

Purity of Elections in the UK

Causes for Concern



Executive Summary

During 2007, the Joseph Rowntree Reform Trust commissioned Stuart Wilks-Heeg of the University of Liverpool to undertake an independent, evidence-based review of electoral processes and procedures in the UK. The task of the review was to establish the extent to which available evidence highlights potential threats to the integrity of UK elections. The key findings are summarised below.

Key Findings

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



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Free and fair elections?

Current controversies about the integrity of elections in the UK are without precedent in recent British political history. During the past decade, views on electoral procedures in the UK have moved from a broad consensus in favour of ‘modernising’ reforms to a highly polarised debate centred on competing claims about the extent of electoral malpractice and the degree to which ballot secrecy and security are being compromised.

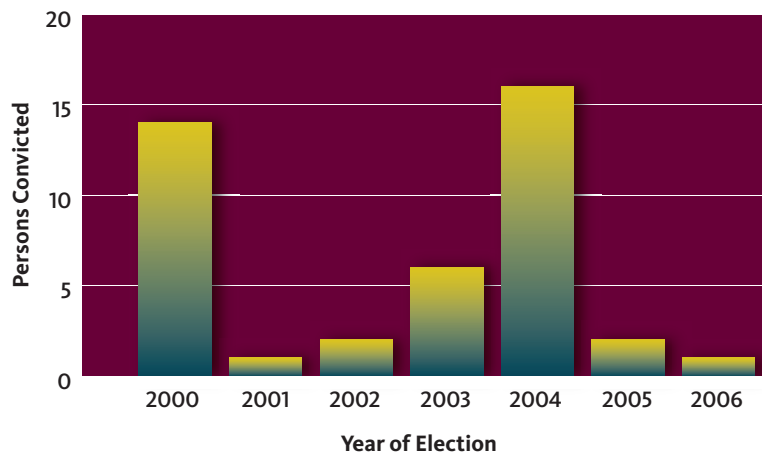
“The United Kingdom delivers democratic elections despite the vulnerabilities in its electoral system. These vulnerabilities could easily affect the overall democratic nature of future elections in Great Britain.” Council of Europe (2008)

The government’s perspective, summarised in the recent ‘Governance of Britain’ Green Paper, is that it “has extended the use of postal voting with appropriate safeguards”, as part of wider efforts “to make voting more convenient”. This governmental insistence that appropriate safeguards are in place has created a growing impasse in its relationship with the Electoral Commission, which has repeatedly called for more stringent measures to enhance ballot security. Meanwhile, other reviews of UK electoral processes have raised serious concerns about how well UK election procedures measure up to international standards. These reviews include the Gould report on the 2007 Scottish elections, which suggested that voters had been treated “as an afterthought”, and a Council of Europe monitoring report which concluded that British elections “are very vulnerable to electoral fraud”.

Patterns of electoral malpractice

An estimated 42 convictions for electoral offences were made from 2000–2007. It is unlikely that there has been a significant increase in electoral malpractice since the introduction of postal voting on demand in 2000; available figures suggest that 32 convictions were made from 1994–99. In both periods, the offences arose almost exclusively from local elections, and related to a tiny proportion of all elections contested. However, cases tried since 2000 underline that the extension of postal voting has clearly enhanced the vulnerability of UK elections to large-scale fraud. The likelihood of such fraud occurring could – and should – have been predicted on the basis of evidence of growing proxy vote fraud during the 1990s. Moreover, the potential for the political

Persons found guilty of electoral offences in the UK, 2000-2006, by year of election



control of a major city council or the outcome of a contest for parliamentary constituency to be determined by 'stolen votes' has been clearly demonstrated by recent fraud cases, most notably the offences considered by the Birmingham election court in 2005.

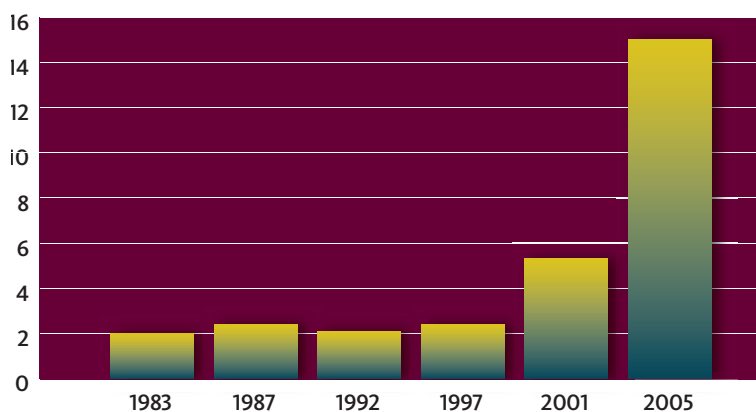
Concerns about potential electoral malpractice are not restricted to metropolitan areas. Since 2000, accusations of electoral malpractice have been investigated by every police force in England, with the exception of the City of London police. Convictions for electoral fraud, which represent a small proportion of the cases reported to police forces, have been brought against representatives of all three major parties, as well as minor parties such as the British National Party. While the majority of prosecutions for electoral offences concern white males, several cases have involved proven instances of large-scale vote-rigging within British Pakistani and Bangladeshi communities. There is some anecdotal evidence to suggest that practices associated with traditional forms of Pakistani 'clan politics' have been a common factor in a significant minority of recent prosecutions for electoral fraud.

There is no evidence to date suggesting that electoral malpractice has occurred as a result of pilots of various forms of electronic voting. However, serious questions about the security of electronic voting from organised fraud remain unanswered. Meanwhile, pilots of electronic counting have revealed multiple instances of votes being counted incorrectly.

The legacies of electoral modernisation

Current concerns about electoral integrity stem directly from reforms intended to modernise the electoral process, provide voters with greater convenience and choice, and increase turnout. Since 2000, these objectives have primarily been promoted through the availability of postal voting on demand and pilots of all-postal voting and various forms of electronic voting.

Percentage of votes cast by post at UK general elections, 1983–2005



Evidence suggests that the benefits of electoral modernisation have been exaggerated. Postal voting has proved popular with some voters, resulting in a steady rise in the take up of postal voting on demand. However, while the use of postal voting has an immediate, beneficial impact on turnout, it also appears that the 'turnout premium' levels off and then declines at subsequent elections. There is no evidence at all to suggest that electronic voting raises turnout. While popular with those who have used it, e-voting principally appears to constitute a costly exercise in providing greater choice to voters who would otherwise have voted by post or at a polling station.

The state of the registers

There are major failings evident in relation to the state of the UK's electoral registers. Without comprehensive registration of voters, the objective of maximising electoral participation is immediately compromised. While estimates that up to ten per cent of eligible voters are absent from the electoral register are frequently cited, such figures have little or no authority, and recent pilot research in London suggests that in some areas up to one third of eligible voters may be unregistered.

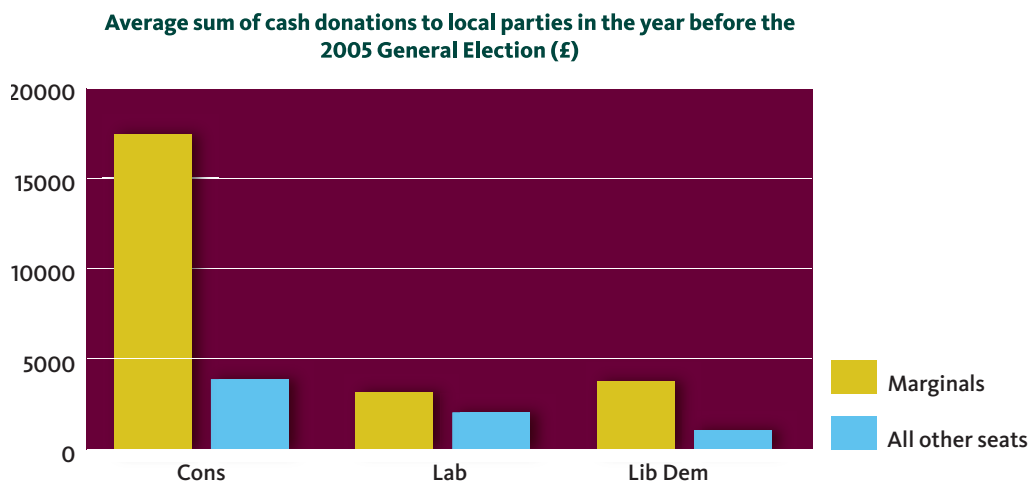
“It does not take an experienced election observer, or election fraudster, to see that the combination of the household registration system without personal identifiers and the postal vote on demand arrangements make the election system in Great Britain very vulnerable to electoral fraud.”

Council of Europe (2008, p.12)

However, the tendency for registers to contain inaccurate information, including cases where the voter is deceased, fictitious or registered in multiple localities, is widely recognised. There is no sound basis from which to estimate the extent of inaccuracies on the registers. The Council of Europe's recent investigation of the UK electoral system argued that it was vulnerable to fraud largely because of its “rather arcane system of voter registration”, based upon a system of household, rather than individual, registration.

Money and the marginals

It is widely recognised that money can have a significant impact on electoral outcomes. The UK's non-proportional electoral system tends to prompt parties to channel financial resources to a relatively small number of marginal constituencies. The same pattern is increasingly evident in relation to donations to constituency parties. Evidence relating to the 2005 General Election suggests that highly targeted spending, much of it committed in advance of the official campaign period, clearly impacted on results in a number of marginal seats. This approach is most clearly associated with the Conservative Party, which is in a unique position to attract and channel large-scale donations from a small number of wealthy individuals to support campaigns in marginal seats. Although legal, such practices clearly exploit a ‘loophole’ in existing regulations and indicate the potential for a general election outcome to be significantly influenced by a small number of large-scale donors making funds available to target ‘swing voters’ in marginal seats.



There are significant factors influencing levels of turnout, particularly in general elections, which have been seriously neglected by debates concerning electoral processes over the past decade. Most significantly, there is powerful statistical evidence, assembled from multiple general elections, to suggest a strong correlation between candidate campaign spending and the number of votes cast for that candidate. There is wider evidence to suggest that turnout is best promoted by political parties engaging with the electorate rather than simply by rendering voting 'more convenient'.

Legislative failings and administrative frailty

Since 2000, UK electoral legislation has had to play 'catch up', with the reality of the electoral process being rendered more vulnerable to fraud through the extension of postal voting. The provisions introduced by the Electoral Administration Act 2006 fall short of what is required to ensure that electoral malpractice is kept to an absolute minimum. Just as problematic, however, has been the tendency for major legal changes to be introduced within months of elections taking place, thereby placing enormous pressures on highly localised systems of electoral administration.

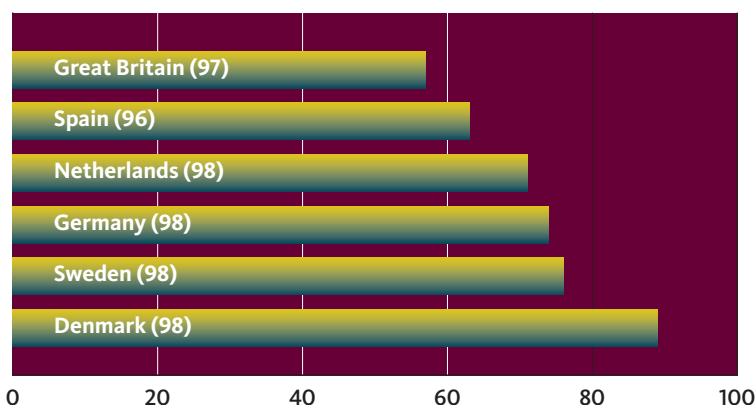
"In many areas of the UK we have noted concerns that the current structure for the delivery of electoral administration is close to breaking point and we believe it is insufficiently robust and coordinated to meet the challenges of elections in the twenty-first century." Electoral Commission (2007)

The extension of postal voting and the piloting of all-postal voting have exposed significant weaknesses in the capacity of the printing industry, while pilots of e-voting and e-counting have highlighted ongoing problems with existing software and hardware. There have been numerous instances in which problems arising from the administration and management of elections have come close to leaving electoral outcomes open to challenge. The 'general election that never was', in Autumn 2007, served to highlight many of the serious problems facing electoral administrators. There is a near-universal consensus among electoral administrators that, had an election been called for November 2007, significant administrative problems would have arisen, perhaps on a scale that could have raised questions about the legitimacy of the election result. This 'lucky escape' underlines the need for a major review of electoral procedures and processes in the UK.

Falling public confidence

Public confidence in the electoral process in the UK was already very low by West European standards in 1997. There is clear evidence to suggest that public confidence in UK elections may have declined further over the past decade. Surveys conducted on behalf of the Electoral Commission show an increase in the proportion of electors regarding postal voting as being "very or fairly unsafe from fraud" from 34 per cent in 2004 to 46 per cent in 2005. More in-depth survey research for the 2004 all-postal pilots revealed that while 71 per cent of voters in non-pilot areas regarded postal voting as safe, only 51 per cent of voters in pilot areas felt this was the case. Among British Asian voters in 2004, the proportion regarding postal voting as safe was just 46 per cent.

Percentage expressing full confidence in election outcomes in six West European countries, 1997-2002



Moving towards solutions: lessons from Northern Ireland

It is difficult to refute the view recently expressed by the former Chair of the Committee on Standards in Public Life that the government appears to be “in denial” about the challenges to the integrity of UK elections. In November 2007, the government reiterated its determination to continue with its “electoral modernisation strategy”, using existing legislative provisions and further piloting of alternative electoral arrangements. By contrast, the Electoral Commission has called for electoral pilots to cease and has begun its own detailed review of the current legal and policy frameworks for elections in the UK. Outside of ministerial circles, there is widespread appetite for such a debate.

“The most important challenge facing all of those involved in running elections (...) is to reaffirm a shared commitment to putting electors at the heart of electoral policy and decision-making”

Electoral Commission (2007)

The possibility cannot be dismissed that root and branch reform of British electoral law and administration is required, as opposed to further consolidation of legislation and administrative procedures originating in the nineteenth century. The nature of this task may be less onerous than it would seem. It has been widely noted in recent reviews of UK election procedures that many viable solutions to the problems that have emerged in recent years are already in place in one part of the UK. Over the past decade, electoral reforms introduced in Northern Ireland have provided for more accurate electoral registers, strengthened the role of electoral administration, sharply reduced accusations of malpractice, and raised public confidence in the electoral process. The task of emulating these achievements in mainland Britain is the key challenge facing electoral policy today.



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