

The London Assembly Elections Review Committee

The London Assembly Elections Review Committee was established on 11 May 2005. The purpose of the Committee was to review and report on postal voting and electoral fraud at the 2005 general election in London. This Report presents the findings and recommendations of the Committee.

Terms of Reference

The terms of reference of the Committee were to examine the implications for future London elections of the experience of postal voting in the 5 May 2005 Parliamentary elections, including relevant aspects of elections management and rules as necessary.

Committee Membership

The membership of the Committee was as follows:

Brian Coleman (Chair)	Conservative
Sally Hamwee (Deputy Chair)	Liberal Democrat
Jennette Arnold	Labour
Damian Hockney	One London
Darren Johnson	Green

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1. Introduction

- 1.1 In London, there are 5.2 million people who are eligible to vote at general elections. Almost half a million of them – ten per cent of electors – are registered to vote by post,¹ under the system of postal voting on demand. The system allows individuals to apply for a postal ballot paper rather than voting in person at a polling station. Under the pre-2001 postal voting system, electors had to provide evidence, such as a doctor's certificate, to demonstrate that they were not able to vote in person. Now, postal voting is available to any registered elector who wishes to make use of the facility.
- 1.2 The principle of postal voting on demand was welcomed by all the main political parties at the time of its introduction, not least because the new system was introduced in a context of increasing fears that people are disengaging from politics and failing to turn out to vote at elections. It was hoped that providing people with more convenient methods of voting might result in increased turnout. There has been some, albeit marginal, success on this front – turnout among postal voters since 2001 has been much higher than among those voting in person at polling stations. This seems to be largely due to the fact that rather than attracting new voters, postal voting on demand is making voting more convenient for those who would have voted anyway but find it more convenient to do so by post.
- 1.3 The majority of Members of this Committee are in favour in principle of postal voting on demand. However, some serious flaws have been identified which introduce an unacceptable degree of risk into the system. We cannot judge the extent to which this risk has been exploited by fraudsters. But it is clear that because of this introduction of new and significant risks into our electoral system, and a number of high-profile cases and allegations of fraud, there has been a significant loss of public confidence in our electoral system. And, in our view, the presence of substantial risk ought to be a strong imperative for mitigating action, even if there is a lack of definitive evidence to prove that the gaps in the system are being fully exploited. It is not good enough to wait for further cases to emerge before taking decisive and effective steps to close some of the loopholes and make it at once more difficult to commit fraud and more likely that anyone attempting to commit fraud will be caught and appropriate sanctions applied.
- 1.4 In response to growing public concern about the integrity and security of the electoral systems, and especially postal voting, the Government, in May 2005, published proposals for legislation to introduce new measures to 'make the electoral process more accessible, enhance security and help improve administrative effectiveness'.² Following consultation with practitioners and other stakeholders during the summer, the Government published the Electoral Administration Bill in October 2005. The Bill includes a number of proposed measures to improve the security of the electoral system.

¹ Report from the London Assembly 2004 Elections Review Committee, 'Greater London Authority Elections', December 2004, page 10

² Department for Constitutional Affairs, 25 May 2005, 'Electoral Administration – a policy paper for discussion', page 6

- 1.5 In launching the consultation, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Faulkner of Thoroton QC, said, 'I regard it as important to have as many of the proposed security measures as possible in place for the local elections in May 2006'.³ The timing of any reform is particularly important in London because in May 2006, Londoners are due to vote in London borough council elections. Because of the small numbers of voters in each electoral unit (local wards rather than parliamentary constituencies), the results of local council elections can hinge upon a handful of votes.⁴ It would not take a large-scale, organised operation such as was seen in Birmingham in 2004 to skew the results in a ward or a number of wards – the margins are much smaller than those in a Parliamentary, London Assembly or large City Council election. For this reason it is all the more important that the electoral register and methods of voting are as secure as possible in time for the May 2006 local elections in London.
- 1.6 The Electoral Commission and others have considered in detail the security and administration of postal voting on demand. In this Report, we examine the issues from a London perspective, looking forward to the local elections next May and to the next Mayoral and London Assembly elections, due to take place in 2008.
- 1.7 We would like to thank all those who provided views and information to the Committee as part of this review. A full list of those who provided written information and those who attended meetings of the Committee is provided at Annex A to this Report.

2. Postal voting on demand

- 2.1 There have been two particularly high-profile and damaging cases of electoral fraud in the past year. On 4 April 2005, a petition court in Birmingham delivered its judgement in two cases of postal voting fraud in the City Council wards of Aston and Bordesley Green. Richard Mawrey QC, the Commissioner (which is the electoral petition term for the judge), stated that he had heard 'evidence of electoral fraud that would disgrace a banana republic'.⁵ On 8 April 2005, a former Labour councillor in Blackburn was jailed for three years and seven months for deceiving electors into handing over their postal ballot papers and then fraudulently completing and returning the ballot papers himself. Judge Peter Openshaw said that fraud on this scale had not been seen in the UK for more than a hundred years.⁶
- 2.2 April 2005 also saw a number of further allegations of postal vote fraud, in Blackburn, Birmingham, and the Parliamentary constituency of Leicester South. On 21 April 2005, Mr Justice Collins rejected an application by Parliamentary candidate John Hemming for a judicial review of postal voting, on the basis that a review would be premature. However, he commented that there were insufficient safeguards in place to prevent postal voting fraud.⁷

³ Department for Constitutional Affairs, 25 May 2005, 'Electoral Administration – a policy paper for discussion', Foreword by the Secretary of State for Constitutional Affairs and Lord Chancellor, page 2

⁴ Transcript of Elections Review Committee meeting, 8 June 2005, page 24

⁵ Judgement in the matter of a local government election for the Bordesley Green ward of the Birmingham City Council held on 10th June 2004, and in the matter of a local government election for the Aston ward of the Birmingham City Council held on 10th June 2004 [the Birmingham judgement], page 205, paragraph 716

⁶ House of Commons Library, 7 June 2005, Standard Note SN/OC/03667, 'Postal voting and electoral fraud', page 13

⁷ House of Commons Library, 7 June 2005, Standard Note SN/OC/03667, 'Postal voting and electoral fraud', page 13

- 2.3 These cases and allegations highlighted a number of significant risks to the security of postal voting on demand. For example, on 4 April 2005, Richard Mawrey QC issued his judgement in the petitions against City Council elections in two wards of Birmingham on 10 June 2004. The Commissioner upheld allegations of postal voting fraud against six councillors elected at the June 2004 local elections. The election results were declared void, and the councillors removed from office. But the judgement went well beyond the specific petitions that had been investigated. Richard Mawrey QC's judgement was a detailed and very damaging indictment of the rules and systems governing postal voting on demand. The judgement commented that postal voting fraud was easy, and policing of electoral fraud was minimal 'to the point of being non-existent'.⁸ The combination of these two factors meant that postal voting on demand was 'a recipe for fraud'.⁹ The Commissioner's conclusion was that, 'the systems to deal with fraud are not working well. They are not working badly. The fact is that there are *no* systems to deal realistically with fraud and there never have been. Until there are, fraud will continue unabated'.¹⁰
- 2.4 The principal weaknesses in the system, identified by Richard Mawrey QC, were as summarised in the following extracts from the judgement.
- a. **Applications for postal votes** 'Although the application [for a postal vote] must be signed, this is, in practice, a completely useless precaution. The Electoral Registration Officer (ERO) does not have any specimen signature with which to compare the applicant's signature. All the ERO's staff can do is to establish that there is something that appears to be a signature. Beyond that, they cannot go. Clearly, if the application form contains a patently frivolous signature such as 'Mickey Mouse', it might be rejected but otherwise it is not the ERO's job to match the signature with the name or to reject an apparently correctly signed application'.¹¹
 - b. **Despatch of postal ballot papers** 'The address to which the ballot package is sent need not be the same as the elector's address. This provision was understandable in the era before postal voting on demand. If a voter in Manchester is working on a six-month assignment in Plymouth and cannot be in Manchester at the time the postal ballots are despatched, it makes sense for the ballot to be sent to his Plymouth address. The same can be said for a voter in hospital. Whether any thought was given to the wisdom of retaining this provision with postal voting on demand is doubtful'.¹²
 - c. 'Once the application form is received and successfully processed, the voter's name is entered on the absent voters' list and an acknowledgement sent to the voter. In theory the acknowledgement is sent to the voter's actual address, rather than the nominated address and, again in theory, this might alert a voter who had not applied for a postal vote to the fact that someone had been using his name. In reality, however virtually nobody whose name has been misused in this way does protest when the acknowledgement is received. The norm is for the elector to treat it as "yet another meaningless piece of paper from the Council" and to bin it'.¹³

⁸ Birmingham Judgement, paragraph 138, page 41

⁹ Birmingham Judgement, paragraph 18, page 5

¹⁰ Birmingham Judgement, page 41, paragraphs 716-717

¹¹ Birmingham Judgement, page 12, paragraph 40

¹² Birmingham Judgement, page 12, paragraph 39

¹³ Birmingham Judgement, page 13, paragraph 42

- d. **Return of ballot papers to the Elections Office:** ‘There is no control over the way in which the application form is returned to the Elections Office. It can be handed to someone else to deliver and the practice has become common for canvassers of all political parties to ‘sign up’ postal voters and to collect the application forms for onward transmission’.¹⁴ ‘Provided the completed paperwork arrives at the Elections Office, the law appears to be indifferent as to how it gets there ... there is nothing inherently unlawful in some person other than the voter being in possession of a completed ballot package provided that the outer envelope is sealed and unopened and the contents are not then tampered with’.¹⁵
- e. **Policing of electoral fraud and corruption:** The Birmingham Judgement sets out in detail the criminal and civil legal framework for electoral fraud, corruption and malpractice. Personation has always been criminal and carries a maximum sentence of two years imprisonment. Alteration or destruction of ballot papers, fraudulent defacing or destroying of a Declaration of Identity, supplying a ballot paper to a person without authority, and fraudulently putting into a ballot box any paper other than the ballot paper which the person is authorised by law to put into it are all offences. General offences under criminal law are also relevant: theft, forgery, criminal damage, and conspiracy to defraud.¹⁶ ‘In summary, the principal methods of electoral fraud involving postal voting are all criminal and carry sanctions which include imprisonment’,¹⁷ but, ‘no sanctions are of any real value, however, unless elections can be policed. As became very apparent in the trial of these Petitions, in real terms the policing of electoral fraud is minimal, to the point of being almost non-existent’.¹⁸
- f. The Returning Officer has no power, duty or resources to investigate suspected cases of fraud – the Returning Officer has ‘no policing function whatsoever’.¹⁹
- g. Electoral fraud is not a top policing priority, and police officers rarely have any training in electoral law. Furthermore, police officers are in an invidious position when investigating fraud in a local authority context, because the alleged fraudsters may be the political authority to which the force is answerable. In the Commissioner’s view, therefore, the role of the police in monitoring elections and preventing electoral fraud, ‘whatever may be the theoretical position, is, in practice, marginal’.²⁰
- h. The Commissioner concluded that, ‘it is thus clear that the policing of electoral fraud by anyone is minimal. What is equally clear is that any potential electoral fraudster can easily work out that the policing of electoral fraud is minimal ... if electoral fraud is easy and is minimally policed, it will be widespread’.²¹

2.5 The Birmingham judgement highlighted some important weaknesses in postal voting on demand. It also contributed to the further weakening of public confidence in our electoral systems. Sara Williams, Deputy Acting Returning Officer for Tower Hamlets, told us, ‘the knock that the whole electoral system took from the lack of public confidence in postal votes, we really felt it ... we had a

¹⁴ Birmingham judgement, page 12, para 41

¹⁵ Birmingham Judgement, page 15, para 47

¹⁶ Birmingham Judgement, pages 30 to 34

¹⁷ Birmingham Judgement, page 34, para 112

¹⁸ Birmingham Judgement, page 41, para 138

¹⁹ Birmingham Judgement, page 41, para 139

²⁰ Birmingham Judgement, page 46, para 157

²¹ Birmingham Judgement, page 47, paras 161-5

lot of people saying “I do not want a postal vote any more” following on from that, and that is very damaging to the electoral system as a whole, very damaging indeed’.²²

The Electoral Commission’s recommendations

- 2.6 Also in May 2005, The Electoral Commission published its report, *Securing the Vote*, which brought together the key recommendations made by the Commission to date to ‘ensure continued public confidence in UK elections’.²³ The Commission began its report by stating that whilst it continued to support the availability of postal voting on demand in Great Britain, ‘changes to improve the security and reliability of postal voting on demand are essential to secure its future as part of the electoral process’.²⁴ The Electoral Commission had previously, in August 2004, published its report, *Delivering Democracy? The future of postal voting*, which also included recommendations relating to the security of postal voting on demand. The Electoral Commission’s recommendations relating to postal voting were as follows.
- a. **Electoral register** The details collected and held as part of the electoral register should facilitate and support a system of security checks to detect, prevent and deter fraudulent voting. At the same time, people should be able to register to vote in elections with ease and convenience, as close to the date of the election itself as is reasonably possible.
 - b. **Individual registration / verification** The current system of household registration should be replaced by individual registration. All electors should be required to provide individual identifiers in addition to their name and qualifying address when registering to vote. This would mean that each individual elector would be required to confirm their registration application with a signature, and provide, as a minimum, their date of birth and address when registering.
 - c. It should become an offence for an individual to fail to supply relevant information at any time to the Electoral Registration Officer or to supply false information.
 - d. Electoral Registration Officers should have new powers to investigate objections to registrations (including objections raised by themselves) at any time. Electoral Registration Officers must be able to take practical action to ensure that fraudulent applications for registration are not allowed to distort the electoral register.
 - e. Where a Presiding Officer in Great Britain has doubts about a voter’s identity, they should be empowered to ask the voter to confirm their date of birth, or any other piece of identifying information which can be checked against the details held on the polling station register of electors.
 - f. **Postal vote applications** All postal vote applications should include personal identification details collected at registration (they recommend date of birth), as well as the applicant’s signature.
 - g. **Third party handling of postal vote applications** The law should be revised to provide that postal vote applications must bear the return postal address of the Electoral Registration Officer at their normal place of business; or, if an alternative option is needed, the address of a central sorting house which is operated independently of political parties.

²² Transcript of Committee meeting, 23 June 2005, page 14

²³ The Electoral Commission, May 2005, *Securing the Vote*, page 3

²⁴ The Electoral Commission, May 2005, *Securing the Vote*, page 3

- h. **Transparency** The lists and records of absent voters (those who have requested a postal or proxy vote, or those voting outside a polling station by other remote means) maintained by Electoral Registration Officers should be made available for public inspection, under supervision by the Electoral Registration Officer, prior to close of poll.
- i. **Fraudulent postal vote applications** There should be a new offence designed to prevent fraudulent applications for postal votes. The maximum penalty should be a custodial sentence in line with the penalties for personation. Voting fraudulently is already an offence, but there is no specific electoral offence of fraudulently applying for a postal vote, probably because the number of applicants was relatively insignificant until postal voting was made available on demand in Great Britain. A new offence, with appropriate publicity surrounding its availability and use, would have some deterrent value, and would also help to encourage greater public confidence.
- j. Electoral Registration Officers should provide written confirmation of all decisions on postal voting applications, and not provide them only 'where practicable'.
- k. **Declaration of identity** The current declaration of identity should be replaced with a new security statement to accompany postal ballots. This security statement should include a statement signed by the voter that they are the individual to whom the ballot paper was addressed, and the voter should also give their date of birth.
- l. **Security markings on ballot papers** The law should be amended to allow for barcodes to be used to replace serial numbers on ballot papers. Ballot stationery should clearly describe the role of the barcode, which should always be placed on the back of the ballot paper. The use of barcodes in place of serial numbers would enable covering envelopes and ballot papers to be scanned on receipt to form a record of who had sent in their votes, as well as allowing the compilation of running turnout totals. It would also allow Returning Officers to check whether more than one ballot had been returned by the same person.
- m. The use of alternative ballot paper security devices, including watermarked or similarly security printed ballot papers, should be allowed as a replacement for the stamped official mark in proving a ballot paper's authenticity.
- n. **Secrecy warnings** It should become a legal requirement that secrecy warnings are included on postal voting literature; these warnings should be specified in law.
- o. **Replacement ballot papers** Registered postal voters should be able to apply for a replacement ballot paper at any point up to 5pm on polling day.
- p. **Register of postal vote applications** In addition to the current marked register of polling station voters, a marked register of returned postal votes (and, in future, votes cast by remote electronic means) should be compiled on the basis of votes returned, prior to verification.
- q. **Verification of postal vote applications & ballot papers** Returning Officers should be required to make checks on the individual identification details provided on the security statement for every postal vote, against details provided on the postal vote application form and on the register. Returning Officers should be required and given the necessary support and resources to undertake more extensive checks to verify the identity of those returning completed postal ballot packs. Comparing the date of birth or, in cases of doubt, the signature provided on security statements against those collected during the registration process and provided on application forms would allow ROs to identify and disallow ballot packs accompanied by fraudulently completed security statements. The inclusion of barcodes on ballot stationery would facilitate automation of this checking process.

- r. **Personation** The existing provisions relating to personation should be extended to give the police the power of arrest, based on 'reasonable suspicion' of personation at any location, not just at polling stations.

The Government's proposals

- 2.7 The Government's consultation paper of May 2005 included a number of proposals aimed at reducing the vulnerability to fraud of postal voting on demand, as well as some proposed measures to improve other aspects of electoral administration and process. Most of these proposed measures are included in the Electoral Administration Bill which is currently before Parliament. The Government's main proposals relating to postal voting on demand are:
- a. **Strengthening the range of offences** in order to provide stronger deterrents to electoral fraud. This will include a new offence of falsely applying for a postal vote.
 - b. **Extending powers of arrest** to outside the polling station and increasing the length of time in which an investigation can take place.
 - c. Improving **security markings on ballot papers**, through watermarks or security printing.
 - d. Putting **secrecy warnings** on postal vote literature.
 - e. Developing an **on-line electoral register** (CORE), based locally but providing national access to information. This will also support any future electronic voting.
 - f. **Collecting individual identifiers** such as signatures and dates of birth from people when they register, which will help to verify postal votes and prevent personation at polling stations. This will not be introduced until pilots have taken place. In the meantime, there is provision in the Bill for a requirement that voters sign the register when they vote.
 - g. Setting up a system of **anonymous registration** for vulnerable people.
 - h. **Third party handling of postal vote applications:** Ensuring that postal vote applications are returned to electoral administrators or a central point rather than political parties or community leaders.
 - i. Introducing a **marked register** of postal votes received, similar to that currently used for polling station voters.
 - j. **Security markings** Replacing serial numbers on ballot papers with barcodes, allowing greater control of production and any fraudulent votes to be more easily identified and removed.
 - k. Requiring **formal acknowledgement** by administrators of all postal vote applications.
 - l. Allowing **observers** into polling stations.
- 2.8 A number of the Government's proposals responded to The Electoral Commission's recommendations, and The Electoral Commission broadly welcomed the proposals. Mike Harold, The Electoral Commission's Head of Policy, told us, 'we certainly very much welcome those [proposals in response to previous Electoral Commission recommendations], and firmly believe that if the Government went ahead on those proposals, as it suggests, that it would be a vast

improvement to the current system'.²⁵ Ken Ritchie, Chief Executive of the Electoral Reform Society, agreed. He said, 'I think the recent statement from the Department of Constitutional Affairs goes a long, long way towards meeting our concerns',²⁶ although he went on to point out that postal voting on demand could never be as secure as voting in person at a polling station, because it is a less controlled environment and therefore is by its very nature more vulnerable to abuse.

- 2.9 There are two key issues arising from the Government's proposals for legislation. First, as was pointed out by Richard Mawrey QC in his judgement on the Birmingham petitions, the fact that something is against the law will not in itself act as an effective deterrent. In order for any of the proposed new offences and legal sanctions to have an impact on the level of risk inherent in the postal voting on demand system, there must be effective monitoring and policing of the offences. Under the current arrangements, it is the responsibility of the police to investigate and prosecute alleged instances of fraud under criminal law (either general criminal law relating to forgery, bribery, theft, etc, or specific electoral fraud and corruption offences). The other possible course of action is for a defeated candidate to bring a petition against the election, as was done in Birmingham. However, as Richard Mawrey QC pointed out in his judgement, electoral petitions 'are not common and frequently founder before reaching trial',²⁷ because they are expensive and as it is a civil (rather than criminal) action, the petitioners bear the burden of proving their case. Both of these courses of action rely upon someone noticing and reporting suspected offences, and upon someone having the power and resources to investigate. At present, electoral registration and returning officers have no means of detecting fraud. Those applying to join the electoral register do not have to provide any proof of identification. Those applying for a postal vote have to provide a signature and a declaration of identity, signed by a witness, but electoral registration officers have no way of checking the validity of either signature. Furthermore, even when an allegation of fraud is made to a returning officer, their powers of investigation are severely limited.
- 2.10 Sara Williams from Tower Hamlets explained the responsibilities and powers of the returning officer in relation to the electoral register. She said, 'the responsibility is to maintain the register by virtue of undertaking an annual canvass in line with the law, making best efforts to ensure that the register is accurate, using the correct paperwork and ensuring that the forms which are returned are completed in line with the legal requirements, following various rules that there are in connection with the electoral register ...what we do not have is a sort of investigative brief'.²⁸ The introduction of individual registration, and the requirements to provide proof of identity at the point of registration as well as on application for and return of a postal ballot paper, would provide electoral registration and returning officers with some of the basic tools and information necessary to carry out a more proactive monitoring and auditing role. However, as The Electoral Commission has pointed out, electoral registration and returning officers' resources are already stretched. Any new investigative or auditing role would have significant resource implications for London returning officers.
- 2.11 If Returning Officers do not have the power or the resources effectively to identify and investigate suspected cases of fraud, and there is therefore little risk of being detected in the act of fraud, then

²⁵ Transcript of meeting of the Elections Review Committee, 23 June 2005, page 19

²⁶ Transcript of meeting of the Elections Review Committee, 8 June 2005, page 19

²⁷ Judgement in the matter of a local government election for the Bordesley Green ward of the Birmingham City Council held on 10 June 2004 and in the matter of a local government election for the Aston ward of the Birmingham City Council election held on 10 June 2004, page 36, para 121

²⁸ Transcript of meeting of the Elections Review Committee, 23 June 2005, page 4

new offences, however effective they may appear in principle, will run the risk of being toothless. Alex Folkes, Press and Campaigns Officer at the Electoral Reform Society, said, 'It is all very well changing the law to allow certain things to happen, but if the money is not there to ensure that local authorities have the power to do the checks that are now permitted by the law ... then effectively the legal change is negligible'.²⁹

- 2.12 This is arguably already the case in relation to existing electoral fraud offences. For example, it is a criminal offence to fail to provide information or to provide false information at the request of the electoral registration officer, and knowingly to supply false information on the annual canvass forms. The penalty is £1,000. But electoral registration officers have no powers to investigate suspected instances of such fraud – this is for the police to do. The Metropolitan Police Service has told us that it only investigates one or two cases of electoral fraud each year, but we know anecdotally that the failure to return electoral registration forms is widespread in London. We have no way of knowing the extent of failure to fill in forms correctly, or indeed the extent of fraudulent completion of forms. But given the absence of any tools for checking the validity of entries on the electoral register, or of applications for postal votes, there is clearly a significant margin of risk that the offence could be being committed with impunity, and on a reasonably large scale, without anyone knowing or doing anything about it.
- 2.13 The second key issue for London arising from the Government's proposals is that there is little prospect of there being any substantive additional safeguards in place in time for the May 2006 local elections. Certainly individual registration will not be rolled out for at least another two years, during which time pilots *may* take place.
- 2.14 An interim measure is proposed, to be introduced in time for the 2006 local elections: the requirement that voters sign the register when they vote. This is intended to act as a deterrent. However, there will be no records against which to check the signatures provided on polling day, and in any event there are questions as to the extent to which polling station staff can reasonably be expected to assess the validity of a signature. Given these facts, it is difficult to see how this measure can act as an effective deterrent. Introducing such apparently ineffective measures in the short term runs the risk of damaging public confidence even further.
- 2.15 Given the fact that there is no time before May 2006 in which to introduce substantive measures that might reduce the vulnerability of postal voting to fraud, we asked the question, should postal voting on demand be suspended for the May 2006 local elections? On the face of it, this would have the benefit of reducing both the potential for fraud, and the prospect of allegations, whether or not they turn out to be substantiated, which would further damage public confidence in postal voting. Sara Williams, Deputy Acting Returning Officer for Tower Hamlets, said that in her view the suspension of postal voting on demand, 'should be seriously considered because of the lack of confidence that has come through in this last election and the damage that has done'.³⁰ On the other hand, Barry Quirk, Chief Executive and Returning Officer, London Borough of Lewisham, pointed out that in the all-postal voting pilot in Lewisham in October 2003 there was no evidence of any fraud having been committed.³¹ He pointed out the increased turnout among postal voters, and the need to provide a flexible system that is convenient for voters. Mike Harold, from The Electoral

²⁹ Transcript of meeting of the Elections Review Committee, 8 June 2005, page 19

³⁰ Transcript of Elections Review Committee meeting, 23 June 2005, page 14

³¹ Transcript of Elections Review Committee meeting, 23 June 2005, page 14

Commission, shared this view, pointing out that ‘there has been a significant take-up of postal voting on demand, and that is suggestive of a larger appetite for choice that that provides in casting your ballot’.³² Tom Hawthorn, Electoral Modernisation Manager at The Electoral Commission, said that suspending postal voting for one year, given the large numbers of people who are already registered to vote by post, was not a straightforward question.³³ Certainly, suspending postal voting on demand would entail a significant administrative and public information effort to inform those already registered to vote by post that they would not be allowed to do so. It would be a very significant step, with huge resource implications.

- 2.16 **The majority of the Committee is of the view that to suspend postal voting on demand would be disproportionately costly, disruptive and confusing for voters. The One London member of the Committee believes that postal voting should be abolished altogether because its inherent weaknesses outweigh the benefits of convenience for voters.**
- 2.17 **The systems of electoral registration and administration in this country are based on a legislative framework that is premised on the presumption that there are no determined fraudsters seeking fraudulently to join the electoral register and cast votes in elections.³⁴ If nothing else, the Birmingham and Blackburn cases and other alleged instances of fraud, and Mr Galloway’s high profile allegations in relation to Tower Hamlets, have resulted in this presumption being questioned. The priority for the Government must be to introduce meaningful measures that will serve not only to reassure the public, but to reduce the risk of postal vote fraud by improving the system.**

Recommendation

The Government should set out in detail the proposed arrangements for detecting and investigating suspected cases under new and existing electoral fraud offences. This should include consideration of the powers and resources of electoral registration and returning officers. Unless these considerations are built in to any new security measures from the outset, new offences will effectively be as toothless as the existing range of offences in effectively deterring, detecting and prosecuting instances of electoral fraud.

3. Issues raised by Mr George Galloway MP

- 3.1 Following the Birmingham judgement, George Galloway, now the Respect Member of Parliament for Bethnal Green and Bow, sought to obtain a high court ruling that postal voting on demand should be suspended in the light of Richard Mawrey QC’s findings, pending the implementation of improvements to the security of the system as recommended by the Electoral Commission. He also

³² Transcript of Elections Review Committee meeting, 23 June 2005, page 20

³³ Transcript of Elections Review Committee meeting, 23 June 2005, page 21

³⁴ evidence from Barry Quirk

made a number of public allegations of electoral fraud against the Labour party in Tower Hamlets (none of which were apparently reported directly to the police by Mr Galloway), and called for postal ballots to be counted separately (which is not allowed under current elections legislation).

Although the publicity surrounding Mr Galloway's allegations often referred to postal voting, in fact his allegations related mainly to the electoral register in Tower Hamlets.

- 3.2 Mr Galloway wrote to the Acting Returning Officer, Ms Christine Gilbert, making what he referred to as a sample of allegations of fraudulent entries on the electoral register at addresses within the London Borough of Tower Hamlets. In his acceptance speech on the night of the election, Mr Galloway claimed that the election in Tower Hamlets had been a 'shambles', run in a way which would 'disgrace a banana republic'.³⁵ Concerned about the issues raised by Mr Galloway and the implications for future elections in London, we invited him to attend a meeting to discuss these allegations and the wider issues he had raised on the vulnerability of postal voting to fraud and corruption. Mr Galloway attended a meeting of the Elections Review Committee at City Hall on 8 June 2005.
- 3.3 Mr Galloway's specific allegations related to addresses within the vicinity of Brick Lane, in Tower Hamlets: 104, 108 and 118 Brick Lane, Pat Shaw House, and 32 Ellen Wilkinson House, Globe Road.³⁶ He told us that the electoral roll entries for these addresses represented 'five cases of very significant prima facie electoral fraud'.³⁷ However, he claimed that these were the 'tip of the iceberg',³⁸ that 'the electoral roll was a complete shambles',³⁹ and that 'it became very clear to us during the course of this campaign that somebody was involved in a major operation to bloat the electoral register with non-existent electors as part of a dirty tricks operation'.⁴⁰ When asked, Mr Galloway told us that New Labour was responsible, although he did not name any individual or individuals who he believed to be the perpetrators of these offences. Mr Galloway implied that the 800 per cent increase in take-up of postal voting on demand in Tower Hamlets between 2001 and 2005 could be indicative of orchestrated theft of postal votes (as had been suggested in the Birmingham case of 2004).⁴¹ He also accused the Labour Party in Tower Hamlets of improperly handling postal vote applications from electors in Tower Hamlets, arguing that, 'political parties in this country, and particularly New Labour, are corrupting the political process by their control of electoral machines in town halls like Tower Hamlets ... the Birmingham and Blackburn experience suggests that it is a grave danger to democracy to allow political parties to intervene in the process, which really should be between the voter and the Electoral Registration Officer'.⁴²
- 3.4 We have neither the authority nor the resources to investigate the specific allegations made by Mr Galloway. This is the role of the Metropolitan Police Service Special Branch. We asked Mr Galloway whether he had reported his allegations to the police. He told us that the police were investigating a number of cases, and that he expected to provide evidence to the police of further instances of electoral fraud in Tower Hamlets.⁴³ As we have already noted, Mr Galloway wrote to the Tower

³⁵ www.bbc.co.uk

³⁶ Mr Galloway's letter to Ms Christine Gilbert is appended to this report at Annex 1

³⁷ Transcript of Elections Review Committee meeting, 8 June 2005, page 4

³⁸ Transcript of Elections Review Committee meeting, 8 June 2005, page 1

³⁹ Transcript of Elections Review Committee meeting, 8 June 2005, page 1

⁴⁰ Transcript of Elections Review Committee meeting, 8 June 2005, page 2

⁴¹ Respect submission to the Electoral Commission

⁴² Transcript of Elections Review Committee meeting, 8 June 2005, page 2

⁴³ Transcript of Elections Review Committee meeting, 8 June 2005, page 3

Hamlets Returning Officer reporting alleged examples of fraudulent entries on the register. We invited the Tower Hamlets Returning Officer to comment on the allegations, and we wrote to the Metropolitan Police Service to enquire as to the status of their investigations.

- 3.5 On receipt of Mr Galloway's letter, Ms Christine Gilbert, Acting Returning Officer for Tower Hamlets, instructed the Authority's electoral registration officers to investigate the electoral register entries for those addresses by checking their records to ensure that the forms had been correctly filled in.⁴⁴ This is the extent of the Electoral Registration Officer's powers of investigation. They, along with anyone else who suspects fraud or corruption, must report the matter to the police for them to investigate.
- 3.6 A meeting took place between Tower Hamlets officers and Metropolitan Police officers, at which Mr Galloway's allegations were discussed. On the basis of that meeting and the paperwork presented to the police by Tower Hamlets officers, the Metropolitan Police decided to investigate one of the cases for potential fraud – 118 Brick Lane. Nobody registered at that address voted in the general election⁴⁵ (Mr Galloway suggested that this may have been the result of those responsible for the fraud deciding not to pursue it through this address because of the media attention drawn to the address by Mr Galloway). The Metropolitan Police concluded that 'it appears unlikely that any electoral offences have been committed in connection with this address', on the basis that nobody voted who was apparently registered at the address, and there were no complaints of disenfranchisement or other offences received from the bona fide residents.⁴⁶ They further told us that, 'At no stage has Mr Galloway ever reported any suspicions direct to police or produced any relevant evidence'.⁴⁷
- 3.7 More generally, the Metropolitan Police Service commented that, 'The situation in Tower Hamlets before, during and after the General Election in 2005 has been characterised by emotion and malice and a significant disregard for truth and fact. Because of the potential impact that some of these allegations could have had on public confidence and stability, a strategic conference was held shortly after polling day between Metropolitan Police Special Branch, Borough Police, CPS and Council officials to discuss lines of communication and possible options. This undoubtedly helped to clarify the true picture, which is that remarkably little electoral fraud has recently been perpetrated in Tower Hamlets Borough in particular, and the Metropolis in general, despite its size and considerable diversity in both populace and political opinion'.⁴⁸
- 3.8 We have no reason to doubt the capability of the Metropolitan Police Special Branch in investigating and reporting on allegations of electoral fraud. Nor do we have any cause to question the capability of the Tower Hamlets Deputy Acting Returning Officer, who told us that, 'there is no evidence [of fraud] apart from that one case which is still being investigated. There has been no evidence of fraud'.⁴⁹ None of Mr Galloway's claims has resulted in charges being brought or petitions being raised. None of the allegations was reported to the police by Mr Galloway himself. The one allegation that was investigated by the police was found to be unsubstantiated.

⁴⁴ Transcript of Elections Review Committee meeting, 8 June 2005, page 3

⁴⁵ Transcript of Elections Review Committee meeting, 8 June 2005, page 3

⁴⁶ Letter from Metropolitan Police Service to the Chair of the Committee, 15 August 2005. The letter is appended to this Report at Annex 2

⁴⁷ Letter from Metropolitan Police Service to the Chair of the Committee, 15 August 2005

⁴⁸ Letter from Metropolitan Police Service to the Chair of the Committee, 15 August 2005

⁴⁹ Transcript of Elections Review Committee meeting, 23 June 2005, page 6

- 3.9 Mr Galloway's allegation specifically in relation to postal voting was that the Labour Party in Tower Hamlets had behaved irresponsibly in inviting electors to register to vote by post by filling in a postcard and sending it to an address in Newcastle for processing.⁵⁰ There were no formal allegations of orchestrated postal vote fraud such as has been seen in other areas of the country, although Mr Galloway was clearly intending to draw parallels between Tower Hamlets and Birmingham in providing his account of the 2005 general election in Tower Hamlets when he said, 'I am talking ... about the political culture, and I do not think you can separate this issue from the prevailing political culture in New Labour rotten boroughs, like Birmingham, like Blackburn, and like the London Borough of Tower Hamlets'.⁵¹
- 3.10 It is a long-established practice of all political parties to encourage electors to register to vote by post in order to make voting in elections more convenient for voters. Mr Galloway himself has engaged in such practices in the past. There is a distinction to be made between the distribution of postal voting application forms to electors on the one hand, and third parties actually handling ballot papers on the other. The latter, as was shown by the Birmingham case last year, is clearly vulnerable to interception and orchestrated fraud, although we note that Richard Mawrey QC, commissioner in the Birmingham petitions case, pointed out that there was no evidence of any involvement of the national Labour Party in the corrupt practices uncovered there.
- 3.11 **We have seen no evidence of electoral fraud in Tower Hamlets, as opposed to administrative oversight. We can only conclude that the specific instances of alleged inaccurate entries on the Tower Hamlets electoral register, put forward by Mr George Galloway MP, were a result of administrative oversight, or were a symptom of the inaccuracies that appear on the register across London and the rest of the UK.**

4. Electoral Registration in London

- 4.1 The security of the electoral system stems in large part from the integrity of the electoral register – if the register is not up-to-date and accurate, and is not checked rigorously for fraud and error, there is more scope for the sort of operation to 'bloat' the register that was alleged by Mr Galloway to have taken place in Tower Hamlets. If there are no checks to ensure that the register is accurate, then it cannot be possible to detect either fraudulent or erroneous entries on the register. If it is possible, indeed easy, for an individual falsely to register, then it will be easy for that person fraudulently to cast a vote, whether in person or by post. If it is straightforward and low-risk to commit the first of these offences, the second offence is made easier to commit and more difficult to detect. **There are systems failures, in that there is no way of checking whether an individual's electoral registration details are valid, and there are administrative failures, in that electoral registers are not consistently and effectively compiled and maintained so as to maximise their accuracy.**
- 4.2 The Electoral Commission has recently published a new study on electoral registration in the UK. Seven to eight per cent of those eligible to vote in the UK are not registered. In inner London, this

⁵⁰ Transcript of Elections Review Committee meeting, 8 June 2005

⁵¹ Transcript of Elections Review Committee meeting, 8 June 2005, page 7

figure rises to 18 per cent.⁵² The reasons for this difference are that local authorities in London, and especially inner London, face the most difficult circumstances in the country in which to compile and maintain an accurate electoral register. In some areas, there has also been chronic under-investment in electoral registration, so that the electoral register in those areas is hopelessly inaccurate. This is made worse by the fact that electoral registration officers have no way of knowing whether the names supplied on electoral registration forms are bona fide, and no powers or resources to investigate if they suspect this not to be the case.

4.3 The particular challenges facing electoral registration officers in London include:

- a. a highly mobile population compared to the rest of the country, including migration in and out of London, in and out of Boroughs, and within Boroughs. Turnover of population in London is estimated to be between 20 and 40 per cent per year (on the basis of GP lists) – in inner London, population mobility is two to three times higher than in other metropolitan local authority areas.⁵³ The Electoral Commission's research has found that mobility is the single most significant factor in predicting whether someone is registered to vote.⁵⁴ Nationally, 33 per cent of those who had moved house within the last six months are not registered to vote, compared to six per cent of those who were living at the same address.
- b. a high proportion of people living in rented accommodation. Nationally, 27 per cent of people living in private rented accommodation who are eligible to vote are not registered. This compares to 2 per cent of owner-occupiers.
- c. a high proportion of young people – those aged between 18 and 24 years of age are much less likely to be registered to vote – nationally, 16 per cent of 20-24 year-olds are not registered to vote.⁵⁵
- d. a high proportion of black and minority ethnic people – a recent opinion poll by the Electoral Commission reported that 19 per cent of BME people who did not vote cited not being registered as their reason for not voting.
- e. higher numbers of people for whom English is a second language or who can not read English – electoral law heavily restricts the scope for providing translations of forms and explanatory electoral material.⁵⁶
- f. large numbers of people who are not eligible to vote (for example, those who are not British nationals or other qualifying nationals). This means that canvassers may make several repeat visits to households where there are in fact no occupants eligible to be registered.
- g. large proportion of multiple occupancy dwellings and other buildings to which it is difficult to gain access.

4.4 The electoral register is updated annually at the 'Autumn canvass', when electoral registration offices send out forms to households to ask them to provide details of those living at the address who are eligible to vote. This takes place on 15 October, with an updated register being published by each electoral registration office by 1 December each year. Since 2001, rolling registration has been in place nationally. This provides a facility for individuals to join the register or amend their details between one Autumn canvass and the next. It is logistically very difficult to make an accurate estimate of the accuracy of the electoral register. Public services find it notoriously difficult in London to maintain accurate records of who lives where – even the results of the 2001 census,

⁵² The Electoral Commission, September 2005, Understanding Electoral Registration, page 9

⁵³ NHS in London, January 2005, 'Excellence in Health: Ensuring the Future' page 10

⁵⁴ The Electoral Commission, September 2005, Understanding Electoral Registration, page 41

⁵⁵ The Electoral Commission, September 2005, Understanding Electoral Registration, page 10

⁵⁶ Transcript of Elections Review Committee meeting, 23 June 2005, page 7

the most comprehensive data collection exercise carried out in this country, have been successfully challenged in some areas of London. There is precious little in the way of reliable statistical information about how many people there are who are eligible to vote across London, and how many of them are accurately registered. The Electoral Commission has recently published the results of its research comparing the 2001 census results to the electoral register nationally, in order to make an assessment of the accuracy of electoral registers. This shows that there are significant discrepancies between census data and electoral registers within inner London.

- 4.5 The yardstick used by electoral practitioners is the proportion of households that return the electoral registration forms distributed by electoral registration offices during the Autumn canvass. A high rate of return, coupled with few or no complaints about disenfranchisement or fraud, are deemed to indicate a high level of accuracy. The average rate of return of electoral registration forms across the UK is 89 per cent, and London's rate is the same as the national average. However, this average masks huge variations in the rates of return across London, as shown in the table below and in Appendix 1 to this Report (which includes rates of return for all boroughs).
- 4.6 Local authorities are obliged by law to support the statutory function of their electoral registration officer in compiling and maintaining the electoral register. Local authorities in London typically employ between four and nine full-time staff to work on elections. They are responsible for the electoral register, running elections, and other functions such as reviewing boundaries and locations of polling stations. There is considerable variability in the amount of resources put in to the Autumn canvass by local authorities, and in the approaches they take to the Autumn canvass. We surveyed a sample of London boroughs to find out how much they spent and what proportion of registration forms were returned at the 2004 Autumn canvass. The results are shown in the following table.

Borough	Households	Canvass budget £'000s	Canvass - budget per household (£)	% return of Form A
Barking & Dagenham	69,000	40	0.58	91
Camden	98,000	63	0.64	75
Greenwich	100,100	134	1.33	92
Hammersmith & Fulham	81,400	99	1.22	95
Havering	96,500	62	0.64	88
Hillingdon	101,000	96	0.95	95
Islington	89,750	90	1.00	56
Kingston upon Thames	63,770	60	0.94	87
Lewisham	115,000	60	0.52	89
Merton	78,000	97	1.24	97
Richmond upon Thames	80,399	70	0.87	87
Tower Hamlets	99,591	90	0.90	93

- 4.7 There are inevitable pressures on local authority electoral services budgets nationally, coupled with new and increasing pressures on electoral services officers to manage postal voting applications and

ballot papers on top of their existing responsibilities. Tom Hawthorn, Electoral Services Manager at the Electoral Commission, told us of ‘anecdotal rather than statistical evidence that, across the country, electoral services departments are coming under pressure to reduce budgets and to lose positions, lose staff’.⁵⁷ The level of resources available for the Autumn canvass in London Boroughs ranges from 52 pence per household to £1.33 per household. The proportion of registration forms returned ranges from as low as 56 per cent in Islington to 96 per cent in Hammersmith and Fulham. Interestingly, Hammersmith and Fulham spends almost twice as much as Camden (per voter) on the Autumn canvass, and achieves a much higher proportion of returned forms. However, the correlation between spend and rate of return is mediated by other significant factors. Some boroughs, such as those in inner London, face even more severe difficulties than others in relation to population mobility, high proportions of groups who are under-represented on the register nationally, and large numbers of households which are more difficult to gain access to (ie flats rather than houses). This would explain why the London Boroughs of Camden and Havering, whilst spending the same amount of money per voter on the Autumn canvass, yield such different rates of return of electoral registration forms – Camden received 72 per cent of forms in 2004, compared to Havering’s 88 per cent. It might also go some way to explaining why in Islington, which spends £1 per household on the Autumn canvass, only 56 per cent of forms were returned in the Autumn 2004 canvass.

- 4.8 The best performing (in terms of percentage of electoral registration forms returned) electoral registration offices tend to conduct a fairly extensive canvassing exercise each Autumn. For example, the London Borough of Hammersmith and Fulham carries out one of the most extensive canvassing exercises, and as a result it yields the highest proportion of electoral registration forms in inner London and the fourth highest in the whole of London. Hammersmith and Fulham has a five-stage canvassing process, carried out by temporary staff from within and outside the authority.

Stage	Method	Cost	% of forms returned
1	Hand delivery of forms to all households	£26,100	36
2	1st reminder hand delivered	£14,600	52
3	Follow-up of non-returned forms by door-to-door canvassing	£11,100	63
4	Follow-up of non-returned forms by door-to-door canvassing	£28,100	93
5	Final reminder posted to c.4500 non-respondents	£1,600	96
	Other costs (including printing)	£17,800	
	TOTAL COST	£99,300	
	Cost per household	£1.22	

- 4.9 Mr Andy Love, Member of Parliament for Edmonton, wrote to us to express his concerns about the electoral register in his Parliamentary constituency. In the constituency of Edmonton there is,

⁵⁷ Transcript of Elections Review Committee meeting, 23 June 2005, page 25

according to figures from the House of Commons Library, a difference of 9,652 people between the 2001 census and the electoral register. Mr Love was particularly concerned about the fact that, 'only 77 per cent of the properties in Edmonton are personally canvassed by knocking on doors. The other 8,730 properties have forms delivered by hand but no follow-up'. This compares to figures for neighbouring Parliamentary constituencies of 94.5 per cent (Enfield Southgate) and 98.7 per cent (Enfield North).⁵⁸ The rate of returns of electoral registration forms in Enfield is 83 per cent, four per cent less than the average for outer London boroughs.

- 4.10 Mr Love pointed to an 'inverse relationship between the gap in the register and the coverage of canvassers in that ward'.⁵⁹ Rates of pay and incentives for canvassers were also an issue of concern for Mr Love, who argued that a 'combination of poverty pay and perverse incentives' exists in Edmonton, which results in particular areas of low registration not being canvassed, perpetuating the problem. Canvassers in the London Borough for Enfield, as in other boroughs, are paid according to how many forms are returned. It is not difficult to see how this would incentivise canvassers to focus their efforts on areas where they are likely to yield a greater proportion of returned forms.
- 4.11 Some authorities, such as Hammersmith and Fulham, get around this problem by paying their canvassers on a sliding scale, and combining this with minimum requirements for the number of repeat visits that must be made to each non-responding address. Camden will be adopting a similar scale for the 2005 Autumn canvass in an effort to boost their rate of return of electoral registration forms. In these schemes, canvassers are paid a basic rate for delivery of forms. They receive no further payment unless they yield a minimum rate of return of completed forms (usually between 50 and 60 per cent). For each five or ten per cent beyond that minimum, they receive a larger payment per form returned. This provides an incentive for canvassers to make repeat visits to non-responders in order to increase their overall rate of return. Hammersmith and Fulham, Tower Hamlets, and some others, also offer an incentive for the best performing canvasser and / or ward-based canvassing team.
- 4.12 Some electoral registration officers remove people from the register if they do not return their forms for a period of one or two years, in order to minimise the numbers of out-of-date entries and keep the register as 'clean' as possible, thus minimising errors as well as the potential for fraudulent offences such as personation. Others leave entries on the register until such time as the individual (or the next person to move into the household) notifies them of any change, in order to make sure people are not disenfranchised as a result of being erroneously removed from the register.⁶⁰ The decision on whether and when to remove entries on the register for non-respondents is for the electoral registration officer to make. From the perspective of the elector moving from one local authority area to another, it would make sense for practice to be standardised, at least across London, one way or the other so as to minimise confusion about the rules.
- 4.13 The extent of checking of electoral registration data against other data held by the council, and coordination with the services to maximise opportunities for electors to verify and amend their details, also varies widely across London.

⁵⁸ Letter from Andy Love MP to the Committee, 21 June 2005

⁵⁹ Letter from Andy Love MP to the Committee, 21 June 2005

⁶⁰ Transcript of Elections Review Committee meeting, 23 June 2005, page 4

- 4.14 Mr Barry Quirk, Chief Executive of and Returning Officer for the London Borough of Lewisham, suggested to us that there was nothing inherently wrong with there being a variety of approaches to the Autumn canvass, and spoke of the need for local solutions to local problems. He said, 'I would say there is such variety across London, socio-economically, and in terms of demography, that really there should be best practice attuned to the nature of the population, not the one approach for the whole of the capital'.⁶¹ That would be fine, were it not for the fact that this is not what is happening. What is happening is that some areas of London are not being properly canvassed, so that thousands of people who have the right to vote are not on the electoral register. This does not only mean that they may not vote. The (edited) electoral register is of course used for other purposes, such as by credit reference agencies, so the importance of being included on the electoral register extends well beyond elections.
- 4.15 Whilst there are clearly particular difficulties for electoral registration officers in inner London, the good practice of some inner London boroughs suggests that these problems are far from insurmountable.
- 4.16 One key issue highlighted by the Birmingham judgement, and to an extent by Mr Galloway in Tower Hamlets, is that the powers of electoral registration officers to investigate inaccurate or potentially fraudulent entries on the electoral roll is heavily circumscribed both in law and in practice, given the resources available to them. For example, electoral registration officers do not have the explicit power to compare data on the electoral register with other data held by their local authority. This would enable them to cross-check data sources in order to identify any anomalies either for the purposes of targeted canvassing exercises or further investigation.

Recommendations

The Government should press ahead with legislation to introduce a requirement that individual identifiers be provided at the point of registration. This should be accompanied by a clear plan outlining the practical and resource implications for electoral registration officers and how these will be managed.

For areas where there are recognised additional challenges in maintaining an accurate register, the Government should provide targeted additional funding in order to increase the return of electoral registration forms.

Some London electoral registration officers use other channels of communication to send out electoral registration forms. For example, some authorities include registration forms with bills to newly registered council tax payers.

⁶¹ Transcript of Elections Review Committee meeting, 23 June 2005, page 11

5. Future elections in London

- 5.1 We broadly welcome the proposals put forward by the Government in the Electoral Administration Bill. If implemented, we see no reason why these measures should not go some way to restoring public confidence in our electoral systems. However, we would emphasise the importance of introducing meaningful measures to reduce the risk of fraud, as well as those which are expected to be seen to be most reassuring to the public. The most important reform will be the introduction of individual registration and the requirement to provide identifiers such as signature and date of birth at the point of registration. But this will come at a price and it is important that the resource implications of proposed measures be considered at the same time as Parliament considers the Electoral Administration Bill.
- 5.2 In our last report, we considered the Electoral Commission's proposed electoral modernisation programme, which included a proposal to pilot electronic voting at the 2008 Mayoral and London Assembly. **Given the damage that has been done by the failure to date to put in place effective measures to protect postal voting on demand from fraud, and the resulting drop in public confidence, we call on the Government to put the brake on its electoral reform programme until such time as we can be confident of the integrity and reliability of our existing electoral systems, and in particular until we have seen significant improvements to the comprehensiveness and accuracy of the electoral register in London and improvements in the security of postal voting.**
- 5.3 It would be sheer recklessness to proceed in the short term with the Government's plans to begin piloting more alternative ways of voting, by phone, text message and the internet. We have already seen the Government legislate in haste to introduce postal voting on demand, with damaging consequences. We do not want to see any further cause for leisurely repentance. What the Government ought to concentrate on now is rebuilding the credibility of the electoral system, before any further consideration is given to introducing further new channels of voting.

Appendix 1 - Return of electoral registration forms, December 2004

Council	Electorate	% Return
Islington	120,347	55.5
Redbridge	181,224	70.0
Hackney	129,315	70.8
Barnet	214,483	73.2
Lambeth	203,124	73.8
Hounslow	165,711	75.0
Camden	144,704	75.1
Newham	171,815	77.0
Westminster	135,924	77.0
Southwark	180,173	78.3
Brent	180,665	80.1
Enfield	194,641	83.1
Kensington & Chelsea	98,712	85.5
Kingston upon Thames	99,080	86.9
Waltham Forest	159,417	87.7
Richmond upon Thames	120,252	88.0
Havering	175,689	88.1
Wandsworth	211,969	88.5
Lewisham	177,784	88.7
Croydon	246,867	90.4
Corporation of London	6,024	90.5
Barking & Dagenham	119,377	91.0
Harrow	162,069	92.4
Greenwich	160,223	92.4
Tower Hamlets	142,743	93.0
Sutton	131,341	93.4
Hillingdon	181,180	94.7
Haringey	152,548	95.2
Bexley	171,918	95.4
Hammersmith & Fulham	116,296	95.4
Ealing	215,898	95.6
Bromley	229,058	96.2
Merton	135,742	97.0
Total	5,236,313	
Average	158,676	85

Appendix 2: Letter from Metropolitan Police Service to the Chair of the Committee



Working together for a safer |

DEPUTY COMMISSIONER'S COMMAND

Councillor Brian Coleman
Chairman of the Elections Review Committee
City Hall
The Queen's Walk
London

SE1 2AA

**DCC2 - Directorate of Strategic
Development
DCC1(6) Government Affairs Unit**

816
New Scotland Yard
10 Broadway
London
SW1H 0BG

Your ref:
Our ref: DCC1/2792/2005
15 August 2005

Dear Brian

Thank you for your letter dated 5 July 2005 regarding allegations of electoral registration fraud in the London Borough of Tower Hamlets.

Tower Hamlets Allegations

Your letter lists five addresses that were the subject of apparent allegations by Mr Galloway MP to Tower Hamlets officials: 104, 108 and 118 Brick Lane; Pat Shaw House; 32 Ellen Wilkinson House, Globe Road.

At no stage has Mr Galloway ever reported any suspicions direct to police or produced any relevant evidence.

Of these addresses only 118 Brick Lane has ever been the subject of a formal allegation to police. So far our enquiries reveal that no votes were cast by persons apparently registered to vote as residing at this address. However, it must be understood that the electoral records held by Tower Hamlets Council are not reliable and the Council has struggled to deal with the aftermath of the General Election this year. A statement was taken from the owner of the premises, Azmal Hussain. No other complaints of disenfranchisement or other offences have been received from the bona fide residents and therefore it appears unlikely that any electoral offences have been committed in connection with this address.

Because of the various revelations in the media leading up to polling day, some enquiries were undertaken in respect of 108 Brick Lane. These reveal that four votes were cast by registered occupants, including Mohammed Twaha, Kahsa Miah, M. Salique and S. Salique. The first two names do not appear

on the relevant register of electors and it is not known who they are. The last two names refer to the sons of the owner of the premises. It is entirely possible that this may be yet another error by council officials.

Pat Shaw House is a home for the elderly where duplicate entries were made in the electoral register because of an administrative error by council officials. No offences have been disclosed.

Ellen Wilkinson House is another multi-occupancy dwelling where the register entries for 32 and 32a were apparently confused because of yet another administrative error. Again, no offences have been disclosed.

The Extent of Reported Fraud in London

Normally, between six and ten allegations of electoral fraud are reported to the Special Branch Protections Unit each year. About one half of these are usually revealed to be clerical errors by council officials or completely unsubstantiated allegations. Of those that are subsequently referred to the Crown Prosecution Service, only a very few are actually returned with a recommendation for investigation. Probably one, or at most two cases actually end up in court.

In 2003 a member of the Worried About Tenants Transfer (WATT) party was convicted for minor offences in connection with the council elections in Southwark in 2002.

In 2004 two persons were successfully prosecuted in connection with a by-election held in the Newbury Ward in Redbridge in July 2002. One of these convictions was subsequently overturned on appeal in 2005. It is estimated that the whole investigative and judicial process in that case took just over two years.

Earlier this year an individual was cautioned on CPS advice for the offence of Personation in connection with the European and mayoral elections in Hammersmith in June 2004.

The CPS has asked us to conduct an investigation into allegations of impropriety involving applications for postal votes in the Millwall Ward of Tower Hamlets during a by-election campaign in September 2004. A specialist from the association of Electoral Administrators has already completed an independent review of these allegations and it would appear that the allegations may be unsubstantiated by fact and may have been made for completely incomprehensible but wholly false reasons. A police report will be submitted to the CPS in due course.

The Prosecutions Unit is also investigating an allegation of an offence contrary to section 111 of the RPA (payment for canvassing) in connection with this year's General Election in Hammersmith and Fulham. This enquiry is still in its early stages, although it already has CPS support.

Special Branch and the Investigation of Electoral Fraud

Our experience of electoral fraud investigation in London is that the public perception of fraud is wholly at variance with reality. From our discussions with the Electoral Commission and others we know that this is generally the picture in the United Kingdom. However, we believe that the potential for fraud remains high, especially in connection with by-elections, where the turnout is usually much less. We also believe that fraud will be easier to commit if all postal ballots become the norm, although this could be countered by dedicating more resources to electoral administrators and by rationalising their systems. We believe that some boroughs may be more susceptible to fraud than others and that Tower Hamlets in particular may be particularly vulnerable.

Metropolitan Police Special Branch (MPSB) Prosecutions Unit officers do not receive specialised training in the investigation of electoral fraud because no such training is available nationally. However, because this is a small and dedicated unit a great deal of practical knowledge is shared within the team. It is our policy to seek to charge offenders with more serious offences of forgery, conspiracy to defraud or perverting the course of justice where the appropriate evidence is available.

The MPSB Prosecutions Unit liaises very closely with the Electoral Commission and is viewed as a centre of excellence in this field. With the exception of Mersyside SB, it is the only Special Branch unit tasked with these investigations. Its expertise was recognised in 2003/2004 when members of the unit provided oral and written evidence to the ODPM Select Committee on Postal Voting because the Association of Chief Police Officers (ACPO) did not feel that it had sufficient experience to do so.

The situation in Tower Hamlets before, during and after the General Election in 2005 has been characterised by emotion and malice and a significant disregard for truth and fact. Because of the potential impact that some of these allegations could have had on public confidence and stability, a strategic confidence was held shortly after polling day between MPSB, Borough Police, CPS and Council officials to discuss lines of communication and possible options. This undoubtedly helped to clarify the true picture, which is that remarkably little electoral fraud has recently been perpetrated in Tower Hamlets Borough in particular, and the Metropolis in general, despite its size and considerable diversity in both populace and political opinion.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely,

Graham Brown
Inspector
MPA and Government Affairs Unit

Appendix 3: List of those who attended the Committee's meetings

The Committee held two meetings, on 8 and 23 June 2005. The following people attended the meetings:

8 June 2005

George Galloway, Member of Parliament for Bethnal Green and Bow

Shaun Doherty, Respect Coalition Party Agent in the 2005 General Election

Ken Ritchie, Chief Executive, Electoral Reform Society

Alex Folkes, Press and Campaigns Officer, Electoral Reform Society

23 June 2005

Sara Williams, Deputy Acting Returning Officer, London Borough of Tower Hamlets

Peter Sass, Deputy Acting Returning Officer, London Borough of Tower Hamlets

Barry Quirk, Chief Executive and Returning Officer, London Borough of Lewisham

Mike Harold, Director of Policy, The Electoral Commission

Tom Hawthorn, Electoral Modernisation Manager, The Electoral Commission

Appendix 4: Principles of London Assembly Scrutiny

An aim for action

An Assembly scrutiny is not an end in itself. It aims for action to achieve improvement.

Independence

An Assembly scrutiny is conducted with objectivity; nothing should be done that could impair the independence of the process.

Holding the Mayor to account

The Assembly rigorously examines all aspects of the Mayor's strategies.

Inclusiveness

An Assembly scrutiny consults widely, having regard to issues of timeliness and cost.

Constructiveness

The Assembly conducts its scrutinies and investigations in a positive manner, recognising the need to work with stakeholders and the Mayor to achieve improvement.

Value for money

When conducting a scrutiny the Assembly is conscious of the need to spend public money effectively.

Appendix 5: Orders and Translations

How to Order

For further information on this report or to order a copy, please contact Janet Hughes, Senior Scrutiny Manager, on 0207 983 4423 or email at janet.hughes@london.gov.uk

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