



ELECTORAL SERVICES SECTION MAINTAINING ELECTORAL INTEGRITY

Introduction

In recent years there has been growing concern, fuelled by media interest, public debate and some notable court cases, about maintaining the integrity of the electoral system. Recent cases of electoral fraud have identified much common ground, with fraud being more likely in areas with marginal contests with small electorates and turn-outs, with vulnerable groups and electors and in areas with a history of allegation of malpractice.

The service is and has been alert towards such a pattern of electoral activity.

This document addresses key areas of concern with the integrity of our electoral system paramount e.g. applications for electoral registration and absent votes, concerns with regard to postal voting, issues concerning qualifications to be a candidate for an election, issues that arise in the polling station, the conduct of our counts, the submission of returns and declarations of election expenses, the recruitment and payment of staff for elections, and our liaison with the police. This document attempts to assess the areas in which we may be at risk and lays down appropriate guidance and policies for our staff in the handling of apparent challenges to integrity.

Applications for electoral registration - Applications for an absent vote

The introduction of "rolling registration" in 2001 has led to large numbers of applications for electoral registration being handled by the service. Across the country, there have been a number of instances of fraudulent applications being received, and court cases in Slough have further highlighted the opportunities that exist for abuse in the system.

Guidance is provided in Managing Electoral Services Part E4.

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0010/43957/Part-E-Improving-completeness-and-accuracy-August-2009.pdf

The introduction of postal voting "on demand" in 2001 has had much the same effect, and cases such as the Birmingham Case in 2005 led to a change in legislation, requiring the collection of personal identifiers for all postal voters. (Dates of birth and sample signatures) The question of fraudulent applications is covered in the Electoral Commission guidance already referred to.

A particular area of concern arises where the political parties handle application forms.

The Electoral Commission has issued circulars on this matter and candidates and agents are directed by the service to this document with their nomination packs and in the briefings that are arranged for them.

EC11/2007

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0019/12583/EC112007ElectoralFraudPrevention-May2007elections_24566-18195_E_N_S_W_.pdf

EC22/2009

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0004/83299/EC22---Guidance-on-preventing-and-detecting-electoral-malpractice-2010.pdf

Even so, Circular *Absent vote identifiers: further advice* reminds Electoral Registration Officers that application forms in other formats, including political party formats, should not be refused as long as they include the statutory requirements for such forms

EC12/2007

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0006/74859/EC12---Qualification-to-stand-for-election-to-a-local-authority.pdf

Where a voter applies for an absent vote and is unable for various reasons to provide a signature, the Electoral Registration Officer may grant a waiver from this requirement. The Electoral Commission has issued guidance on this matter in two circulars:

EC04/2007 - Handling requests for a waiver of the signature requirement for absent voting in England and Wales, and absent voting identifiers:

Further guidance on supply of absent voter lists and the waiver of the signature requirement

EC/08/2007

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0006/12579/EC082007WaiversandsupplyofAVlists_24324-17990_E_N_S_W_.pdf

Although Circular EC12/2007 advises Electoral Registration Officers of the benefits of retaining original forms, particularly for subsequent police investigations, this is currently under review because of the inadequacy of storage space in our open plan offices. Scanned images of all forms are retained.

Publication of the register

The register of electors is published on 1 December each year, and monthly updates are made on the first working day of each month between January and September. Concerns arise with regard to the supply of the register and register data, guidance on access to the register and public inspection issues.

Postal voting

Since 2006, the Electoral Registration Officer is required to collect and store 'personal identifiers' for each postal voter, comprising a date of birth and a specimen signature. When a postal vote is submitted it is validated by the checking of a postal voting statement on which the elector is required to provide their date of birth and signature.

The Electoral Commission has issued in EC22/2009 (See above) and it is in the Electoral Commission's guidance in *Checking signatures and dates of birth on postal voting statements* EC21/2007 that details that both the date of birth and signature on the postal voting statement must match the data already held.

EC21/2007

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0015/12606/EC21-2007EandWCheckingsignaturesanddatesonpostalvotingstatement_25613-19039_E_N_S_W_.pdf

This guidance is based on rules 85A RPR 2001 and in 45 PER.

A small number of electors in the Borough hold a waiver from being required to supply their signature as a personal identifier in postal voting. These waivers are audited on an annual basis to investigate whether they are still required, and, if appropriate, investigation letters are issued.

Candidacy at elections

Candidates at elections are required to provide a Consent to their Nomination, in which they indicate their qualifications for candidacy as they stand both on the day of the nomination and on the day of the poll. It is not unusual to find that a candidate's qualifications are informally disputed by other candidates or by electors.

Where they are standing for a registered political party, candidates are also required to submit a certificate signed by the nominating officer of the party.

The Returning Officer's powers are limited in these cases. He may rule a nomination invalid on the following grounds: that the particulars of the candidate or the persons subscribing the paper are not as required by law, or that the paper is not subscribed as so required. The Greenway-Stanley Case of 1977 among other cases very firmly illustrated the limits of his powers to investigate whether a person was qualified or disqualified from standing.

The Electoral Commission has issued guidance: *Qualification to stand for election to a local authority*

EC12/2009

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0006/74859/EC12---Qualification-to-stand-for-election-to-a-local-authority.pdf

At the polling station

Very few, if any, cases of personation have been encountered within Runnymede. However, and quite rightly so, the Returning Officer considers that this is not a reason to be complacent and particularly important for polling station staff to be alert to the possibility, and to be mindful that candidates, agents or polling agents may require them to act.

Equally, it is considered important for polling station staff to know how to act appropriately where an elector is found to be unable to cast their own vote – either because of apparent learning disability, or the apparent effects of alcohol or drugs.

Conduct of our counts

We endeavour to ensure that access and entry to our counts is properly controlled, that candidates and agents enjoy an open overview of proceedings, that open and transparent adjudication procedures are provided, and that the Returning Officer exercises consistency in adjudicating doubtful ballot papers.

Returns of election expenses

The Returning Officer acts as the custodian of Returns and Declarations of Election Expenses after an election; he has no powers to investigate or audit these documents. However, concerns may arise where candidates fail to make submissions and where irregularities are evident in the returns.

The returns and declarations are open to public inspection in accordance with Sections 88-89 RPA 1983. A fee of 20p for each side of each page of a copy may be charged in accordance with Regulation 10 (3), RPR 2001.

Staffing of elections and staff payments – integrity and professionalism

It is important that electors and candidates recognise the integrity and professionalism of the electoral services staff. This is ensured through training provided and recruitment processes.

It is also important that staff payments are made in accordance with the appropriate scale of fees. Runnymede uses the Surrey scale of local election fees for the payment of staff services at local elections. The Acting Returning Officer will refer to the Government's fees and charges order for the payment of staff services at national elections.

Liaison with the Police Single Point of Contact (SPOC)

The Council recognises the importance of liaising with the Police Single Point of Contact on matters relating to potential electoral fraud. The Electoral Commission and the Association of Chief Police Officers have together issued the *Guidance on preventing and detecting electoral malpractice*

EC22/2009

http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0004/83299/EC22---Guidance-on-preventing-and-detecting-electoral-malpractice-2010.pdf

Electoral Offences

A summary of offences is provided in the Electoral Commissions *Guidance on preventing and detecting electoral malpractice* (EC22/2009 above)

Giving consideration to guidance issued by the Electoral Commission.

The Electoral Commission issues guidance in its circulars and alerts on matters relating to electoral integrity.

(See: <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>)

In particular, the following circulars have been issued:

EC20/2005 - Guidance on postal voting and HMO's

EC03/2006 - Applications for redirection of postal votes

EC27/2006 - Absent voting lists and records

EC04/2007 - Handling requests for a waiver of the signature requirement for absent voting in England and Wales

EC08/2007 - Absent voting identifiers: Further guidance on supply of absent voter lists and the waiver of the signature requirement

EC11/2007 - Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales

EC12/2007 - Absent vote identifiers: further advice

EC21/2007 - Checking signatures and dates of birth on postal voting statements

EC26/2007 - Supply and inspection of marked registers and absent voter's lists

EC27/2007 - Objections and reviews

EC22/2009 - Guidance on preventing and detecting electoral malpractice

Applications for electoral registration/absent vote

Area of risk	Guidance and policies
<p>The handling of applications for registration or for an absent vote by political parties and their canvassers</p>	<p>Candidates and Agents are directed to the Electoral Commission's <i>Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales</i> at briefings and in information provided with their nomination packs - EC11/2007</p>
<p>Concerns about specific applications for registration arise</p>	<p>Where a personal call at Civic Offices or a telephone call leads to a request for an application form, there is an office presumption that the form will be posted to the caller's given home address.</p> <p>A check is made that the form is correctly completed; where parts of the application are not completed in accordance with law, the form is returned to the applicant. Further evidence may be required, such as a birth certificate, a certificate of naturalisation or a statutory declaration for which the ERO pays.</p> <p>Checks are made on the current registration status of a previous or a new address, and these may utilise name searches of the register</p> <p>Checks are made for unaccountable increases in certain wards or polling districts</p> <p>Signature checks can be made to registration and application forms held in the system; this archive goes back to 2001 but may change with the transition to Xpress</p> <p>A letter of receipt of application, confirmation of registration and/or the grant of an absent vote is issued to all applicants at their registration address</p> <p>The contents of periodic Electoral Commission Alerts and of guidance in <i>Managing Electoral Registration</i> Part E4 is considered</p> <p>If a specific application causes concerns with regard to malpractice or fraud, the document is secured, placed in a brown envelope and secured before contacting the police. This has happened on two occasions too date with the Electoral Services Manager providing formal witness statements</p>
<p>Residential Care Home Managers may be unaware of their duties with regard to applications for registration</p>	<p>Residential Care Homes are canvassed separately delegated to one person with the team.</p>
<p>Registrations at Residential Care Homes and Nursing Homes become outdated more quickly than in any other sector</p>	<p>The Section contacts Residential Care Home Managers to conduct an interim audit of residents at Care Homes and Nursing Homes in the run up to main elections</p>

<p>An application for an absent vote which includes a request for a signature waiver is received</p>	<p>Electoral Commission Circulars are considered: <i>Handling requests for a waiver of the signature requirement for absent voting in England and Wales - EC04/2007</i>, and <i>Absent voting identifiers: Further guidance on supply of absent voter lists and the waiver of the signature requirement - EC08/2007</i></p> <p>An annual audit of waiver applications is conducted and is included in the Project Plan</p>
<p>Multiple absent voting application forms may be received from one property and they may raise concerns</p> <p>(Multiple applications can be readily identified at data inputting and reports run at any stage of the compilation of the register)</p>	<p>Where multiple applications are being received, a first line check of other applications for the same property will be appropriate – do they carry the same signature? Can the date of birth provided be checked against other Council records?</p> <p>If a specific application causes concerns with regard to malpractice or fraud, the document is secured, placed in a brown envelope and preserved</p>
<p>There may be duplicate absent voters in our database</p>	<p>The software system enables checks for duplicate absent voters that have the same date of birth, name etc.</p>
<p>An absent vote is directed to an alternative address</p>	<p>Electoral Commission Circular: <i>Applications for redirection of postal votes - EC03/2006</i></p> <p>A check of whether an appropriate reason for the redirection has been given on the application is made</p> <p>Where an alternative address is located within the Borough, a first line check of other applications at that address may be made</p> <p>Reports re alternative addresses is available if required</p>
<p>The law allows for objections to registration</p>	<p>Guidance exists re the procedures to follow for objections and reviews</p>
<p>A clear audit trail is maintained where a clerical error is corrected on the Electoral Registration Officer's instructions up to 9PM on polling day</p>	<p>The Polling Station Manual contains appropriate guidance for presiding officers; this guidance is carried forward into the training of polling station staff and polling station inspectors and the supporting Power-point presentation</p> <p>The Returning Officer's instruction, when in writing, is endorsed that the person voted, and, when either in writing or by phone, is recorded on a list. Instructions are provided on packing this list with other election stationery</p>

Publication of the register

Appropriate final audit checks are made as part of the canvass plan in the run up to publishing the Electoral Register on 1 st December	These checks are built in to our office Project Plan
Recipients of the published register are aware of the legal constraints concerning its use	A disclaimer is supplied to all recipients of the register
Council staff make proper applications for access to the register which are authorised by their line managers and approved by the Monitoring Officer	All applicants have to complete and submit an application for web browser usage which their line managers and the Monitoring Officer counter sign (This will be introduced once the transition to Xpress takes place)
The Full Register, the lists of applications and objections and the absent voters list are available for public inspection.	Only the full register is available for inspection at the Civic Offices. Other lists are available but they are kept in the section not on the front reception
The Full Register and the Edited Register is available for supply	Guidance is available for office and library staff to support them where the registers or lists are being supplied

Postal voting

The handling of absent votes by political parties and their canvassers	Candidates and Agents are directed to the Electoral Commission's <i>Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales</i> at briefings and information provided with their nomination packs - EC11/2007
The guidance that the Electoral Commission has issued on the validation of electors' signatures is considered by Deputy Returning Officers dealing with signature validation	This guidance in <i>Checking signatures and dates of birth on postal voting statements</i> is considered - EC21/2007
In the postal voting statement, today's date entered in place of a date of birth	The postal vote is rejected
In the postal voting statement, the date of birth is provided but it is different to that on the data held; the signature otherwise matches	The postal vote is rejected and an integrity letter is issued. (This is subject to much debate but it would appear that this is in the best interest of the elector and is becoming common practice)

<p>In the postal voting statement, the signature does not match the signature held</p>	<p>The postal vote is rejected</p> <p>Further integrity checks are conducted: is there a pattern of the same signature on a number of rejected statements; are the elector numbers suggesting that the affected electors live in the same property or vicinity; is one ward or polling district affected more than another</p> <p>An integrity letter is issued</p> <p>If considered necessary the matter is referred to the SPOC</p>
<p>Postal votes are handed in at the polling stations</p>	<p>The polling station manual provides guidance for presiding officers on receiving postal votes; the manual is supported by a training session</p> <p>They are placed in 'packet No. 10'; a record of all postal votes handed in at a station is kept; that record also records the time at which postal votes are collected from the station and the final number of postal votes handed to the count.</p>
<p>An elector attends the polling station, only to find that the status of postal voter is recorded against their name</p>	<p>The polling station manual provides guidance for presiding officers on electors who attend only to find that the status of postal voter is recorded against their name; the manual is supported by a training session</p> <p>The names of such electors are recorded by the Presiding Officer on a designated form for future investigation by the Electoral Services Section</p> <p>Appropriate actions should follow this investigation; these might include issuing an integrity letter to the elector, sending a copy of the application and any other records to the elector; a final point of referral is to the SPOC where investigations suggest that integrity has been compromised</p>
<p>Voters can request replacement postal votes for postal votes that have either been lost or spoiled up to 5PM on polling day</p>	<p>A written request is received before replacements will be considered</p>
<p>Postal votes are collected from the polling stations during polling day for delivery to the Returning Officer</p>	<p>The polling station manual provides guidance for presiding officers on receiving postal votes; the manual is supported by a training session</p> <p>Two collections are undertaken with a full audit trail of how many, when and receipt at the count</p>

Candidacy at elections

<p>Questions and potential difficulties arise with regard to a candidate's use of a registered party political description</p>	<p>The office maintains a list of the authorised deputy nominating officers for the political parties that regularly field candidates in the authority area</p> <p>The letters / certificates of deputisation are regularly checked to ensure that they are valid, both in terms of their dates and with regard to the current status of the party nominating officer</p> <p>The Electoral Commission's website is checked</p>
<p>A candidate stands for election when they are disqualified or do not meet the relevant qualifications on the relevant day</p>	<p>Guidance for Candidates is supplied with all nomination packs, and that guidance includes extracts of the relevant sections in the LGA 1972</p> <p>Candidates' and Agents' briefings cover the topic of qualifications and disqualifications for candidacy</p> <p>When they attend in person, all candidates are asked if they would like an informal check of the nomination to be made before the formal 'receipt' takes place</p> <p>When they attend in person, the qualifications that they have stated as present on the relevant day are confirmed to the candidate when the nomination is submitted</p> <p>At ordinary elections, the limited role of the Returning Officer in this matter is discussed</p>
<p>Robust procedures are put in place for handling candidates' deposits at general elections</p>	<p>These procedures will be developed in time for the general election;</p> <ul style="list-style-type: none"> • an internal budget code has been set up to receive payments at Civic Offices; • Payments will not be taken by debit card because of the Acting Returning Officer's concerns that there is inadequate time in the parliamentary election timetable for the clearance of funds by the close of nominations. (ARO decision)
<p>The electoral services staff are clear on the new procedures relating to candidates' addresses in parliamentary nominations</p>	<p>This matter is addressed in EC19/2009. The election project plan has been amended to ensure that staff are familiar with the new requirements</p>
<p>Another candidate or an elector makes an accusation that a candidate is not qualified to stand for election or has abused the nomination process</p>	<p>At local elections, Rule 11 states that during ordinary office hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination. At parliamentary elections the rules for inspection are tighter</p> <p>A person making such an accusation is informed:</p> <ul style="list-style-type: none"> • The limits of the Returning Officer's powers in these cases; • They are advised to seek their own legal advice; • They are informed that the qualification of a candidate may be challenged by election

	<p>petition in accordance with Part III RPA 1983, or in accordance with section 92 LGA 1972</p> <ul style="list-style-type: none"> • If a specific nomination paper causes concerns with regard to malpractice or fraud, the document is secured, placed in a brown paper envelope and preserved
<p>Reports are received that a candidate has died</p>	<p>The Electoral Commission's guidance <i>Managing a local government election in England and Wales: guidance for Returning Officers</i> Part C6 and Parker 13.20 are consulted</p> <p>Proof of the death is important and the time that proof is received controls subsequent events</p> <p>The Returning Officer considers that appropriate proof of death shall comprise of either a doctor's certificate of death or a written notification received from the police SPOC</p>

At the polling station

<p>The presiding officer encounters what may be a case of impersonation or a candidate, agent or polling agent alleges impersonation</p>	<p>The polling station manual provides guidance for presiding officers on personation; the manual is supported by a training session</p> <p>The names of such electors are recorded by the Presiding Officer on a designated form for further investigation by the Electoral Services Section</p>
<p>An elector is found to be unable to cast their own vote and requests that a companion or the Presiding Officer votes for them</p>	<p>The polling station manual provides guidance for presiding officers on electors who request that a companion or the Presiding Officer votes for them; the manual is supported by a training session</p> <p>The manual and training session outline the audit trail that Rules 36 and 37 require to be kept</p>
<p>An elector is found to be unable to cast their own vote – either because of mental disability or the effects of alcohol or drugs</p>	<p>The polling station manual provides guidance for presiding officers on electors who are incapacitated from voting; the manual is supported by a training session</p> <p>Presiding Officers are advised that they may use the statutory questions as a defence in these cases</p>
<p>The marked register and the marked absent voters list are available for public inspection and supply</p>	<p>Guidance is available for office staff to support them where the registers or lists are being inspected or supplied</p>
<p>The marked register of electors and other statutory forms and returns are correctly completed, correctly packed and properly accounted for</p>	<p>The polling station manual provides guidance and samples for presiding officers on marking the register of electors and on completing, packing and returning the documents and forms</p> <p>A rigorous checking process is carried out at the ballot box reception at the count, where the ballot paper account and the marked register of electors are secured.</p>

Conduct of our counts

Clear instructions and training are provided to all staff involved at the count:	This is covered in our service Training Plan
Guidance on the count and the procedures that will be followed is issued to all candidates and agents so that they understand the process and their status in law	Training is provided along with the EC guidance packs
Access and entry to the count are properly controlled	Notice of time and place and counting agents appointment forms are issued at an appropriate time in the election timetable, and appointments are required five or two days before polling day Official tickets are produced to all those wishing to attend the count. These are checked on the door by a member of the Returning Officer's staff. The Police attend all election counts.
Transparent adjudication procedures are provided	The Returning Officer is briefed on this matter and all candidates and agents informed at their briefing of the process involved

Returns of election expenses

A candidate or agent fails to submit the return and declaration within the statutory time	Candidates or agents are issued with a reminder letter prior to the official deadline informing them of the offence and the punishments that may be applied under Sections 84-85 of RPA 1983
The attention of the Returning Officer is drawn to irregularities in the return and declaration	A person making such an accusation is informed of the limits of the Returning Officer's powers in these cases; they are advised to seek their own legal advice; they are informed that this matter may be challenged by election petition in accordance with Part III RPA 1983 The guidance of the Electoral Commission would be sought If a specific return causes concerns with regard to malpractice or fraud, the document is secured.

Staffing of elections and staff payments – integrity and professionalism

Area of risk	Guidance and policies
Electoral services staff are provided with appropriate training which promotes professionalism and integrity	The service maintains a Training Plan

Electoral services staff have no conflicting interests with regard to elected members, political parties, candidates, and external contractors and service providers	The Council maintains a register of staff interests, and staff are made aware of their duty to register any interest which might be seen as potentially conflicting Senior post holders hold politically restricted posts
Temporary staff do not undertake work for the political parties	A disclaimer is included in forms inviting persons to apply to work in a temporary capacity in polling stations, in postal vote opening or in counts
All staff are asked to forego their rights under the Working Time Directive	A disclaimer is included in forms inviting persons to apply to work in a temporary capacity in polling stations, in postal vote opening or in counts
Temporary staff are entitled to work in the country in accordance with the Asylum and Immigration Act	All staff have undertaken a review of their entitlement to work in this country and have provided copies of passports and other supporting documentation.

Review and alert mechanisms

This document will be continually updated by the Service Manager, in response to legislative change, in the run up to major elections, following court cases and on receipt of relevant Electoral Commission circulars and alerts.