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cc PS/Ministers (L&B)  
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PS/Sir Ewart Bell  
Mr Brennan  
Miss Davies  
Mr Angel  
Mr Merifield  
Mr Blatherwick  
Mr Doyne-Ditmas  
Mr Edis

## PERSONATION AND THE ABUSE OF POSTAL VOTING

### Background

1. In October 1981 the Secretary of State agreed that action should be put in hand to include in UK electoral reform legislation, which was envisaged by the Home Office at that time, provisions to reduce opportunities for electoral malpractice in Northern Ireland by restricting postal voting in the Province and by including a discretionary provision requiring the identification of electors at polling stations throughout the UK. In the event, the Home Secretary decided not to proceed with electoral reform legislation for the time being.

2. However, since the planned Assembly election would provide an opportunity for suitable safeguards to be implemented in an election unique to Northern Ireland, and for their effectiveness to be tested before deciding whether to extend them to other elections in Northern Ireland, the Secretary of State wrote to the Home Secretary on 29 March 1982 seeking his approval to the introduction of additional safeguards against abuse in the Assembly election. The Home Secretary indicated his support for the proposals and the Secretary of State subsequently wrote to the leaders of the Northern Ireland parties explaining his proposals and inviting views on them. The parties all responded by expressing their concern about electoral abuse and agreed that measures should be taken to prevent it. But most parties were not prepared (at least on the record) to support the proposals for proving identity at polling stations, although they raised no objections to the proposals for tightening up the arrangements for postal voting.

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3. The Secretary of State accordingly decided that:
  - a) the Order setting out the rules for the conduct of the Assembly election should provide for stricter controls on postal voting;
  - b) the Order should not stipulate that the issue of a ballot paper at a polling station should depend on the production of proof of identify from a specified list of documents; and
  - c) the question of safeguards against personation and restrictions on postal voting should be looked at again in the light of experience at the Assembly election.
4. The Secretary of State informed the parties of this decision in July 1982 and told them that they would be consulted again when experience at the Assembly election had been assessed.

#### Current Position

5. Officials have now assessed the extent to which personation and abuse of postal voting took place at the Assembly election and have considered the likely effect, with the new 17 parliamentary constituencies in mind, of a similar scale of malpractice at a parliamentary general election and at future Assembly and local government elections. This note summarises those assessments; discusses what additional safeguards might be provided; and recommends future action.

#### Evidence of Personation at the Assembly Election

6. Substantive evidence of personation can only be provided by a conviction for the offence. At the Assembly election there were 26 arrests for personation of which 22 cases are now with the DPP, although it is thought that not all of these will result in prosecutions and convictions. Personation was most widely alleged in North and West Belfast, Londonderry, Armagh and, to a lesser extent, Mid-Ulster. Some of these allegations are hearsay, including reports from unofficial contacts with the Northern Ireland parties. But reliable reports suggest that in Londonderry over 2,000 votes were cast on behalf of Sinn Fein by personation. Figures quoted for

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West Belfast are 1,000 or even 1,500 personated votes and the Secretary of State has received a letter from Councillor Glendinning dated 14 February enclosing eye witness accounts of Sinn Fein personation in the constituency. However, the Chief Electoral Officer is sceptical as to whether Sinn Fein personation took place on this scale and has grounds for believing that other parties personated on no less a scale than Sinn Fein in Londonderry. But his view, although based on wide experience of Northern Ireland elections, must be primarily impressionistic.

7. Officials take the view that elements in all the main parties (with the possible exception of the Alliance party) are likely to have used personation to some degree at the Assembly election; in Northern Ireland it is to some extent part of the political culture. However, allegations have been concentrated almost entirely on Sinn Fein. There is reliable evidence that Sinn Fein made a determined effort to gain seats in the Assembly: their party organisation in some constituencies was good and there is reason to believe that as a co-ordinated part of their effort they practised personation on such a wide-ranging and systematic scale that their involvement in malpractice may have been of a different degree from that of other parties. This seems to be the lasting perception in Northern Ireland, to the extent that any malpractice by other parties has been virtually ignored.

#### Evidence of Abuse of Postal Voting

8. Although there were some unsubstantiated reports of postal voting abuse in the Assembly election, officials consider that the safeguards introduced in the Assembly Elections Order 1982 were generally effective. The number of applications for postal votes and the number granted were significantly lower than at other recent elections. There have been very few complaints about postal voting abuse. The Chief Electoral Officer reported one case in North Belfast where 70 postal vote applications were refused because there was reason to believe they were forgeries.

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Effects of Malpractice in the Assembly Election

9. Only two cases have been identified where malpractice might have affected the outcome of the election. In West Belfast, although there seems no doubt that Gerry Adams would have been elected irrespective of personation, it is ironic that Will Glendinning of Alliance may have owed his election to votes transferred from Sinn Fein some of which may have been personated. In Londonderry Martin McGuinness may owe his election to personation, but only if it took place on the massive scale alleged. It is significant that, despite general allegations of personation by Sinn Fein, there have been no specific complaints from any of the other parties that they have been cheated out of a seat.

Possible Effects of Malpractice on a Parliamentary General Election

10. In the forthcoming general election, the level of personation would be a more significant factor than in the Assembly election. As the election will not be by proportional representation, a small number of votes could make the difference between winning and losing the seat. Some of the 17 new constituencies are expected to be marginal, and where the outcome might depend on, say, under 1,000 votes, the question of personation is bound to raise its head. Sinn Fein, who are perceived, probably rightly, as the main offenders, have stated their firm commitment to fight the next Westminster election, and although the capability of their organisation in the electoral field should perhaps not be overestimated (since all parties can only in the end draw on a limited number of able and dedicated people), they certainly have a high level of enthusiasm and motivation for the forthcoming election. In addition there are indications that Sinn Fein intend to use electoral malpractice to the full range of their capabilities.

11. Officials have no doubt that personation could be a significant factor in a number of constituencies in a parliamentary general election. In some constituencies, it could determine whether a unionist or nationalist MP is returned to Westminster while in others it could decide the shade of nationalist or unionist candidate

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elected. Officials also think that, even if personation has no effect on any of the individual constituency results, it might well play a part in determining the overall level of support for each of the parties. Sinn Fein in particular will be conscious that this is the case and will be keen to improve in the 60,000 or so votes they gained at the Assembly election.

Measures to Reduce Electoral Abuse

12. Officials believe that the most effective safeguard against personation would be a requirement for identification to be produced at the polling station before a ballot paper was issued. Identification could be in the form of any one document from a list of specified documents. This was the proposal put to the parties by the Secretary of State before the Assembly election which did not meet with a consensus of approval. However, informal contacts give reason to believe that most, if not all, of the main parties are now concerned to combat personation since the entry into the electoral process of Sinn Fein and that they may now be inclined to support the proposal. Officials recommend, if it were practicable, that the identification requirement should be introduced for all elections in Northern Ireland.

13. The measures taken to reduce the abuse of postal voting appear to have been successful and should be.....  
equally effective in parliamentary and local government elections. Additional measures, other than primary legislation, which would help to reduce electoral abuse were identified as follows:

- (a) continuing efforts by the Chief Electoral Officer to improve the accuracy of the register of electors, although this cannot affect an election held on the current register introduced on 16 February and valid until 15 February 1984;
- (b) improvements in the training by the Chief Electoral Officer of temporary electoral staff at polling stations so that suspected personators are firmly confronted by the presiding officer with the

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statutory questions as to name, address and whether the person has previously voted in the election;

- (c) encouragement to the constitutional parties to provide high quality polling agents at all polling stations, but in particular at those where they suspect personation will be most prevalent, and to ensure that obvious personators are challenged and, if they persist in voting, arrested;
- (d) encouragement to the police to ensure that polling stations are properly manned with a constable beside each ballot box to give confidence to presiding officers and polling agents to carry out their duties conscientiously; and
- (e) an increase in the number of polling stations to allow a higher level of control and to increase the logistical problems of personation, although there is a fine balance as for whom the logistical problems are greatest - Sinn Fein in dispersing their personation effort, the police in providing increased manpower, the Chief Electoral Officer in finding additional polling station staff of the required quality, or the constitutional parties in finding sufficient polling agents.

Officials recommend that these measures should be pursued with urgency by the Chief Electoral Officer and the Chief Constable, although special consideration will need to be given to (e) for the reasons given. Increasing the number of polling stations might possibly be to Sinn Fein's advantage at the expense  
Home Office Views (of the SDLP).

14. Safeguards against electoral abuse are arguably of the most crucial importance in parliamentary elections. However, primary legislation to amend the Representation of the People Acts would be required to introduce any changes in the procedure for parliamentary elections, and this is primarily the Home Secretary's responsibility. Ministers decided in 1981 that there would be no

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further legislation on electoral matters (except conceivably on the deposit) in the present Parliament. The Secretary of State would, therefore, have to persuade his colleagues to reverse this decision if he wished to make changes for the forthcoming parliamentary General Election. Such changes would almost certainly be confined to Northern Ireland; the level of personation in the rest of the UK appears to be significantly lower and would not justify production of identity at the polling station. For this he would need the support of the Home Secretary who, while not objecting to the proposals on their merits, might not feel that they justified reversing the decision not to legislate on electoral matters. The Secretary of State will know that the Lord President has recently informed the Home Secretary that there can be no question of carrying legislation implementing a uniform electoral procedure for the European Parliament in the present parliamentary session. It is unlikely that his response to a request for time for primary legislation amending electoral procedures in Northern Ireland would be any different. Moreover, legislation amending the Representation of the People Acts now would run the risk of opening up to Parliament, close to a general election, a number of sensitive issues of which the 'Irish Vote' and proportional representation are just two. That said, there is no doubt that personation will play a considerable part in the next General Election, especially in West Belfast and Londonderry where it could operate significantly, perhaps decisively, in Sinn Fein's favour and at the SDLP's expense. The only real effective means of reducing personation to a marked degree would be to introduce a requirement for identification at the polling stations. Moreover, this is one of the few significant actions the Government can take to help the SDLP; and if it is not taken the SDLP, and possibly Dublin, will blame HMG for any Sinn Fein successes.

#### Future Action

15. If a convincing case is to be made out for introducing primary legislation on electoral matters this Parliament, hard evidence is needed that personation is a significant problem. But however severe the problem may be - perhaps as much in its perception as in its existence - it is extremely difficult to produce incontrovertible evidence of electoral abuse on the scale alleged. The prospects,

therefore, of any change for the forthcoming parliamentary election seem slim, particularly since time may be short. Nevertheless, the Secretary of State may consider that the threat to the survival of the SDLP posed by the electoral challenge of Sinn Fein using widespread electoral abuse is so grave that he must seriously contemplate an early approach to the Home Secretary.

16. The Secretary of State may consider that, before he decides whether to approach Ministerial colleagues with a view to persuading them to agree to primary legislation before the next General Election, he will need to show that he has the support of the main Northern Ireland parties. In any case, he is committed to consulting them further about personation and the abuse of postal voting in the light of experience at the Assembly election.

17. I therefore recommend that, before deciding whether to propose legislation on electoral matters before the next General Election, the Secretary of State should now write to the leaders of the main NI parties seeking their views on what might be done about personation in the light of their experience at the Assembly election. A draft letter to the party leaders is attached at Annex A. The letter does not suggest that amending legislation might be introduced before the next General Election, because in practice it seems unlikely that this will be possible. A separate draft letter at Annex B is provided for the Workers Party who have written recently on this subject to the Secretary of State.

18. I further recommend that the Secretary of State should encourage the development of those measures, outside primary legislation, identified in paragraph 13 above as helping to reduce electoral abuse, by writing to the Chief Electoral Officer and to the Chief Constable calling for their assistance in deterring personation at future elections in Northern Ireland. Draft letters are attached at Annex C and Annex D.

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