



Devon & Cornwall Police

Building safer communities together

Dear Candidate,

Reference; Election Malpractice

I am Financial Investigator 57235 David Buckley of the Devon and Cornwall Police and I am the designated 'single point of contact' for all matters relating to allegations of electoral malpractice contrary to The Representation of The People Act 1983.

This role includes regular contact with Returning Officers, Local Government Electoral Services, The Electoral Commission and The Crown Prosecution Service.

The purpose of this letter is to draw your attention to some common offences detailed in the attached appendix that are regularly reported to the Police, in the hope that "forewarned is forearmed".

In conjunction with our partner organisations our aim is to PREVENT not PROSECUTE while seeking to PROMOTE public confidence in the electoral process.

The majority of the allegations received by my office relate to illegal practices rather than the more serious corrupt practices as defined by The Representation of the Peoples Act 1983. Historically breaches of the Act are in the majority of cases committed due to a lack of knowledge of the law and the various regulations covering elections.

The public and the media do however have an interest in all electoral malpractice allegations and it is fair to say that those with an interest will be watching what you do and have previously been eager to report alleged breaches of the law or regulations.

Therefore to avoid being referred to my office please read the attached appendix and the guidance documents you will receive from your local Electoral Services Department and make sure that you comply with your duties as a candidate and/or election agent.

Whilst allegations are dealt with in a proportionate and balanced manner being the subject of a criminal allegation is never pleasant. Understanding and complying with your duties is your best method of preventing allegations being made.

If you have any questions relating to electoral malpractice please refer them initially to your local Electoral Services Department. If that does not resolve your problem and the nature of your question relates to potential offences under The Representation of The People Act 1983 please email david.buckley@devonandcornwall.pnn.police.uk

Yours sincerely

Financial Investigator 57235 David Buckley



APPENDIX A – COMMON ELECTORAL OFFENCES REPORTED TO THE POLICE

All of the offences listed below fall under The Representation of The People Act 1983.

1. **IMPRINT** – If you print or publish anything including placards and posters for the purpose of promoting a candidate in an election the material **MUST** have the name and address of the person who produced the material **AND** if printed by someone else their name and address (for example a professional printing firm). If it's a multi-page leaflet this need only appear once. Even if you print the material at home make sure you include this information.
2. **ELECTION EXPENSES** – if you incur any expense during and on behalf of your election campaign you must record it on your expenses returns forms, keep receipts for goods/services above £20 and make your returns to the Reporting Officer within 35 days of Election Day. This includes 'nil' returns. Goods and services obtained or provided to you for free or at a commercial discount over 10% must be recorded on your expense returns at the **FULL** commercial rate.
3. **FALSE STATEMENTS** –Section 106 of The Representation of The People Act 1983 states that *"a person, before or during an election, for the purpose of affecting the return of any candidates at the election makes or publishes any false statement of fact in relation to the candidates personal character or conduct shall be guilty of an illegal practice, unless they can show that they had reasonable grounds for believing and did believe, the statement to be true"*.

Standing as a candidate in an election places you in the public arena and you must have an expectation of public comment and potential criticism. Politics by its very nature involves disagreements and things are often said in the heat of the moment, in particular on social media, which may upset you. This doesn't automatically make it a false statement and every effort should be made to locally resolve disputes between the parties before referring the matter to your local Electoral Services Department or the police.

4. **INTIMIDATION** – in particular at or around polling stations. If it is reported that public order offences are taking place outside a polling station don't be surprised if you find yourself being arrested – we treat intimidation of voters, polling station staff or candidates very seriously. The public have right to vote peacefully and without any interference.
5. **SECRECYP**– don't take photographs inside a polling station and don't publish details of how you or family/friends voted during the voting period.