

# Postal voting and electoral fraud: a reply to Richard Mawrey QC

By Democratic Audit

*Postal votes have long been a source of suspicion, with allegations of fraud seemingly never far away. But while recent allegations by Richard Marrey QC should be taken seriously, it is not in reality a particularly widespread problem, nor something which routinely effects the results of important elections. More serious, argues **Toby S. James**, is the continuing problem of under-registration and disengagement with the political system, which could be further reinforced by the removal of the postal voting option.*

The third news item on the Today programme at 8.00am [yesterday morning](#) was that a judge had called for postal voting to be scrapped because of concerns about ballot rigging. Postal voting was 'not viable', the judge claimed. We might therefore imagine that new evidence or revelations had been unearthed about the levels of electoral fraud in Britain, something that a lot of academics and organisations such as the Electoral Commission have been very keen to establish because of the consequences it would have for British democracy.

The substance of the story, however, was largely the claim from Richard Mawrey QC made in an [interview with John Humphrys](#) that postal voting made electoral fraud '[on an industrial scale](#)' possible in the UK. This was not news, however. Mr Mawrey first famously criticised postal voting nine years ago when he claimed that electoral fraud would [disgrace a "banana republic"](#).

The prominence of the story on the Today programme and the BBC website perhaps owed more to the scheduling of Radio's [File On 4](#) programme, which focussed on electoral fraud last night. This compiled evidence that included:

- Reference to the high number of complaints about electoral malpractice made between 2010-12, based on Electoral Commission data (which did not become prosecutions).
- Interviews with police officials involved in the investigation of one case of electoral fraud in [Derbyshire](#).
- Two interviews with individual citizens who thought that there was pressure in their community for people to vote 'by activists.'
- An interview with [Lord Tony Greaves](#), who 'can tell just by looking at the ballots' that they were was fraud as the completed ballot papers looked too similar.
- An interview with the returning officer from [Woking](#), where there had been a case of electoral fraud. He suggested that there might have been many unprosecuted cases since 2006.
- A claim by Conservative MP [Andrew Stephenson](#) that postal voting should be dropped.

Again, most of this is not new evidence. It consisted of interviews with people who had already spoken out about opportunities for electoral fraud and a focus on past prosecutions. It has been well established that we have had some cases of electoral fraud. The bigger question is 'are these rare events that we remember or more commonplace events in Britain'?

## Is there electoral fraud on an industrial scale in Britain?

The more comprehensive studies have suggested that accusations of electoral fraud are quite common but proven cases are comparatively rare. Stuart Wilks-Heeg and colleagues, for example, provide a more comprehensive summary of the number of proven cases of electoral fraud [in England 2010-12](#). The Electoral Commission have published [data](#) from between 2008 and 2013, with individual case data published for the first time last year. The headline conclusions from the Electoral Commission's [review](#) in January were that:

*'Electoral fraud is not widespread across the UK and reports of significant fraud are focused in specific places in England, concentrated in a small number of local authority areas.'*

When academics have studied electoral fraud in other established democracies, where it is also claimed to be common, they tend to conclude that it is in actual fact [very rare](#). Accusations of electoral fraud, however, are often thought to be very common because they are often used to made by politicians seeking to undermine the legitimacy of the winner or seeking to make the case for more restrictive electoral laws from which they might gain partisan advantage, as [Lorraine Minnite](#), [Frances Fox Piven et al](#) and [I have argued](#).

### Postal voting and voter turnout

Mr. Mawrey also suggested on the [Today](#) programme that postal voting on demand ‘serves very little purpose. It was originally something that was introduced to increase voter turnout. It clearly hasn’t.’ Is this true?

I evaluated the changes in made to electoral administration by the New Labour governments and concluded in an article in the [Election Law Journal](#) that ‘Postal voting on demand... only appears to encourage voter turnout to a very limited extent’ (also see: [this study](#)). If postal votes were automatically sent to every citizen, without them requesting (known as all-postal elections), there could be a very noticeable increase in turnout. Experiments with all-postal voting in England in the early 2000s led to turnouts at least 50% in most local election pilots, and in one case by as much as 137%. The [international evidence](#) also suggests similar results.

Postal voting is popular and now part of people’s expectations about the electoral process, however. In 1997 only 2.1% of registered voters applied for a postal vote. As many as 15% of registered voters were issued with one in the 2010 general election. Half of those votes cast at the PCC elections in 2012 were through the post. It is quite likely that removing the postal vote, from citizens now familiar with this system, would lead to a small drop in turnout.

It is not surprising that someone who has presided over the most extreme cases of electoral fraud in Britain is concerned and has spoken out about the case. There does need to be a balance, however, between measures that ensure security and those which facilitate participation. Since the 2004 Birmingham case, that is so frequently the reference point for news stories by journalists, postal voting procedures have been tightened up and individual electoral registration legislated for.

Radio 4 is right to critically analyse the electoral process and we do need further research to continue to scrutinise the level of electoral fraud. The bigger story, however, is perhaps that one in five of electorate is not even on the electoral register. We should be therefore also considering provisions like [election-day registration](#) to help this and the evidence suggests extreme caution in abolishing postal voting.

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*Note: this post represents the views of the author, and not those of Democratic Audit or the LSE. Please read our [comments policy](#) before posting. This post will also appear on the [Eastminster blog](#). The shortened URL for this post is: <http://buff.ly/1gpj7IP>*

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