

## BRIEFING NOTE

### Peterborough Parliamentary By-Election 6 June 2019

A number of queries have been raised with the Acting Returning Officer following the Peterborough by-election on Thursday 6 June.

This briefing note has been prepared in response to those queries to explain the process around voting and the election count and how people can make representations if they have evidence of electoral malpractice.

The appendix to this briefing note sets out examples of specific queries which are not covered within the note itself.

#### The voting process

Registered electors for the Peterborough constituency either vote in person at a polling station or they can apply for an absent vote, which includes postal votes or proxy votes (someone voting on another elector's behalf). Each election follows a strict timetable of dates, details of which can be found [here](#). **Only electors registered within the Peterborough constituency were entitled to vote at this election.**

A **breakdown of the electorate for this election** which shows the number of electors allocated to each polling station and the numbers who voted in person on a ward by ward basis can be found [here](#).

The process for **voting by post** is as follows:

- Applications to vote by post must be received by the Electoral Registration Officer no later than 11 days before the date of the poll, which for the by-election was Tuesday 21 May at 5pm. Each application must contain the elector's date of birth and their signature. This information is then stored on the council's electoral database which is then used to verify the validity of each postal vote returned.
- Electors receive a postal voting pack in the post prior to the election. This pack contains a ballot paper and a postal voting statement.
- In order for a postal vote to be accepted, the elector must complete the postal voting statement by adding their date of birth and signature and return the completed pack to the Acting Returning Officer by 10pm on polling day. The information given on this statement is then cross-checked against the elector's original application. If the date of birth or signature do not match the original application then the postal vote is rejected and will not be included in the final counting of votes.
- This entire matching process was viewed at the Town Hall on a large screen TV that was linked to our electoral software in real time. Appointed postal vote agents from political parties and accredited observers from the Electoral Commission observed this process in full (all parties were invited to attend - the Conservative Party, Labour Party and Brexit Party attended) and were entitled to obtain the return and rejected figures on a daily basis. All those present were entitled to challenge the validity of each returned postal vote statement, and if any were challenged, the Acting Returning Officer would record this and pass this information on to the police for investigation.
- All accepted postal votes will be included in the final counting of votes at the close of poll.

For the Parliamentary by-election held on 6 June 2019 there were **13,682 postal votes** issued. **9,898 of these were returned of which 400 were rejected** due to either the signature or date of birth (or both) not matching our records. This equates to **69.6% valid return rate**.

In the 2017 Parliamentary election for the Peterborough constituency there were 14,293 postal votes issued. 11,930 of these were returned of which 379 were rejected due to either the signature or date of birth (or both) not matching our records. This equates to 81% valid return rate.

In this election there were **78 applications to vote by proxy**. It would be unlawful to produce figures of how many proxy votes are cast for each candidate at this election.

The number of votes cast at a polling station was 24,500.

Overall the number of verified ballot papers received was 33,998.

### **Process for a Parliamentary count**

- At 10pm the verification process begins with all the validly returned postal votes for the Peterborough Constituency. Following this, ballot boxes are received from all polling stations within the Constituency. These are also verified in the same way.
- The number of votes cast and verified for each polling station can be found [here](#).
- Once the verification is complete, votes must be mixed with postal votes so that you cannot determine which were returned by post and which were cast at a polling station. It would be unlawful to produce figures of how many postal votes are cast for each candidate. This is in accordance with the Representation of the Peoples Act 1983, schedule 1, rule 45(1A).
- Political parties and candidates can appoint counting agents to scrutinise the counting process. All candidates were initially allocated 10 counting agents, which is in line with the formula for the number of agents allowed per ratio to count staff. This was then increased at the discretion of the Acting Returning Officer to 14 counting agents, as the counting was taking place across a number of rooms at the count venue.
- The declaration of results was held in a public area, which was open to all including a designated area for the press.

### **Process for an Election Petition**

In the UK the only way to challenge the outcome of an election once a candidate has been declared is by legal proceedings known as an “election petition” under Part 3 of the Representation of the People Act 1983 and the Election Petition Rules 1960.

An election petition must be heard in open court without a jury and at the conclusion of the trial, must determine whether the person (or persons) elected were in fact duly elected — in which case the petition fails — or whether the election is void. The court has the power to declare some other person elected as well as declaring the election void.

You can challenge a UK Parliament election if any of the following apply:

- you had the right to vote in it

- you were an unsuccessful candidate
- you were left off the ballot

The grounds for challenging an election are:

- An error was made by an electoral official that affected the result or at least meant that the election was not conducted so as to be substantially in accordance with the rules (an election court has the ability to scrutinise ballot papers to ascertain which candidate had the majority of lawful votes)
- Corrupt or illegal practices were committed by a candidate or his or her agent or such practices so extensively prevailed in an election that they may reasonably be supposed to have affected the result

Your petition must say:

- why you're allowed to challenge the election result
- the date and result of the election
- the reason you're challenging the result ( eg you think the votes were counted incorrectly)
- what you would like to happen, for example a recount

For a UK Parliament election, you must also give the date the result was given to the Clerk of the Crown in Chancery, which in this case was Friday 7 June 2019.

You must usually apply within 21 days of when:

- the result of the UK Parliament election was returned to the Clerk of the Crown in Chancery
- the result of the European Parliament election was declared
- the local government election was held

A judge might let you apply after 21 days if:

- you think there have been corrupt or illegal practices, for example bribery
- your complaint is about election expenses, for example you think the winner spent more than they were allowed

The process ( including a template application) for making an election petition is set out at this link:

<https://www.gov.uk/challenge-election-result>

**Election offences** – it is important to note that the Acting Returning Officer does not have any investigative powers into potential criminal offences as this is a role for the police. So if electoral fraud is suspected, evidence of this should be reported to the police immediately who will investigate every allegation. Cambridgeshire Constabulary has a dedicated team who work jointly with Peterborough City Council to investigate allegations of electoral malpractice.

**Prior to polling day, Peterborough City Council received one unconfirmed report regarding alleged bribery which was referred to the police and on which no further action will be taken. One other concern was received on polling day which was also**

**referred to the police but could not be substantiated. No other complaints have been received by the council.**

The Acting Returning Officer held a meeting with all candidates and election agents prior to the election where a briefing was given on electoral fraud. The Council has an election fraud hotline and anyone who has any concerns can report them by calling (01733) 452277 and a dedicated email address, [electoralfraud@peterborough.gov.uk](mailto:electoralfraud@peterborough.gov.uk) , or if people suspect an act of malpractice is ongoing they can call police on 101 or 999.

The Electoral Commission guidance can be found at this link:

<https://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/preventing-and-reporting-electoral-fraud>

The Police guidance on “policing elections” which sets out the criteria applied in investigating alleged offences can be found at this link:

<https://www.app.college.police.uk/app-content/policing-elections/?s>

A table setting out potential election offences is set out at this link:

<http://library.college.police.uk/docs/APPREF/Schedule-of-election-and-referendum-related-crimes-and-penalties.pdf>

The Electoral Administration Act 2006 ("EAA") created two new offences aimed at improving the security around how people vote.

**Supplying false information:** section 15 is an offence of supplying false information to the Electoral Registration Officer, in connection with the registration of electors.

**Fraudulent application for a postal vote:** section 40 made it a specific offence to make a fraudulent application for a postal or proxy vote.

The elements of the offence are:

- the engagement by a person in an act (eg. applying for a postal or proxy vote) at a parliamentary or local election;
- with the intention of depriving another of an opportunity to vote or making for himself or another a gain of a vote to which he or the other is not otherwise entitled.

This offence is triable either way and carries a maximum sentence of two years imprisonment.

In conclusion, if someone has the requisite evidence in order to apply for an election petition then they can do so using the link set out above or alternatively report evidence of a suspected election offence directly to the police.

**Gillian Beasley**

**Acting Returning Officer**

**Peterborough City Council**

## APPENDIX

A number of specific concerns have been raised with the Acting Returning Officer or the Elections Office following the election which are, where possible and where queries are within the remit of the ARO, addressed below. Where responses have already been given in the Briefing Note itself this has been indicated.:

- **Number of people who did not receive voting cards - need to explain what the electoral area for this election was. [Response provided in the briefing note.](#)**
- **Proportion of postal voters in the election - 69%- (6000 votes) why is it so high? It was 150% higher than actual turnout on the day (4000)? [Response provided in the briefing note.](#)**
- **Reports of coercion and bribery on a substantial scale in the Islamic community including votes bought, voter intentions altered by threats of intimidation and retribution. [Response provided in the briefing note.](#)**
- **How many postal votes were sent out and how many received? [Response provided in the briefing note.](#)**
- **Please advise me of the number of postal and proxy votes cast for each of the candidates. [Response provided in the briefing note.](#)**
- **What are the number of voters registered in a ward by ward basis? [Response provided in the briefing note.](#)**
- **What are the number of voters who registered for postal votes on a ward by ward basis? [Response provided in the briefing note.](#)**
- **What are the number of returned postal votes on a ward by ward basis?**  
**[Unlike a local election, at a parliamentary election postal votes received are distributed for counting by staff counting all wards across that constituency. Therefore it is impossible to know how many people from each ward voted by post. The total number of postal votes received was 9,898 \(of which 400 were rejected\).](#)**

- What is the breakdown of postal votes per candidate on a ward by ward basis?

Unlike a local election, at a parliamentary election postal votes received are distributed for counting by staff counting all wards across that constituency. Therefore it is impossible to know how many people from each ward voted by post and for which candidate. The total number of postal votes received was 9,898 ( of which 400 were rejected).

- What is the number of polling station votes on a ward by ward basis?

Please see the attached link on the briefing note.

- What is the breakdown of polling station votes per candidate on a ward by ward basis?

We do not hold this information as the postal votes are combined with the polling station votes at the start of the count in line with the legal requirements.

- Were all postal votes checked and verified?

The law requires that 100% of postal votes are checked and verified and we can confirm that this happened.

- Were 6000 Labour votes postal votes?

Postal votes are not checked against who the elector has voted for. All postal votes are opened face down and verified during the postal vote opening process and then placed into a secure sealed ballot box. Once all ballot boxes have been verified at the count they are then combined with the polling station votes.

- Postal voters voting more than once

We have no evidence to show that this has happened.

- Apparently the official count numbers have gone missing?

This is completely untrue.

- Why were open bags of postal votes allegedly allowed at the count in contravention of electoral law?

It is unclear what this query refers to as this did not happen.

Postal votes from the Town Hall are kept in secure sealed ballot boxes in a locked room at the Town Hall. They are transported in secure transport to the election count venue where they are secured in a dedicated room with its own SIA security officer. Once all senior election staff arrive at the count venue the postal ballot boxes are distributed to the relevant wards and count supervisors for verification to commence at 10pm.

Postal votes that are handed into polling stations are collected throughout the day by polling station inspectors and delivered back to the Town Hall for opening throughout the day. This process happens a minimum of two times during the day. After 5pm all postal votes received at polling stations are placed in a secure yellow wallet by the Presiding Officer at each polling station

which is then sealed at 10pm and delivered to the count along with the polling station ballot box.

- People wearing burkas and voting ten times in the name of other people - when the actual person turned up they were told they had already voted

None of the polling station Presiding Officers reported that anyone turned up to try to vote at a polling station to find that they could not vote as someone had already voted for them.

- Too easy for people to vote online and then set up a new email address and vote again

It is not possible for anyone to vote online in the UK.

- People seen at polling stations erasing people's papers and re-marking them - should be pens and not pencils so this can't happen

The pencils that are used in polling stations are actually made of a special lead which does not erase but just smudges. None of the polling stations reported witnessing anyone trying to delete and re-mark ballot papers.

- All voting should need to be accompanied by a passport/driving licence along with a bill showing property address

The Government is currently piloting various methods of reforming electoral practices, one of which is requiring voters to produce specified ID at polling stations when they go to vote. However this is still in the trial phase and is not current electoral law.

- Did Labour make a direct appeal to Muslim voters?

The council does not hold this information and this query should be directed to the Labour Party.

- Reports that Labour party activists have been door to door encouraging people to do postal votes and then collecting them and giving them to the appropriate centre

All political parties are entitled to go door to door to encourage voter participation as part of their campaign. In the Electoral Commission's [Code of Conduct for Campaigners](#) (which is a non-statutory agreement on acceptable behaviour in the run up to elections and on polling day) political parties are advised not to handle completed postal vote packs. Any reports of parties handling postal packs would be referred to the police. No complaints have been made to the council regarding this issue.

- Peterborough is one of 10 areas listed with red flags for electoral fraud/ Peterborough found to be in special measures due to high probability of voter fraud. A new scheme was introduced to deal with this - can you confirm this scheme was used in this election?

Peterborough City Council chose to be part of a voter pilot scheme run by the Cabinet Office for the local government elections in 2018 as Peterborough has

a national reputation for its work to deter electoral fraud at elections which has been recognised by the Electoral Commission and other national bodies. However this scheme was not legally able to be used for this Parliamentary by-election. The powers to make the pilot scheme orders are in section 10 of the Representation of the People Act 2000 which was passed by Parliament. The powers enable changes to be made to the rules regarding the conduct of all local elections in England and Wales and the powers were exercised in the local elections in relation to all eight pilots. The Orders did not relate to the Parliamentary process.

- Why participation in the new fairer election procedures was cancelled just before the election was held?

As above it was not legally possible to run the pilot scheme on a parliamentary election.

- Did the Labour Party employ a convicted vote rigger as a campaigner/Two of Labour team running the election have been convicted of vote rigging fraud ( including one prison sentence)/in 2018 Tariq Mahmood was convicted and Labour members Maqbool Hussein and former Peterborough Mayor Mohammed Choudhary were convicted for forgery over fabricated votes for the PCC election in June 2004 /Why was a convicted fraudster present at this by-election?

Each political party is responsible for who they employ to be part of its campaign team. Tariq Mahmood was not at the election count in any official capacity. This is not something which the council or the Electoral Commission has any control over. Any concerns should be raised directly with the relevant political party.

- Thousands of Muslims were bussed in to vote and paid £10 each to vote for the Labour candidate

The council has not received any reports or evidence of this happening. If there are concerns about electoral fraud these should be raised directly with the police as set out in the briefing note.

- Concerns about a now deleted tweet replying to UK Labour stating that “Don’t worry! many of us in the care profession “helped” our clients with their postal vote weeks ago”)

This tweet was made in 2017 by someone that does not appear to have any connection to Peterborough and it does not appear to be related to this election.

- How will GB be investigating the alleged postal voting fraud?/Please organise a recount/Please ensure no voting slips are destroyed until this is looked into

All concerns about postal voting fraud should be raised directly with the police as set out in the briefing note. The Acting Returning Officer does not have the

**legal power to organise a recount - please see advice about raising an election petition in the briefing note. Ballot papers for a parliamentary election have to be retained for a period of two years.**