¹¹.

In our 2012 report “A question of timing? The administration of Police and Crime Commissioner elections in England and Wales”¹² we reported on issues regarding allegations of postal votes being cast by other members of a family, with a call for more voter education and the need for legislated control of political parties’ and party workers’ involvement in the absent voting process.

In 2012 in our response to the Electoral Commission review of electoral fraud and integrity we posed the following question:

“There is a fundamental point of principle involved that should be addressed. The officers responsible for electoral administration are required to be impartial and

⁸ [Law Commission – Electoral Law: A Joint Consultation Paper](#)

⁹ [AEA Formal response to the Law Commission – Electoral Law: A Joint Consultation Paper](#)

¹⁰ [Elections and Individual Registration – The challenge of 2015](#)

¹¹ [Law Commission – Electoral Law: A Joint Consultation Paper – Provisional Proposal 6.5](#)

¹² [A question of timing? The administration of the Police and Crime Commissioner elections in England and Wales - 2012](#)

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.

Therefore, is it 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 register, and applications to vote by post or by proxy?"¹³

In our 2012 report "A question of timing? The administration of Police and Crime Commissioner elections in England and Wales"¹⁴ we urged the Electoral Commission, the UK Government and Parliamentarians to address this issue in order to support the integrity of the electoral process.

In all of our post-election reports detailed above, the issue of forms being sent back to a political party address before being forwarded to the Electoral Registration Officer by the political party, rather than directly to the Electoral Registration Officer has been reported. In our report "The administration of the referendums and elections across the UK in 2011"¹⁵ we highlighted that the primary concerns were that these applications might not reach the Electoral Registration Officer before the deadline for applications (5 pm, 11 days before polling day) resulting in electors being effectively disenfranchised. Electoral Registration Officers have, in the past, received these applications from political parties in batches, some of which have included hundreds and sometimes thousands of applications delivered close to the deadline for applications. Many of these applications have duplicated existing postal vote arrangements. This raises the concern that some electors do not understand what they have signed and that this could make them vulnerable to electoral fraud. In addition, campaigners can be accused of committing electoral fraud where they offer to assist voters in completing and returning their postal ballots.

In our recent report "Elections and Individual Registration – The challenge of 2015"¹⁶ we highlighted, as is the case for all fixed elections, that the Electoral Commission had issued a Code of Conduct for political parties, candidates, canvassers and campaigners on the handling of postal vote applications and postal ballot papers in Great Britain¹⁷ for these elections. This was agreed by national political parties. ROs also circulate this Code of Conduct to local political parties as a reminder about this part of the election process. Unfortunately, the Code of Conduct is only a voluntary code and, as the following quotes highlight, there were still some issues in relation to the handling of postal votes at the elections in May this year.

"only 30% returned a form issued by the Chief Constable and myself confirming that they would abide by the Code of Conduct".

Electoral Registration & Returning Officer, Southern

"[x party] postal vote forms – concerns raised when I noticed 99% of the forms were coming from the party office, not the electors. Why was this? Checked

¹³ [AEA formal response to the Electoral Commission review of electoral fraud and invitation for evidence and views on potential vulnerabilities in the current electoral system](#)

¹⁴ [A question of timing? The administration of the Police and Crime Commissioner elections in England and Wales - 2012](#)

¹⁵ [The administration of the referendums and elections across the UK in 2011](#)

¹⁶ [Elections and Individual Registration – The challenge of 2015](#)

¹⁷ [Code of conduct for campaigners](#)

with colleagues to find the same thing happening. Covering letter stated councils address was given, but these were electors who chose to return them to us. Mentions code of conduct etc. Closer look at the form reveals they are giving out Freepost return envelopes with the PARTY address on it for the electors to return the form to them. The elector then has the choice of paying for, as well as finding and addressing an envelope, to return it direct to the ERO, or simply putting it in the provided freepost envelope and sending it to the party. It is very obvious which the elector would prefer to do, and IS doing based on experience. Code of Conduct point 15 states 'Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer's address should be the preferred address given for the return of application forms.' Our address is given on the form, but they are clearly influencing voters to return them directly to them by providing the envelope. Why are they not putting our address on the return envelope? They can put it on the form. In my opinion they are in breach of the code of conduct and will be talking to the EC later today."

Elections Officer, Eastern

In relation to the above Code, the Electoral Commission had suggested that the following recommendation should appear in its Code of Conduct:

"Campaigners at elections and referendums in the UK should not be involved in the process of assisting other people in completing postal or proxy voting applications or handling of postal ballot packs."¹⁸

Unfortunately, this recommendation was not approved by the political parties for the Code of Conduct agreed for the elections in May 2015 and, therefore, was not included. It is worth bearing in mind that the Code of Conduct is only a voluntary one. We believe that, as a result, there is a need for provision to be made within legislation to make these actions an offence.

The formalising of roles and responsibilities in legislation is seen as likely to be more effective in ensuring integrity than the current reliance on voluntary codes. This would provide certainty as to what is and is not acceptable behaviour and practice for all stakeholders including EROs, ROs, party workers and voters.

In the AEA's response to the Law Commissions' Consultation Paper, we supported the proposal making such activity an offence. In our recent report "Elections and Individual Registration – The challenge of 2015"¹⁹ we also made the following **recommendations:**

- The UK Government should set out in secondary legislation that absent voting applications should substantially adhere to prescribed forms.
- The UK Government should change electoral law so as to prohibit the involvement by campaigners in any of the following:
 - ❖ assisting in the completion of postal or proxy voting applications;

¹⁸ [EC Report - Electoral fraud in the UK - recommendation 3](#)

¹⁹ [Elections and Individual Registration – The challenge of 2015](#)

- ❖ handling completed postal or proxy voting applications;
- ❖ handling another person's ballot paper;
- ❖ observing a voter marking a postal ballot paper;
- ❖ asking or encouraging a voter to give them any completed ballot paper, postal voting statement or ballot paper envelope;
- ❖ if asked by a voter to take a completed postal voting pack on their behalf, failing to post it or take it directly to the office of the Returning Officer or to a polling station immediately;
- ❖ handling completed postal voting packs at all.

4.2.2 Postal vote waivers - The AEA highlighted in our report "Beyond 2010: the future of electoral administration in the UK"²⁰ and again in our recent report "Elections and Individual Registration – The challenge of 2015"²¹ that where an applicant for an absent vote is unable to provide a signature, they may request that the ERO waive this requirement. The law does not set out how EROs may satisfy themselves that the applicant's request is genuine and that they are 'unable to provide a signature or a consistent signature due to any disability or inability to read or write'.

Guidance issued by the Electoral Commission offers, as a practical solution, a declaration by the person assisting the applicant that the elector in question meets the above criteria.

Whilst it is absolutely right that people with a disability are supported to apply for the means of voting which suits them best within the current provisions, the lack of a statutory declaration means that the waiver continues to present a potential risk to the integrity of the process.

In March 2015, the AEA responded to the Law Commission – Electoral Law: A Joint Consultation Paper fully supporting the following provisional proposal and also suggested that the attestation should be extended to a health professional, including a carer, to enable all electors who might require a waiver to be able to apply for one:

*Requests for a waiver of the requirement to provide a signature as a personal identifier should be attested, as proxy applications currently must be.*²²

In our 2010 report "Beyond 2010: the future of electoral administration in the UK"²³ we made a recommendation in relation to this issue which was reinforced in our recent report "Elections and Individual Registration – The challenge of 2015"²⁴ when we made the following **recommendation**:

- The UK Government should amend the legislation to require that applicants for postal votes who request a waiver must have their application attested in line with current arrangements for proxy applications, but with the attestation extended to a health professional, including a carer.

²⁰ [Beyond 2010: the future of electoral administration in the UK](#)

²¹ [Elections and Individual Registration – The challenge of 2015](#)

²² [AEA Formal response to the Law Commission – Electoral Law: A Joint Consultation Paper](#)

²³ [Beyond 2010: the future of electoral administration in the UK](#)

²⁴ [Elections and Individual Registration – The challenge of 2015](#)

4.2.3 Emergency proxies - In our recent report "Elections and Individual Registration – The challenge of 2015"²⁵ we reported that at previous elections there may have been a few applications received as a result of late illness etc., but there were very few emergency proxy applications received in relation to a person's occupation, service or employment. However, political parties and campaigners have become more aware of the facility, as witnessed by the significant volume of emergency proxy votes issued at the Scottish Referendum in September 2014 for employment reasons. This increasing trend continued for the combined polls on 7 May this year, with significant implications for staff resources in processing the volume of applications.

"Emergency proxies were significantly increased and were quite time consuming. A lot appeared to be politically motivated."

Consultant, North East and Yorkshire

"Emergency proxies - arrgh! So much work, not convinced most of them found out after 28 April but they were signed, so what can you do. Pressure from Parties to allow emergency proxies for people attending funerals, autopsies, visiting people in hospital and even going to London to see a show Wednesday and not back until Friday as a surprise birthday present!...."

Democratic Services Manager, Southern

".....Emergency proxies are a mess - no real control over these as there seem to be a big number of self-employed people who applied - who had their applications endorsed by someone they know - a nonsense but we are powerless to stop this. On a very busy election day, having to contact the polling staff to inform them was time consuming."

Electoral Services Manager, London

There is a significant administrative burden in processing and checking that an application for an emergency proxy meets the criteria set out and is valid before the application can be granted. As can be seen from the above quotes, there were issues in relation to applications made by allegedly self-employed electors applying for an emergency proxy and there is a need to review the criteria as a result.

Our recent report "Elections and Individual Registration – The challenge of 2015"²⁶ made the following **recommendation**:

- The UK Government should review and consider the circumstances for emergency proxy applications, including the deadline for receiving such applications.

²⁵ [Elections and Individual Registration – The challenge of 2015](#)

²⁶ [Elections and Individual Registration – The challenge of 2015](#)

4.3 Polling stations

4.3.1 Identifying voters - Our recent report "Elections and Individual Registration – The challenge of 2015"²⁷ highlighted that international observers continue to question the lack of any requirement to produce identification at the point of voting in-person at a polling station. It remains a potential vulnerability in the electoral process in Great Britain. In Northern Ireland, voters are required to produce pictorial identification at the polling station.

4.3.2 Tellers - Our report "Beyond 2010: the future of electoral administration in the UK"²⁸ and again in our recent report "Elections and Individual Registration – The challenge of 2015"²⁹ highlighted that the issue of tellers continues to cause difficulties with administrators expressing concern about the potential for and actual intimidation of voters.

As outlined previously, the formalising of roles and responsibilities in legislation is seen as likely to be more effective in ensuring integrity than the current reliance on voluntary codes. This would provide certainty as to what is and is not acceptable behaviour and practice for all stakeholders including EROs, ROs, party workers and voters.

Our recent report "Elections and Individual Registration – The challenge of 2015"³⁰ made the following **recommendation**:

- The UK Government should look to formalise the roles and responsibilities in legislation in relation to tellers and the postal vote code of conduct, so as to be more effective in ensuring integrity.

4.4 Electoral Fraud Reduction and Prevention

In our recent report "Elections and Individual Registration – The challenge of 2015"³¹ we reported on the additional funding of £1/2 million that was provided by the Cabinet Office and shared between 17 local authorities identified as at risk in relation to electoral fraud. The funding was specifically for electoral fraud reduction and prevention initiatives before the elections in May. Whilst notification of the additional funding was late, local authorities welcomed the funding and were able to make use of the additional funding with the following reports being received:

"This funding allowed us to better support those areas where the potential for our integrity could be brought into question. Funding was spent on additional police resource, training of our Neighbourhood Officers, provision of guidance leaflets on keeping your vote safe, security arrangements at the count venue and development of a whistleblowing online reporting form which was available on a news feed from our website. This gave greater confidence in the integrity of our election processes."

Electoral Services Manager, East Midlands

²⁷ [Elections and Individual Registration – The challenge of 2015](#)

²⁸ [Beyond 2010: the future of electoral administration in the UK](#)

²⁹ [Elections and Individual Registration – The challenge of 2015](#)

³⁰ [Elections and Individual Registration – The challenge of 2015](#)

³¹ [Elections and Individual Registration – The challenge of 2015](#)

"The extra funding allowed us to pay for additional police support. Polling Station Inspectors were accompanied by Police Officers throughout the day, which given the number of allegations and problems at polling stations was a God Send. We also used Facebook and Twitter." encouraging reports of any suspicious activity and raising the profile of what is and is not allowed throughout the process."

Electoral Services Manager, Southern

It is hoped that this funding continues for all future elections.

5. SURVEY RESPONSES SUMMARY

5.1 As outlined earlier, a survey of AEA members was conducted in relation to electoral fraud. The survey was launched on 16 September and closed on 2 October 2015. A copy of the survey is reproduced at Appendix A.

5.2 Below is an overview of the responses received. The full results are available at Appendix B. A total of 217 survey responses were received which represented 199 local authorities. 11 of the 17 local authorities who received the additional funding in May towards electoral integrity responded.

84.7% of responses indicated they had no actual evidence of fraud happening in their area with only 15.3% indicating that they had. Whilst 89.4% indicated there was no perception of fraud in their area, only 10.6% indicated that they had. 34.9% indicated that fraud during an election period related to all types of elections, with 32.6% indicating fraud at parliamentary elections, 46.5% at local elections, and 2.3% at European and Mayoral elections.

92.0% indicated that electoral fraud was a low concern in their area, with 4.7% being of medium concern, and only 3.3% indicating high concern.

33.3% of responses believed that people have registered fraudulently for reasons other than being able to vote at an election with the main motivations being to obtain credit and for financial reasons.

88.8% indicated that there had been no prosecutions in relation to any type of fraud in their area with only 11.2% indicating there had been.

68.3% believed that existing systems are effective in detecting fraud with 31.7% indicating they are not. 81.3% believed that, where electoral fraud is alleged or found to have been committed, the current system allows for it to be dealt with effectively with 18.7% indicating that it was not the case.

52.0% believed that there are existing or potential vulnerabilities in the electoral system that need to be addressed with 48.0% indicating there is not. 95.8% indicated there were no emerging issues in their area that indicated a growing problem with fraud in a particular part of the electoral system with only 4.2% indicating there were.

5.3 Appendix B shows the full responses, additional comments and explanations in relation to the above questions. In addition, there are ideas of how to help reduce fraud or the perception of fraud in local areas and what has been done to tackle the issue, including measures that have found to be effective in addressing electoral fraud where it has been a problem.

John Turner
Chief Executive

October 2015

Electoral Fraud Review by Sir Eric Pickles

1. Electoral Fraud Review by Sir Eric Pickles

You will be aware that Sir Eric Pickles, the Government's Anti-Corruption Champion, is to review electoral fraud and make recommendations on what more could be done to tackle it. The review is looking at all types of electoral fraud for example: registration, absent voting, and in polling stations. Further details are available at <https://www.gov.uk/government/news/sir-eric-pickles-to-examine-electoral-fraud>.

A call for evidence has been issued as part of the review and the AEA Management Team has agreed that the AEA will submit a national response. We therefore encourage you to complete the AEA survey below so that we have a full picture of the issues to help formulate our national response.

As part of the AEA national response the responses provided to the questions in this survey will be submitted to the Cabinet Office as quoted. Please provide detailed responses as appropriate including hard quantitative data.

In addition local authorities can also submit their own individual responses direct to the Cabinet Office at electoral.fraud.review@cabinetoffice.gov.uk. We would encourage the 17 local authorities that received additional funding towards electoral integrity at the elections in May this year to do so. The call for evidence closes on 8 October 2015. However if you do submit individual evidence direct please also take the time to complete our survey below so that we can formulate a national response for the AEA.

The AEA survey closes on Friday 2 October 2015.

*** 1. Your name**

*** 2. Local Authority**

*** 3. Email Address and Telephone Number (in case we need to clarify any points with you)**

Email:

Tel:

*** 4. AEA Branch**

Electoral Fraud Review by Sir Eric Pickles

5. Have you any actual evidence of fraud happening in your area?

Yes

No

If yes, please provide full details and quantify if possible:

6. Is there a perception of fraud happening in your area?

Yes

No

If yes, please provide full details:

Electoral Fraud Review by Sir Eric Pickles

7. If you answered yes to questions 5 or 6 and it related to fraud during an election period - in which type of elections?

All types of elections

Local

Parliamentary

Mayoral

European

Parish

Comments:

8. Do you believe that people have registered fraudulently for reasons other than being able to vote at an election?

Yes

No

9. If yes, what do you think the motivations might be behind such fraud?

Electoral Fraud Review by Sir Eric Pickles

10. Have there been any prosecutions in relation to any type of fraud in your area?

Yes

No

If yes, please provide full details:

Electoral Fraud Review by Sir Eric Pickles

11. Please indicate below how much of a concern electoral fraud is in your area (high/medium/low)

High

Medium

Low

12. Do you believe that existing systems are effective in detecting electoral fraud?

Yes

No

If no, please give reasons and any examples, and suggest any changes that would improve the detection of electoral fraud:

Electoral Fraud Review by Sir Eric Pickles

13. Where electoral fraud is alleged or found to have been committed, do you believe the current system allows it to be dealt with effectively?

Yes

No

If no, please give reasons and any examples:

14. Do you believe there are existing or potential vulnerabilities in the electoral system that need to be addressed?

Yes

No

If yes, please suggest any changes that would address them:

Electoral Fraud Review by Sir Eric Pickles

15. Are there any emerging issues in your area that indicate a growing problem with fraud in a particular part of the electoral system?

Yes

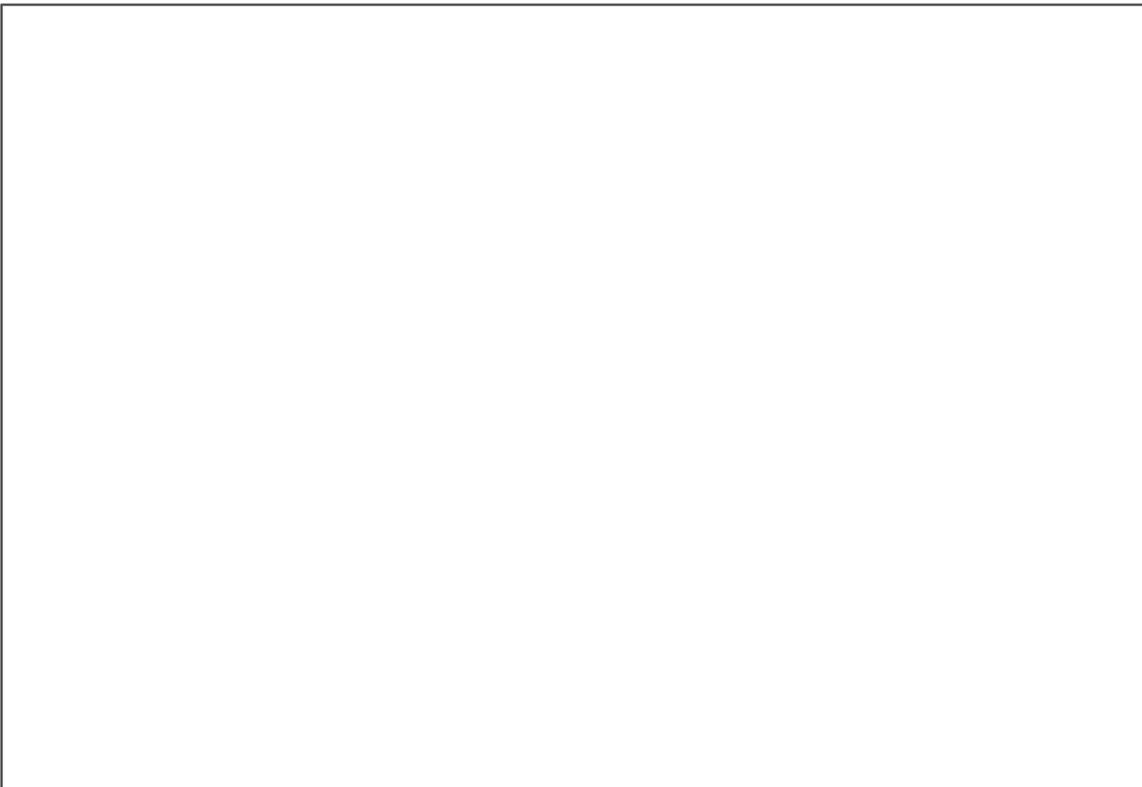
No

If yes, please provide full details:

16. To help reduce fraud or the perception of fraud in your area what have you done to tackle the issue?



17. Please give details of any measures that you have found to be effective in addressing electoral fraud where it has been a problem.



18. Are you one of the 17 Local Authorities who received additional funding for electoral integrity at the elections in May this year?

Yes

No

19. Any further comments in relation to electoral fraud?

Thank you for completing this survey.