

Other matters
Tellers

It is a well-established practice for candidates, or their agents to appoint ‘tellers’, positioned outside the polling station to record who has voted and see whether their supporters have turned out. Where tellers, or others, irritate voters, exert undue influence or obstruct the polling station, the Presiding Officer may seek assistance from the police to resolve the matter.

Postal votes

Candidates/canvassers/agents should not place themselves in a situation where their honesty or integrity – or that of the party or candidate – can be questioned. They are discouraged from handling completed postal votes. They should advise voters who are unable to return their ballots in person to use friends/family to convey their vote.

Remember

Simple possession of a postal vote belonging to someone else is not illegal. However, where someone other than a member of the Returning Officer’s staff is found to have several or large numbers of these, then potential wrongdoing should not be ruled out.

Be aware of the general duty to promote good race relations under the Race Relations (Amendment) Act 2000.

Public voting gives an opportunity to the police to promote excellent community relations in all aspects.

Remember that the opportunity to vote is a cornerstone of democracy and a human rights issue.

Facilitating peaceful and effective voting is a primary concern for the police service.

Opportunities for fraud at election time can be prevented or reduced by positive police action.

Prevention is better than cure.

Remember

- preserve evidence (eg CCTV, forensic, R v Turnbull);
- seek advice of a supervisor; and
- be guided by Presiding Officers and their staff within polling stations.

Secrecy

This also applies to police. Do not ask how someone has voted or open a sealed ballot paper envelope or a return envelope.

Other offences

There are also a number of non-electoral offences which may be relevant, for example:

- making a false statement under the Perjury Act 1911;
- forgery; using a false instrument under the Forgery and Counterfeiting Act 1981;
- conspiracy to defraud; and
- assaults, public order and criminal damage offences.

Ensure all crime (as above) is recorded in line with Home Office Counting Rules.

Know your Presiding Officer: he or she may call upon a constable to eject someone from the polling station where a person fails to comply with a lawful instruction of a Presiding Officer. Further non-compliance with a consequent police request may constitute obstructing police or a breach of the peace.

Polling station:

Presiding Officer:

Advice can be found on the Police National Legal Database, force intranet site and via your SPOC.

Most forces have a Single Point Of Contact (SPOC) for advice relating to elections at either Command Unit level or force level.

Your SINGLE POINT OF CONTACT (SPOC)

is:

Contact number(s)

Your election advice SPOC is contactable through your force control room.



Introduction

Please note that the role of the police in elections must be seen to be impartial and fair. There are several specific electoral offences and some general offences to which officers should be particularly alert. This is not intended to be a comprehensive list and independent legal advice, or advice from a senior officer or your SPOC, should be sought if necessary.

Your SINGLE POINT OF CONTACT (SPOC)

is:

Contact number(s)

3 Undue influence (s115)

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent the voter from freely exercising their right to vote (offence may be tried in Magistrate's or Crown Court/1 year on indictment).

1 Bribery (s113 of the Representation of the People Act 1983). A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote, or refrain from voting, for a particular candidate (offence may be tried in Magistrate's or Crown Court/1 year on indictment).

2 Treating (s114)

A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting (offence may be tried in Magistrate's or Crown Court/1 year on indictment).

5 Personation (s60)

It is an offence to commit, aid, abet, counsel or procure the offence of personation. This is where any individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the individual voting can be deemed as a person guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force (offence may be tried in Magistrate's or Crown Court/2 years on indictment). Note: if this occurs within a polling station a Presiding Officer can still instruct an officer to arrest.

Suggested action for all cases

- preserve evidence;
- respect secrecy of sealed documents and seek advice before opening;
- when election documents become evidence in a potential crime, the method of preservation by the police should include consultation with the elections office to agree a mutually beneficial way forward;
- act positively;
 - consider inviting person for interview under caution;
 - consider s24 PACE arrest (as amended by Serious Organised Crime and Police Act 2005);
- consider advice from police SPOC and Special Crime Division of the Crown Prosecution Service, and
- inform Returning Officer and Electoral Commission via police SPOC.

Details are given in brackets about which court may try the offence and the maximum penalty. Prosecutions under the Representation of the People Act 1983 must be brought within twelve months of the election.

4 Secrecy (s66)

Everyone involved in the electoral process should be aware of the secrecy of the ballot. The Returning Officer will give everyone who attends a polling station and the opening or counting of ballot papers an extract from s66 of the Representation of the People Act 1983. Any person found guilty of breaching the secrecy requirements may commit an offence (summary offence only/6 months).

6 Multiple voting and proxy voting offences (s61)

There are various offences regarding multiple voting and proxy voting including voting by post as an elector or proxy when subject to a legal incapacity to vote; voting more than once in the same local authority election; applying for a proxy without cancelling a previous proxy appointment and inducing or procuring another to commit one of the above offences (summary offence only).