Committee	Date	Classification	Report No.	Agenda Item No.
General Purposes Committee **Overview and Scrutiny Committee**	**27 March 2013** **9 April 2013**	**Unrestricted**		

Report of:	Title:
Returning Officer/Electoral Registration Officer	**Electoral Matters Update**
Originating Officer(s): **Louise Stamp, Electoral Services Manager/John Williams, Service Head, Democratic Services**	Ward(s) affected: **All**

1. SUMMARY

1.1 The General Purposes Committee has responsibility on behalf of the Council to exercise certain powers in relation to the holding of elections and the maintenance of the electoral register.

1.2 The Overview and Scrutiny Committee has previously discussed matters relating to the electoral canvass and Members have sought information about the arrangements in place to ensure the integrity of the registration and elections processes.

1.3 This report provides for Members' information an update on various matters concerning electoral registration and the conduct of elections including:-

- The Council's current and proposed arrangements to ensure integrity of the electoral registration and elections process;
- The Electoral Commission's recent assessment that Tower Hamlets' systems and procedures are robust and assessed as 'above standard' on all of the ERO performance standards;
- The outcome of Police investigations into a number of allegations of fraud during the GLA elections and Council by-elections in 2012, that in almost all cases no evidence was found to substantiate any allegation that offences were committed; and
- The introduction of Individual Electoral Registration and the Council's participation, at the Cabinet Office's invitation, in data matching pilots.

2. RECOMMENDATIONS

2.1 That the report be noted

3. ROLES AND RESPONSIBILITIES

3.1 The Electoral Registration Officer is responsible for compiling and maintaining the register of electors, which contains an entry for everyone who has registered to vote and their eligibility to vote. The Electoral Registration Officer's responsibilities also include registering applications to vote by post or proxy and applications from people who wish to register to vote anonymously.

3.2 The Returning Officer is responsible for the management of an election for local elections. For local council referendums, council tax referendums or mayoral referendums, the Returning Officer becomes the Counting Officer. The Acting Returning Officer has this responsibility for a UK Parliamentary election.

4. BACKGROUND

4.1 The Electoral Commission reports that occurrences of electoral malpractice are relatively rare; however, allegations often attract considerable media attention and can undermine confidence in the electoral process.

4.2 The Electoral Commission/ACPO 'Guidance on Preventing and Detecting Electoral Malpractice' (February 2013) states that "the risk of actual electoral malpractice may be greater where:

- There is a greater opportunity to influence the outcome of an election;
- There is likely to be a close contest; and
- There is a community with limited language or literacy skills who may be more vulnerable to deception or less likely to realise that their vote has been stolen" (para 1.14).

4.3 Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election-related crime and who will give advice to local police officers. The police will investigate any allegation until, following consultation with the Special Crime Division of the Crown Prosecution Service (CPS), either they are satisfied that no further action is necessary, or they forward the file to the Special Crime Division of the CPS with a view to prosecution.

4.4 The Electoral Commission provide guidance and resources to Returning Officers, electoral administrators, candidates, agents, postal workers and the police to help uphold and improve the integrity of the electoral process.

4.5 The Electoral Administration Act 2006 (EAA) introduced new/amended previous offences and introduced new safeguards and duties on Electoral Registration Officers and Returning Officers to carry out specific checks.

4.6 Investigation of allegations requires significant investment of resources from electoral services staff, the Electoral Commission and the police to gather

information and evidence. There is an enormous amount of effort put into investigating each of the allegations which are often unsubstantiated. Nevertheless the Returning Officer will investigate local registration issues where necessary and any allegations of malpractice will be referred to the relevant authorities.

5. ELECTORAL REGISTRATION: SPECIAL PROCEDURES TO ENSURE INTEGRITY

5.1 The Council has procedures in place to ensure integrity of the registration and election processes.

5.2 Prior to the 2012 elections, Council officers met with the Electoral Commission and the Deputy Greater London Returning Officer to go through the integrity of our registration system. Both parties condoned our work stating:- "Tower Hamlets addressed the concerns and put into place procedures to ensure that any potential issues were identified at an early stage".

5.3 The procedures adopted by Tower Hamlets have been widely shared with other Boroughs within London and elsewhere and become a model of good practice with electoral practitioners. The procedures for compiling the register are undertaken within the legal framework and the extra initiatives as below introduced to ensure an accuracy of the register:-

Special Procedures

5.4 All Electoral Services staff are required to attend regular training/briefing sessions to ensure they are up-to-date with the latest regulations. They receive updates on detecting electoral fraud. Polling station staff will be briefed on the electoral offences, including detecting personation and other polling offences.

5.5 Electoral staff work regularly with the local police force to receive intelligence information leading up to an election and pass on information about allegations of electoral fraud during the election timetable.

5.6 In relation to any application for inclusion on the electoral register, Electoral Registration Officers are entitled to ask for further information/evidence. In addition, an elector registered in the area of the local authority may make an objection to a person's registration, either before or after that person has been added to the register. Objections can be made at any time both to applications for registration and to entries already on the register, which are then considered in accordance with a set procedure.

5.7 In addition to all of the above a number of special procedures are also in place to assist:-

1. Absent voters

Prior to an election a report is run to ensure multiple absent votes are not going to the same address. The same procedure is adopted for proxy voters. Proxy voters must be registered local government or parliamentary electors.

2. Postal Votes

a) All postal voters receive a letter acknowledging receipt of their postal vote application. If they call us and confirm in writing that they have not applied for postal vote then the postal vote will be removed.

b) Just before the election postal poll cards are sent out to confirm again that the individual is registered as a postal voter for a particular election.

c) Electoral Service include information for postal voters with their ballot pack reminding them of the secrecy of their vote and that they must not hand their ballot papers to anyone but must post it in the envelope provided or deliver to a polling station if they did not post it in time.

d) Before the election, Electoral Services check all addresses with more than six residents which has resulted in deletions of names where people have moved on. This is particularly addressed to houses in multiple occupation, often with students who are transient.

3. Candidates

The Returning Officer writes to all candidates prior to the election reminding them of the secrecy provisions and election offences. They are asked to ensure that their agents and volunteers are equally familiar of the criminal offence to interfere with the electoral process. All electoral offences are reported to our police SPOC to follow up as only the police have investigatory powers.

4. Partnership work

The ERO will report any major allegations of electoral malpractice to the Police. Arrangements are put in place early to identify contact with the local SPOC and other lead contacts at the time of an election. The SPOC is required to attend meetings with the RO, candidates and agents prior to an election.

5. Registration Forms

Prior to an election all registration forms received up to the 11-day registration deadline are checked against other council records for validation. If the entry

cannot be verified, a letter requesting further documentary evidence is sent to the resident. Additional house to house checks are made during this period.

6. Fraud Logging

Any suspicious registration applications follow a strict procedure. Each name and address is logged on a spreadsheet and bought to the attention of the manager who will follow up if required. Any applications that are suspected of fraud are referred to the Police.

6. ELECTIONS – INTEGRITY PROCEDURES

6.1 Procedures are also in place to promote integrity of processes at election time as follows:-

1. Election agents meeting called early before Notice of Election

2. All nomination papers are presented and informally checked by an appointed Deputy Returning Officer. All candidates and agents are advised to send copies of their nominations prior to official presentation to ensure that any problems can be discussed.

3. All election agents are directed to the Electoral Commission's Code of Conduct on political party handling of postal vote applications and completed postal voting packs.

4. The training pack for polling station staff includes a section on electoral fraud and their briefing sessions include guidance on electoral fraud matters.

5. All presiding officers are provided with a logbook in which they are requested to include the details of any incident which could amount to electoral fraud.

6. Prior to the issue of postal votes, reports are produced which would detect any absent vote anomaly. The threshold is two for postal votes at an away address and the limitations on standing as a proxy are also investigated and if necessary followed up at this stage.

7. Personal visits are made to multi-occupied properties to confirm residency and update the register.

8. All the security checks enabled by new Regulations have been implemented. Any existing postal voters who request that their postal vote be re-directed are informed that, where a reason has not been provided, the application cannot be processed.

9. All postal voters who request a re-issue of their postal vote pack are advised to follow a formal process, which includes a signature. This

process is supervised by senior election staff.

10. All postal vote applications are scanned and processed into the electoral management system under the supervision of the Deputy Returning Officer. At the time of an election, 100% of Postal Voting Statements s are scanned and verified to ensure the signature and date of birth matches the original application. Spreadsheet analysis is kept of decisions made and reasons for rejection.

11. Opening sessions observed by opening agents, candidates, Electoral Commission (EC) and EC Observers.

12. Statistics on postal votes and turnout at polling stations is sent to all agents post election.

13. Feedback sought on election process from Police, Agents and PO's.

14. Post election reviews take place with the Returning Officer.

7. BUILDING ON GOOD PRACTICE

7.1 The Council is thus well equipped to ensure integrity of the electoral register and election processes. However there can be no complacency and a range of further initiatives are planned to build on good practice in this important area. The proposals are designed to address concerns identified during the investigation of the previous allegations, for example about campaigning activities in certain wards, particularly relating to applications for postal votes and the completion of postal ballot packs; and the impact of campaigners assisting electors to complete postal or proxy vote application forms.

7.2 There are also concerns about campaigners using out-of-date registers and postal vote lists. A majority of the allegations in 2012 were in relation to register inaccuracies. A transient population and properties with multiple residents who have names in common each present particular issues in relation to maintaining an up-to-date register.

7.3 The previous code of conduct for campaigners did not address potential issues around campaign activities outside polling stations. An updated code is now available and inviting all candidates to agree to a local code would help to improve further coverage beyond candidates standing on behalf of the larger parties in trying to control the actions of all volunteers.

7.4 All applications received after the cut-off date for rolling registration up to the 11 day registration deadline are subject to additional checks and where necessary require further information/evidence. It is essential that adequate resources are available for this work.

7.5 The following actions are therefore proposed to strengthen even further the good practice described in this report:-

a) Review of local practices to support future work with police forces, and the Electoral Commission, including more accurate reporting of cases and allegations.

b) A specific point of entry for allegations with a system of triage to record and respond to within a specified timescale or refer on to the police for investigation.

c) Early contact with the police and local SPOC – from November 2013.

d) Prepare a local protocol agreed by the Police and the Electoral Commission to be sent out to all parties for approval, early meetings to be held with parties and regular contact subsequently.

e) The agreed protocol will be implemented effective for the next European, Mayoral and Local Government elections scheduled for May 2014.

f) Candidate and Agent briefings to include local arrangements

g) On request Councillors receive their full ward register and monthly updates. Following publication of the new electoral register (on 17th February 2014), all councillors and candidates to receive monthly updates of relevant sections of the register whether or not specifically requested to ensure they are using up to date information.

8. ELECTORAL COMMISSION ASSESSMENT OF PERFORMANCE

8.1 On 31 May 2012 the Electoral Commission issued a direction to report under Section 9B(1) of the Political Parties, Elections and Referendums Act 2000, requiring an assessment of the Council's performance against the performance standards for Electoral Registration Officers.

8.2 The Commission has now confirmed the final assessments of performance to be published in their report in May 2013, as follows:-

	Performance standard	**Assessment against standard**
Completeness and accuracy of electoral registration records	1 Using information sources to verify entries on the register of electors and identify potential new electors	ABOVE
	2 Maintaining the property database	ABOVE
	3 House to house enquiries	ABOVE

Integrity	4 Maintaining the integrity of registration and absent vote applications	ABOVE
	5 Supply and security of the register and absent voter lists	ABOVE
Participation	6 Public awareness strategy	ABOVE
	7 Working with partners	ABOVE
	8 Accessibility and communication of information	ABOVE
Planning and organisation	9 Planning for rolling registration and annual canvass	ABOVE
	10 Training	ABOVE

8.3 The Council has therefore achieved 'above standard' assessments in relation to all of the standards – the highest assessment possible.

9. 2012 ELECTIONS IN TOWER HAMLETS: ALLEGATIONS OF ELECTORAL FRAUD AND VOTING REGISTER INACCURACIES

9.1 Before every election, electoral services recruit experienced canvassers to conduct personal visits to properties in the borough with more than six residents. We have set questions to check with the householder and where appropriate, the register is updated.

9.2 During the timetable for the Spitalfields by-election, held on 19 April 2012 and the GLA/Weavers elections, held on 3 May 2012, a total of 2,021 new electors were added to the register and 2,760 electors removed. All forms were checked against other council records for validity.

9.3 Also during the election period, a large number of allegations of register inaccuracies and electoral malpractice were reported to the electoral services office, the police, the Electoral Commission and the Media. Before the personal visits checks were conducted, the Evening Standard made allegations and published them before any verification of the addresses had taken place.

9.4 Tower Hamlets' experience is that despite the allegations and media reports suggesting the contrary, evidence of actual electoral fraud is very rare. In this case the media reports of alleged electoral malpractice were not generally based on fact or sound evidence.

9.5 Nevertheless, all of the allegations received were referred to the Police for investigation. This investigation is now complete and in all but three of 60 cases, no evidence was found to substantiate any allegation that an offence

had been committed. In those three cases, no suspect was identified. A summary of the police findings is attached at Appendix A and the full police report identifying the outcome of the 60 allegations and inaccuracies recorded by the police is available for reference at Appendix B in the restricted part of the meeting.

10. INDIVIDUAL ELECTORAL REGISTRATION (IER) AND DATA MATCHING PILOTS

10.1 The Government announced on 15 September 2010 that it plans to speed up the implementation of Individual Electoral Registration (IER) so that it comes into force in 2014 rather than after the next general election as the previous Government proposed.

10.2 Currently IER will be a requirement for any new registrations and all absent voting applications from 2014. The autumn 2013 canvass will be delayed to enable a later publication date for the register of electors – this will be published on 17th February 2014 rather than on 1st December 2013, in order to ensure a shorter gap between publication and write-out and that the register is as complete and accurate as possible.

10.3 In 2011 the Cabinet Office took forward 22 data matching pilot schemes in partnership with participating EROs to see if Government databases can be used to improve the accuracy and completeness of the electoral register. The purpose of this was to identify missing individuals and give EROs the opportunity to invite them to apply to register, and also to identify potentially inaccurate entries.

10.4 Tower Hamlets was approached by the Cabinet Office to participate in the data matching pilot due to the borough's transient population. The register of electors was matched against DWP records to identify the match rate that could be achieved. The aim was to improve completeness and accuracy of the register and identify potential fraud.

10.5 Those pilots showed that data matching could, in those areas trialled, be used to confirm an average of two-thirds of electors. Based on this finding, the proposal to use automatic 'confirmation' of existing electors was adopted. However, following the full evaluation of the pilots, it was decided that a full test of this proposed process should be carried out in 2012.

10.6 In 2012, Tower Hamlets undertook a further data matching pilot to see how far the schemes achieved the purpose of assisting the local registration officer to meet their objective (i.e. that people entitled to be on their register are on it; people not entitled are not on it; and that information about people who are on the register is correct).

10.7 The 2012 Pilots matched the registers with DWP records to test the 'confirmation' process at two points in time; before the annual canvass and afterwards. The results from this pre-canvass match are broadly in line with

the results from 2011, which tends to support the initial conclusions from last year.

10.8 The 2011 and 2012 pilots in Tower Hamlets resulted in an initial match rate of 55%. Post canvass 2012 match rate went up slightly to 60%. These match rates allow us to prepare for amount of changes required for the introduction of IER in 2014.

10.9 A new set of pilots in 2013 will take on board lessons learnt from the previous schemes, to conclude whether or not data matching is a tool that could assist in ensuring that the registers remain as complete and accurate as possible, both during the transition to IER in 2014/15, and on an ongoing basis.

10.10 In 2013, the pilot schemes will target specific under-registered groups: attainers, home movers and students. Tower Hamlets will pilot data mining and will be provided with relevant data from the following departments: Department for Work & Pensions, Department for Education, Higher Education Funding Council for England, Her Majesty's Revenue & Customs, Student Loans Company and Royal Mail.

11. COMMENTS OF THE CHIEF FINANCIAL OFFICER

11.1 There are no direct financial implications arising from this report. Grant allocations will be made in March 2013 by the Cabinet Office for the first year of transitional activity in relation to the additional costs of Individual Electoral Registration.

12. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

12.1 The Electoral Registration and elections processes are conducted in accordance with relevant legislation including the Representation of the People Acts, Political Parties, Elections and Referendums Act 2000 and Electoral Administration Act 2006.

13. IMPLICATIONS FOR ONE TOWER HAMLETS

13.1 The aim of the report is to secure electoral equality across all wards of the borough ensuring that elections and referendums are conducted in a fair and transparent manner in accordance with the law.

14. RISK MANAGEMENT IMPLICATIONS

14.1 The arrangements described in this report and the proposals for future measures are designed to minimise the risk of fraudulent activity in relation to the electoral registration and elections processes.

15. STRATEGIC ACTION FOR A GREENER ENVIRONMENT (SAGE)

15.1 There are no direct SAGE implications arising from the matters covered in this report.

16. IMPLICATIONS FOR THE REDUCTION OF CRIME AND DISORDER

16.1 The arrangements described in this report and the proposals for future measures are designed to reduce the risk of criminal activity in relation to the electoral registration and elections processes

17. APPENDICES

17.1 There are two appendices to this report. Appendix B is restricted as it contains exempt or confidential information as described in Part 1 of Schedule 12a to the Local Government Act 1972. The two appendices are as follows:-

Appendix A – Summary of police findings in relation to allegations of Electoral Fraud and Voting Register inaccuracies in Tower Hamlets 2012 (attached)

Appendix B – Full Metropolitan Police report: Allegations of Electoral Fraud and Voting Register Inaccuracies in Tower Hamlets; Associated with the By-Elections on 19/04 and the GLA Elections in May 2012 (14.01.2013) (available to Members for reference only)

Appendix B (the Metropolitan Police report) is available to Members of the Committee for reference only. Copies will be available during part 2 of the meeting and will be collected at the end of the meeting. This is a sensitive matter for the police and the police document is classified as restricted. There are data protection issues, forensic information and other indications they do not wish to enter the wider public domain. The information in the report is provided on the explicit trust that it is for consumption only and is not to be disseminated further.

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	**Name and telephone number of holder and address where open to inspection**
ERO Performance Standards Assessment 2012 – Email from Electoral Commission, 4 March 2013	Louise Stamp, 020 7364 3139, Mulberry Place, E14 2BG
Cabinet Office/Electoral Commission circular re: Individual Electoral Registration, 03/2013.	

APPENDIX A

Summary of Metropolitan Police report findings into allegations of Electoral Fraud and Voting Register inaccuracies

Case	Summary of allegation	Outcome following investigation
1	Occupant had voted as a convicted prisoner	No offences committed
2	Fraudulent postal vote cast	Alleged vote was rejected so had no impact on the election
3	Two fraudulent postal votes submitted	No offences apparent
4	Two fraudulent postal votes submitted	Police cannot trace the former occupants
5	Alleged voter impersonation	Without continued assistance from the victim this cannot be progressed
6	Register potentially inaccurate	No offences apparent
7	Register potentially inaccurate	No offences apparent
8	Register potentially inaccurate	No offences apparent
9	Register potentially inaccurate	No offences apparent
10	Register potentially inaccurate	No offences apparent
11	Register potentially inaccurate	No offences apparent
12	Register potentially inaccurate	No offences apparent
13	Register potentially inaccurate	No offences apparent
14	Register potentially inaccurate	No offences apparent
15	Register potentially inaccurate	No offences apparent
16	Register potentially inaccurate	No postal votes cast - no offences apparent
17	Register potentially inaccurate	No offences apparent
18	Register potentially inaccurate	No offences apparent
19	Register potentially inaccurate	No one voted and no offences apparent
20	Duplicate register entries	No duplication - No offences apparent
21	Postal ballot packs being left in communal post boxes	No offences alleged

22	Register potentially inaccurate	No offences apparent
23	Duplicate register entries	No duplication - No offences apparent
24	Duplicate register entries	No duplication - No offences apparent
25	Resident did not request postal vote	Not postal voter - no offences apparent
26	Residents did not request postal votes	No postal voters - no offences apparent
27	Residents did not request postal votes	No postal voters - no offences apparent
28	Resident did not request postal vote	Not postal voter - no offences apparent
29	Register potentially inaccurate	No offences apparent
30	Unaware of voting by post	No offences alleged or apparent
31	Unaware of voting by post	No offence alleged
32	Register potentially inaccurate	No offences apparent
33	Residents at all addresses claim not to have received their postal pack	No offences apparent
34	Register potentially inaccurate	No Offences
35	Postal voter moved address	No offences apparent
36	Register potentially inaccurate	No offences apparent
37	Collection of postal votes	No offences apparent
38	Register potentially inaccurate	Nobody voted in the elections and no offences apparent
39	Register potentially inaccurate	No allegations of crime or offences apparent
40	Resident did not request postal vote	Not postal voter - no offences apparent
41	Register potentially inaccurate	No offences apparent

42	Residents did not request postal votes	Not postal voters - no offences apparent
43	Register potentially inaccurate	No offences apparent
44	Register potentially inaccurate	No offences apparent
45	Register potentially inaccurate	No offences apparent
46	Register potentially inaccurate	No offences apparent
47	Register potentially inaccurate	No offences apparent
48	Register potentially inaccurate	No offences apparent
49	Register potentially inaccurate	No offences apparent
50	Register potentially inaccurate	No offences apparent
51	Independent canvassers took away poll cards	Voted by post - no offences apparent
52	Alleged voting fraud	No offences apparent
53	Independent canvassers asked to check poll cards	No offences apparent
54	Register potentially inaccurate	No offences apparent
55	Resident did not request postal vote	Not postal voter - no offences apparent
56	Postal vote taken from address	Voted by post - no allegations of an offence
57	Register potentially inaccurate	No offences apparent
58	Resident moved - postal vote taken	No allegations made
59	Fraudulent postal vote cast	CPS investigation - no offences committed
60	Resident did not request postal vote	Both voted correctly at polling station