

## **Labour Opens the Postal Votes**

*BBC 2's Newsnight drops an electoral bombshell: A Labour Special Adviser has seen postal ballots officially sealed until 10pm on Thursday, 5th May!*

### ***New Labour Opens the Postal Votes: Will the Bombshell Explode?***

**(4th May, 2005)**

Martha Kearney: "We have discovered by talking to one special adviser that Labour had seen a number of these postal ballots and they are very worried by the results... They think the Iraq factor is certainly having an effect and this person is talking about the Labour majority being in the 50s"

Jeremy Paxman: "And that's quite legal for them to look at postal votes?"

Martha Kearney: "Yes, well yes, it is part of the process of checking the identity..."

"Newsnight", BBC 2 (10.30pm, 3rd May, 2005)

Martha Kearney: "I was talking to a campaigner in London who was saying he had seen a sample of postal ballots in a seat which has a ten thousand [Labour] majority and they [Labour and Tory] were very close indeed."

"Newsnight", BBC 2 (10.30pm, 4th May, 2005)

## Watergate with Knobs On!

Late on Wednesday 4<sup>th</sup> May 2005, Martha Kearney unwittingly dropped a bombshell in her report about the prospects for a Labour majority in the following day's UK general election. She revealed that a Labour Party Special Adviser, one of the key personnel around the Prime Minister and other cabinet ministers, had seen how people had already voted by post! Jeremy Paxman, the programme's anchorman, may not have known that this was the clearest and crudest breach of Britain's election law, but that is what it was.

For weeks the British media has been reporting a slew of difficulties with the postal voting system introduced under 'New Labour', but the scattering of criminal charges of fraud so far reported has fallen short of linking a politician at the very nerve centre of political power with malpractice. Yet, that is precisely what Martha Kearney's plain statement that "one special adviser" told her "that Labour had seen a number of these postal ballots" did. A special adviser is as close to the leadership of the Labour Party as a non-cabinet member can be.

Strangely enough, this shattering revelation of how corrupted Britain's election system has become passed the media by. The next day no newspaper or broadcasting outlet took up Kearney's claim that Labour activists were opening postal ballots before the closure of the poll and identifying voters and how they had voted. In doing so, they were defying the basic principle of British elections since 1872: the secrecy of the ballot. Perhaps Kearney's revelation was simply too much to stomach for Britain's journalists. For, if true, her report would render the general election invalid and require the prosecution of a cabinet minister's special adviser for participating in the fraudulent and unauthorised opening and counting of the ballots and the sinister identification of how people had voted. Unless Ms. Kearney identifies her source, suspicion will fall on all special advisers in Whitehall - including the Prime Minister's own team. If the culprit turned out to work in 10 Downing Street (whatever the declared results of the general election on 5th May) it is difficult to see how Tony Blair could survive in office as prime minister if a member of his special adviser team had colluded in the crude breach of the law.

What Martha Kearney revealed was a subversion of free, fair and secret elections which makes Watergate seem a school-boy prank by comparison.

Actual votes and how named voters cast their ballots have been illicitly obtained by a powerful political apparatchik. The very essence of a secure democracy is subverted by that act. No election can be valid if the powerful can find out how voters are actually voting before the close of the poll. Such information enables even more fraudulent remedial action to be taken if the cheating party finds its candidates are behind in the poll. It also raises the risk of intimidation of postal voters and even acts of revenge against those whose identities are now known to party activists who also know they voted the wrong way.

Before Kearney's devastating revelation of how high up fraudulent interference with postal ballots went, the British media and even rival candidates had concentrated on the dramatic increase in the number of postal votes applied for (over 6 million), or on individual examples of fraudulent applications for multiple votes on behalf of non-existent, 'ghost' voters, or on the incompetence of election workers who had failed to deliver many thousands of ballots on time or at all. Kearney's report indicated that behind the mask of local incompetence and petty fraud there lurked a web of high-level, calculated fraud at the national level.

The importance of getting access to postal votes as they arrived at counting centres but before the official count began was revealed by the all-postal voting referendum in the North-East in 2004. On election night, the BBC's "Newsnight" (among other news organisations) reported that the result in the referendum on John Prescott's local government reform plan was "too close to call." In fact, the New Labour proposal was rejected by the crushing margin of 78.22%! That experiment seems to have taught the New Labour special adviser the need for a pre-emptive strike to open the voting envelopes before polling day. The North-East showed that both opinion polls and exit polls could be wildly out of line with actual votes cast.

Better not to trust the voters to tell the pollsters the truth and bask in the up to 12% lead for Labour recorded by the polls. As Lenin advised, "Trust is good, but control is better." Some New Labour activists with links to the top seem to have followed that adage in opening the postal votes while there is still time to alter the results, if only be "legitimate" targeting of campaigning at weaker seats!

Stalin infamously quipped to Kaganovich eighty years ago "It doesn't matter who votes. It matters who counts the votes." An election fraudster in Tony Blair's Britain might paraphrase the Soviet dictator and declare, "It doesn't matter who votes. It matters who posts the votes." One of Tony Blair's unimpeachable statements was his comment that "all parties supported the postal voting system"<sup>[1]</sup> Faced by declining public support and shrinking turnouts in elections at all levels, all three main British parties supported relaxing controls on access to postal ballots after 1997. Now the willingness of Tory and Liberal Democrat politicians as well as New Labour to water down election security in the pursuit of flattering turnout figures is coming home to haunt British democracy. Boosting turnout regardless of how the inflation in voter numbers was achieved pandered to politicians' self-esteem but their complacency about election security (to put kindly) or their cynicism (to be frank) about what party activists might get up to increase turnout for their own candidates. Revelations of fraud and chaos in the postal voting system undermines the legitimacy of Britain's general election on 5th May.

### **Postal Voting marks the End of the Secret Ballot**

Without a secret ballot, democracy is a shallow farce otherwise, pressures of many different kinds can be brought to bear on voters. Employers or landlords in the past were frequently accused of dictating their dependents' votes before the 1872 Ballot Act which mandated secret voting. Heads of household too could control the politics of their family members and servants.

With the downturn in election turnouts in the 1990s, pressure arose from politicians to ease access to the ballot. In 1997, only 71% of registered voters turned out to eject John Major's Conservatives. By 2001, barely 59% of eligible people bothered to vote. The self-esteem of politicians was scarred by the unwillingness of the people to make the short walk to the nearest polling station to endorse them. Any survey of the sparsely-attended debates in the House of Commons on watering down the rules for voting and the security of the ballot shows how indifferent MPs were to the honesty of the polls which sent them to Westminster.<sup>[2]</sup> Postal voting on demand, without any reason given, became law in 2000.

A smattering of scandals and problems emerged<sup>[3]</sup> in local and European Parliament elections but it was only at the beginning of April, 2005, that the scale of the problem of postal voting fraud was brought to public attention when Richard Mawrey, QC, acting as an election court commissioner, found that "widespread fraud" had taken place in local elections in Birmingham on 10th June, 2004,. Mr Mawrey's scathing comments about how the government had played down the ease of election fraud as "scaremongering" drew public attention to official complacency. He said, " Anybody who has sat through the case I have just tried and listened to evidence of electoral fraud that would disgrace a banana republic would find this statement surprising." Mr Mawrey's description of the postal voting system as "hopelessly insecure" remains true of the polling system today as it was last year.<sup>[4]</sup>

But, the efforts to tighten up security have been farcical. For instance, on 2nd May British national newspapers carried an advert advising postal voters how to fill in their ballots without letting the required witness see how they vote and then urged them to return their ballots by 29th April!

The police have also shown remarkable complacency about electoral fraud. Their reluctant investigation of the Birmingham postal voting ring was called "Operation Gripe." Instead of sore losers it turned out that the complainants were lifting the lid on a widespread fraudulent practice, something ignored by the constabulary.

Back in 2001, the first head of the new British Election Commission, Sam Younger, admitted, "The whole of our electoral system frankly is based on trust really and there is capacity for fraud in all these areas. I think there is a greater possibility of postal vote fraud this time because it is simply easier to get postal votes and there are more and more postal forms floating about." He wanted to have a "balance between the encouragement to participation... and the dangers of any increase in fraud". Can anyone now claim Britain has got that dubious balance right? The Election Commission's promotion of turnout regardless of the exponential increase in the risk of fraud makes it part of the problem rather than part of the solution.

### **"Paki Bashing" or Culture of Fraud?**

So far, ethnic minority candidates and activists make up the great majority of people charged with electoral fraud. This is a sensitive issue in a period when immigration and asylum issues are part of the political debate. To counter racist interpretations of the role of Muslims in garnering illicit postal votes and/or altering legitimately cast ones before they reach the returning officer for the count, it seems clear no single party has a monopoly on fraud of this type. Both Conservative and Labour activists have been apprehended.

The problem is that some minority cultures exhibit stronger pressures for conformity and family discipline than other groups in Britain. Extending postal voting has made it easier for dominant figures in an extended family to take control of individual member's votes. For instance, on BBC Radio 4's "PM" programme (5pm, 3rd May, 2005) Rajeesh Merchandani reported on how young Muslims felt pressured by the postal vote system. In the past they went to a polling station to vote in person but under the new system their elders could force them to register for postal ballots and then supervise how they voted.

Older members of Asian families, particularly women, may not speak English well enough to follow the political debate and make up their own minds but the extension of postal voting on demand has meant that their men folk (or other men in authority) can oblige them to vote in a particular way. Far from liberating people and involving them in political choice, the extension of postal voting has enhanced and strengthened the subordination of women to dominant males in some sub-cultures in Britain.

Since these dominant Asian males are garnering extra votes on behalf of white, male-dominated British political parties it is a mistake to see the examples of ethnic minority voter-fraud in Birmingham, Huddersfield or elsewhere as solely an "Asian problem." That is to miss the point that the white political elite has done nothing to curtail these practices and benefits from the ghost votes or non-secret ballots added to their party totals.

### **What Else Gone Wrong**

Widespread evidence of incompetence by ill-trained and overstretched election workers has meant that some people have received too many postal votes, others none at all, leaving aside the provision of conscious fraudsters with illicit ballots. For instance, the instructions accompanying ballots sent to 1,600 postal voters in Havant were told to vote for TWO parliamentary candidates! This mistake threatened to render a significant proportion of votes invalid. The mistake was spotted on 29th April, but by then most votes were supposed to be already returned, according to official advice. It was only reported on the BBC local news on 2nd May. Meanwhile in Oxford, the postal ballots for the local elections contained false instructions telling voters not to choose more than ONE candidate in the county council elections also scheduled for 5th May. In fact, voters can vote for TWO candidates in the local elections. The level of confusion among officials issuing postal ballots and drawing up the accompanying instructions would be farcical if it did not indicate how out of their depth

returning officers and their staff are.

Children across the country have received polling cards. Their parents insist that they were not registered but, even if their parents had added their names by mistake, this may be due to the aggressive approach taken by local authorities to registration. Local councils routinely send enforcers around their districts to knock on doors and demand that all residents in a household are registered on pain of punitive action by the local authorities. Compulsory registration has led to an unknown number of unqualified people being registered to vote either in person or by post. The existence of these "legitimate" voters means that an unknown number of unwarranted ballot papers will be floating about before the close of voting on Thursday night. These may be misused. There is no guarantee that they will not decide narrow contests in marginal seats.

A Watchdog who won't bark

This Group has monitored elections across the OSCE from Albania to Virginia, but it has only been banned from carrying out independent election monitoring in two states: Milosevic's Yugoslavia in September, 2000, and in Britain under John Major and Tony Blair. Although all of the OSCE member states have undertaken to permit independent monitoring of their elections, the United Kingdom has not lived up to its obligations. It is true that the Home Office "invites" selected foreigners to observe the polls in Britain, but not to judge - only to learn from them. This condescending attitude - that the Mother of Parliaments needs no lessons in democracy from Johnny Foreigner - looks utterly untenable as its complacency is increasingly shown to have masked widespread fraud and administrative incompetence.

BHHRG remains unable to monitor the polls and count in Britain, but the BBC and other British media have reported that the international election watchdog, the OSCE's Warsaw-based ODIHR (Office for Democratic Institutions and Human Rights) will observe a British general election for the first time. This novel step was not a great leap forward since Britain had defied its obligations to accept independent election monitors, domestic or international, since 1990, and the OSCE/ODIHR delegation was not in fact going to observe inside polling stations or at counts.<sup>[5]</sup> Although the OSCE/ODIHR has been very aggressive demanding access at all levels of the election process in countries criticised by Blair's Britain and Bush's United States, its observers have proved remarkably docile about the restrictions imposed on its mission to Britain in 2005. Observers in Belarus or other post-Soviet states might take note of the OSCE/ODIHR's passivity in the face of Whitehall's restrictions.

For this Group which has observed many foreign elections in which the OSCE/ODIHR has played an aggressive role, issuing condemnations before polling day and intervening in the counting and validation process, it was striking to see how unwilling the OSCE's Gerald Mitchell was to criticise the growing evidence of fraud and chaos in Britain's postal voting system. Mr Mitchell told BBC News that "postal voting has raised issues of confidence and confidence in the integrity of this aspect of voting. We would be very interested to understand a little bit more about this aspect of the UK electoral process, how this was introduced and questions about how it is regulated."<sup>[6]</sup>

This mild manner contrasts with the aggressive pre-election statements routinely issued by the OSCE/ODIHR before polls in "targeted" countries, when the "independent observers" routinely ratchet up the tension by adding their critical voices (amplified by the international media) to any domestic criticisms.

The OSCE's Gerald Mitchell has been a player on the "People Power" scene since he participated in the then CSCE observer mission in Albania in May, 1996, which set the template for "independent international observers" stirring up discontent with a polemical one-sided account of events. More recently, Mr. Mitchell was part of the OSCE mission in Georgia in 2003 when the OSCE report backed the "Rose Revolutionaries" in claiming unacceptable fraud against Eduard Shevardnadze's supporters who took a little over 20% of the vote. In January, 2004, Mr Mitchell's OSCE saw nothing improbable in the Rose Revolutionary leader Mikheil Saakashvili winning 97% of the vote, nor three months later did the OSCE balk at President Saakashvili's claim that there was no need for opposition deputies to be elected in

the re-run of the parliamentary elections in Georgia. (After US diplomatic intervention one other pro-Western party apart from Saakashvili's National Movement was allowed to cross the 7% threshold and acquire seats!). In Georgia Mr Mitchell's senior colleague was the Labour MP, Bruce George. The decision of the OSCE to let someone qualified to vote in the country under observation head the observer mission, or even participate in it, is unprecedented. OSCE/ODIHR observers should not only be impartial they should be seen to be impartial. The OSCE's failure to act in Britain as it would in Belarus, for example, lays it open to the charge of bias – and not only in Britain.

### **What Won't Happen on the Day after**

Whatever happens with the count on the night of 5th May, don't expect an eruption of People Power in Britain. George Soros's Open Society isn't funding a parallel count to challenge the official result. The US National Endowment for Democracy (NED) hasn't trained any street-protestors and equipped them with tents and free food for a vigil in Westminster Square until only honest ballots count. The OSCE hasn't issued a preliminary statement questioning the security of the ballot or the integrity of the Election Commission. Don't expect television reporters to imitate their tearful Georgian or Ukrainian counterparts by going over to the People with a promise "only to tell the truth in the future." None of the "usual suspects" who have agitated so effectively around the world to wake up the People to defend honest elections are active in Britain – or, at least, any activity on their part is only to promote complacency about the honesty and security of the election process.

Apathy has let British democracy slip into a coma. Since 1997, the weakening of the already poor security surrounding voting in Britain has facilitated election fraud on a growing scale. 2005 looks certain to see a level of illicit interference with the vote not seen since the 1872 ballot act. On 6th May, no-one will be able to say with certainty that the results of the general election reflect the will of the people. A low turnout of actual voters and an apparently high turnout of possibly phantom postal voters will mean that serious doubts remain as to whether the margins of victory or defeat were genuine. Maybe the winning party will have had its margin of victory trimmed back by fraud, or maybe the losers will find the scale of their defeat magnified by fraud. Judging from the chaotic preparations for the polls across the country only a naïve faith in the innate honesty of British, voters, activists and poll workers alike will persuade anyone to accept the results without serious reservations.

### **What Is To Be Done?**

- 1) Individuals must take responsibility for registering themselves to vote. Neither heads of households nor landlords should be able to register anyone other than themselves. In an age when wives or partners have separate income tax declarations it is an anachronism that husbands and fathers can register them to vote.
- 2) Individuals should no longer be permitted to register at multiple addresses even when they genuinely possess more than one home or are, for instance, students registered at their parents' address as well as at a hall of residence.
- 3) Annual registration should be restored to replace the rolling registration system which has proved unwieldy for local government workers and a boon to fraudsters "targeting" marginals who are able to deploy "ghost" voters as an election approaches. Sophisticated polling techniques enable party activists to identify suitable addresses and individuals for such personation as well as seats where it might work.
- 4) Obligatory registration must be abolished. Large numbers of non-voters and even unqualified people are routinely registered at present which provides fraudsters with a poll of "real" names and addresses to draw on for fraudulent purposes.
- 5) Postal voting should be restricted to the genuinely infirm or absent. Such people should be able to produce medical certificates or travel documents to confirm their status.
- 6) If easy postal voting is to be retained, then criminal penalties should be levied against

anyone interfering with the secrecy of the ballot. Party activists should be forbidden from providing postal ballot forms, collecting them, let alone helping to fill them out. Without political parties promoting postal voting for their own advantage, it may be that the improbable scale of the current demand for postal ballots would shrink to a plausible level.

- 7) At the count, postal ballots should be tallied separately so that any statistically significant variation from the conventional ballot boxes may become apparent.
- 8) In polling stations voters should have to sign the register to confirm that they have received the ballot and voted. At present, local government workers may choose to strike out a name once that person has voted but this system offers no security against votes being cast for non-voters because no individual signature confirms the participation of a specific person.
- 9) Independent election monitors as well as candidates' representatives should be permitted to observe the conduct of the polls in Britain and especially the count.
- 10) The Election Commission should be abolished. Its existence has coincided with an upsurge in electoral malpractice, frequently because the Commission has endorsed procedures which facilitate fraud under the guise of promoting higher turnouts. The Election Commission's proposals and propaganda have done much harm, cost unnecessary public funds and undermined public faith in British democracy.
- 11) A new Ballot Act should spell out strict rules for the registration of voters, the conduct of voting and of the count. It should spell out the responsibilities of local returning officers and the penalties for abuse of the ballot by anyone. A standard procedure for elections clearly laid out is the only way to restore public confidence in the secrecy and efficacy of the ballot. But will MPs elected under the current flawed system be willing to reform future elections to prevent another election like the one which sent them to Parliament?

avant HHH[1] SKY News (26th April, 2005)[2] See Quentin Letts, "The Man who wants your vote" in *The Observer* (18th April, 2001).[3] See <http://neilherron.blogspot.com/> for a running tally of election fraud allegations, kept by the organiser of the upset victory in the North-East all postal voting referendum. [4] For Mawrey's comments see [http://news.bbc.co.uk/1/hi/england/west\\_midlands/4406575.stm](http://news.bbc.co.uk/1/hi/england/west_midlands/4406575.stm) or Dominic Kennedy, "Labour election fraud would 'disgrace a banana republic'" in *The Times* (6th April, 2005).[5] See Ross Lydall & Sam Lyle, "Fraud Fears rise as 1 in 5 vote by post" in *The Evening Standard* (3rd May, 2005).[6] BBC News 24, 1.42pm 2nd May, 2005