

by Michael Meadowcroft

It was the Labour government's cynical decision to have a number of all-postal ballots at the 2004 local elections that highlighted the dangers of all absentee voting. The abuses inherent in postal and proxy voting have always been there but retail rather than wholesale. Now, in the course of a single year, through a handful of high profile cases before the courts, the dangers and the potential for massive electoral manipulation have been vividly exposed.

Over recent years, working in new and emerging democracies, when I emphasised the vital necessity of an independent and powerful electoral commission to guarantee the legitimacy of the electoral process, it would always be pointed out to me that Britain had never had such a commission. Somewhat feebly I would respond that Britain had had genuine co-operation between its major parties for 130 years which had maintained and improved the security of its elections, and that, consequently, we had never perceived a need for an electoral commission. Then, in November 2000, came the appointment of the Electoral Commission, with only advisory powers, the end of the party consensus and, paradoxically, the destruction of Britain's electoral reputation.

The postal voting scandal is not some minor problem on the fringe of electoral practice. It is an issue of immense importance which opens the door to electoral fraud on a grand scale. Well organised political parties and unscrupulous candidates can multiply the number of postal votes to such an extent that the result in any relatively marginal seat can be manipulated. All of us who have kept a detailed marked register know that the non-voters are to a great extent the same people at every election. Postal votes can be applied for in the names of this substantial minority of electors with relative impunity in the knowledge that they are unlikely to notice. The personation of an elector at a polling station is inhibited by the publication following polling day of the official marked register showing who has voted. This register is available for inspection for six months after each election and can be copied. It enables party agents, for instance, to check on whether deceased electors are marked as having voted, or those registered in unoccupied houses. There is no such marked register for postal votes and, therefore, no such check is possible.

Election courts are exceptionally rare in Britain. Quite apart from the inhibiting requirement to pay large amounts of cash into the court in advance, as security for costs, the British electoral system has always been remarkably free from abuse. We even have safeguards which were hardly ever used in recent years, but which are now being revived. For instance, a candidate may appoint "Polling Agents" who are permitted inside the polling station, in theory to challenge electors they believe are not entitled to vote. Apart from in Northern Ireland, I doubt whether, at least until recently, many candidates made such appointments.

I also recall telling an election official in the Philippines that, at the close of the poll in Britain, the official in charge of the polling station seals the ballot box, puts it in his car and drives to the town hall to deposit it at the count. He was astonished and asked, "and no-one steals it?" Here, apart from the occasional election expenses scandal, there have been very few offences.

All that has now changed with the government's obsession with postal voting for all. The evidence that unfolded in the two Birmingham cases, of systematic manipulation of applications, diversion of ballot envelopes to "safe" addresses, threats of violence to those who resisted giving up their ballots, votes being "auctioned", and the warehouse with hundreds of open postal vote envelopes being filled in or altered. Judge Richard Mawrey QC, who presided over the trial, was right to say that the current postal voting system is "an open invitation to fraud" and that "someone so inclined could defraud the system."

Quite so, and that is why the equivocations of those - including, heaven help us, the spokesman for the Electoral Reform Society - who trot out the mantra that they "are opposed to extending postal voting until the proper safeguards are put in place," are simply naive. The public really have to appreciate that it is impossible to safeguard any voting away from a designated, supervised and observed polling place. Why does anyone think that those of us on the international election

circuit always recommend strongly against absentee voting and, instead, encourage the use of mobile ballot boxes taken round to hospitals, retirement homes etc, always accompanied by party agents and observers?

There is talk of liaison between the Electoral Commission and Chief Police Officers so that the police will know what to do if someone arrives at a police station to report that their vote has been stolen! When it gets to that point it is far too late. Are we going to have hundreds of election courts after each poll? With results overturned? Fresh elections? Governments in suspense in case they are overturned as a consequence of multiple by-elections?

There has also been the wonderfully naive proposal - enshrined apparently in an Electoral Commission code of practice - that party workers should not handle postal votes! It is unenforceable - is it seriously envisaged, for instance, that there will be a compulsory register of all party workers? And it is loopy - would party workers be forbidden to assist family members and, for that matter, close friends, with the transmission of their postal votes?

The cases before the courts show only a tiny sample of the manipulations that went on at these elections. Many of them are a consequence of the intensely patriarchal society that exists within a number of ethnic minorities. These manipulations, and dozens of tricks incapable of being spotted, were predicted in advance in February and June last year. In the light of all the evidence the Electoral Commission has finally accepted that all-postal ballots are unsafe and recommended that their use be discontinued. And the Labour government's response to this advice from the independent commission set up to advise on electoral administration? It ignored it.

I find this astonishing. A party of government whose representatives have been caught in the act of electoral fraud, as a direct consequence of laws it has passed, has the nerve to disregard all the evidence and the recommendation of the independent Electoral Commission and simply to continue with a flawed electoral process for party advantage. It demonstrates just how far Labour has abandoned any ethical pretensions. Robert Mugabe would be very proud of such emulation.

We now have evidence of massive increases in applications for postal votes, not spontaneously arriving across the board from individual electors but fostered by party activists in particular wards and constituencies - including the same Birmingham wards which have just come before the courts. The potential for abuse is massive and I have no doubt that a number of marginal seats will be "stolen" by those who set out to drive a horse and cart across the welcome mat and through the wide open door for abuse proffered by postal voting. All absentee voting is vulnerable and should be minimised. Ideally it should only be available to those physically outside the constituency on polling day, and even then with better safeguards for proof of identity. Everyone else unable to reach a polling station should be able to apply for a mobile ballot box to visit them.

What now for the Electoral Commission? It is in an impossible situation. Set up, against the advice of many professionals, in the opposite situation to Stanley Baldwin's well-known quote about journalists, it has responsibility without power. It was emasculated from day one by having only an advisory role - a situation which would never be permitted in any new or emerging democracy, where the executive authority of the independent electoral commission is a crucial component in the legitimacy of the electoral process. Curiously, also, anyone with previous experience in party politics was specifically excluded from membership. The Commission consequently lacks members personally aware of the tricks of the trade. Poachers turned gamekeepers are always more effective.

There is simply no point in having an advisory commission which can be so cavalierly disregarded by the government. Having failed to succeed by moral imperative, its only remaining weapon is embarrassment. If it knuckles under to the government now its reputation will be ruined. The only action left to the commissioners is to resign. To do so in the defence of Britain's cherished reputation for electoral probity would be both honourable and effective. To stay in office would be to acknowledge that the government - any government - can get away with electoral manipulation.

Over the 130 years from the Ballot Act of 1872 Britain developed an electoral administration trusted at home and respected around the world. It has taken one solitary, miserable year to undermine it. It is time for a massive cross-party

campaign to restore the integrity of our electoral process.

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