

The regulatory role of The Electoral Commission

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Terminology: Electoral fraud malpractice

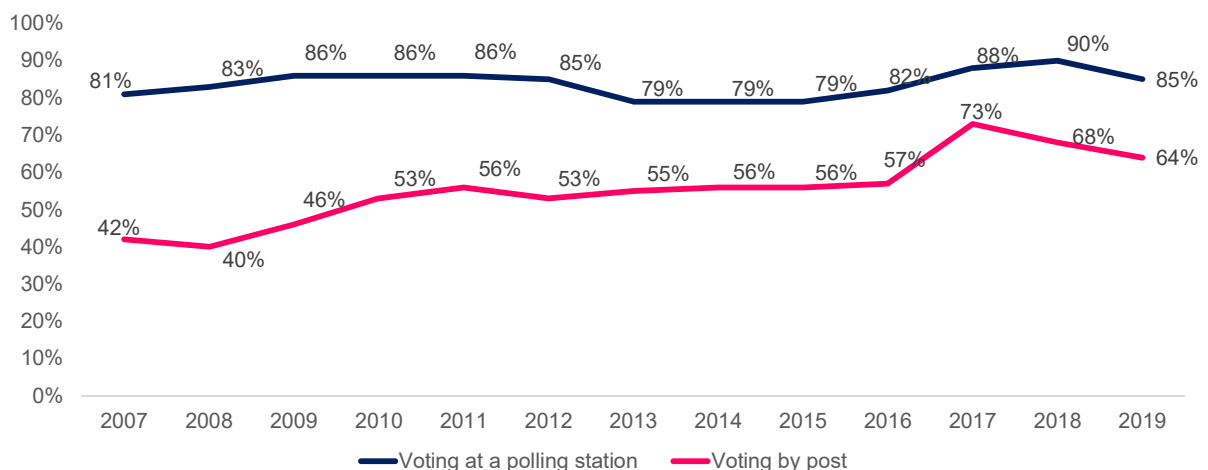
- **'Fraud'** is a specified criminal act under common law and legislation.
- **'Electoral fraud'** is a popular colloquial term describing a series of election-related offences.
- **Electoral fraud** therefore has no legal definition or meaning.
- We prefer to talk about **'electoral malpractice'** where there is an alleged breach of the RPA 1983.
- Errors by ROs or their staff are often described as **'electoral maladministration'**

How widespread is electoral malpractice in the UK?

- We collate and publish information on cases of electoral malpractice annually.
- Only a few specific areas where electoral malpractice has been alleged on a significant scale. Those cases often limited to a local authority area, confined to a handful of wards.
- Most cases relate to local elections.
- Tends to be committed by candidates or supporters, not by voters.
- Majority of cases of alleged electoral malpractice investigated by the police find **no or not enough evidence of offences**.
- **BUT any electoral malpractice risks undermining our democracy, not least because of the perception it creates.**

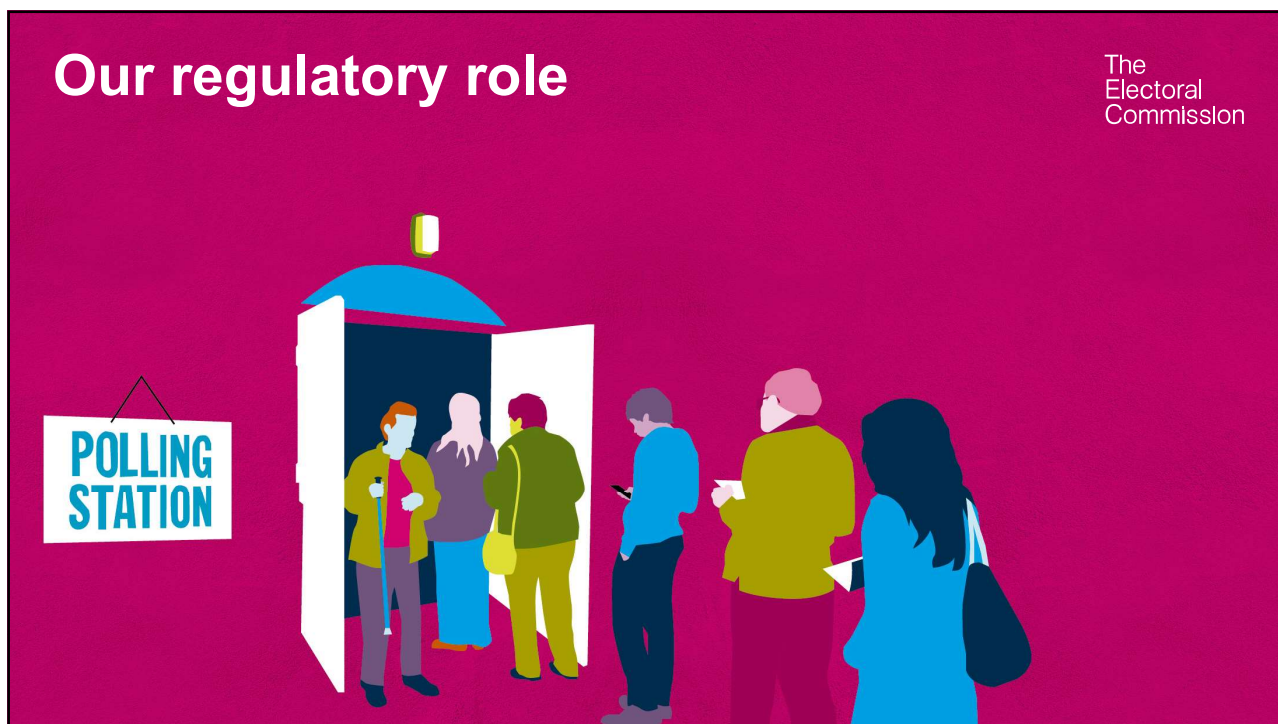
What do the public think?

In general, when it comes to being safe from fraud or abuse, how safe or unsafe is ...
 % saying it is safe, asked of all respondents



Our regulatory role

The
Electoral
Commission



What is our regulatory role in relation to the Scottish Parliament election?

The
Electoral
Commission

- The Commission's regulatory role is set out in the Political Parties, Elections and Referendums Act 2000.
- We seek to ensure that the PPERA rules on party and election finance are complied with, and that people throughout the UK are confident in the integrity and transparency of party and election finance.
- Where we have reasonable grounds to suspect that the PPERA rules may have been breached, we will conduct an investigation and if appropriate consider imposing civil sanctions where an offence is found to have been committed.

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Allegations we handle

- We handle allegations about the campaign finances of **registered political parties** and **non-party campaigners**.
- We handle allegations about breaches of the imprint rules applying to **registered political parties** and **non party campaigners**.
- We have a responsibility to **monitor compliance with the rules under the RPA 1983** and to refer matters to the police or prosecuting authorities where we suspect that an offence may have been committed.

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We do not handle allegations related to

- False registrations application;
- False statements or signatures on nomination forms;
- Lack of imprint on election material (candidate) including digital imprints;
- Treating, bribery;
- False statements of fact about candidates;
- Postal vote fraud;
- Personation at polling stations;
- Candidate spending returns / NPC local campaigns.

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Our Enforcement Approach

Our enforcement approach

- **Regulate** in a way that is effective, proportionate and fair.
- Use **advice and guidance** proactively in order to secure compliance and to give those we regulate a clear understanding of their regulatory requirements.
- Undertake **supervisory** work to ensure that regulated organisations and individuals meet their legal requirements.
- Take **enforcement action**, including using investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives.
- Take the **facts** of each situation into account.

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Can an election result be challenged?

- The only way in which the outcome of an election can be challenged in the UK. Grounds can be fairly wide, but must be such as to call the outcome into question.
- Election means a specific election, e.g. ward or constituency, not an entire council or the country.
- **Must be brought within 21 days of the result being declared. In Scotland, applications are to the Court of Session.**
- There is a fee and the court requires petitioners to deposit a sum as security against costs with the Court, whether successful or not.
- Rare but do happen. Most significant / high profile successful cases in recent years include Oldham & Saddleworth (2010), Woking (2012) and Tower Hamlets (2014).

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Questions?

