



Department for Levelling Up,
Housing & Communities

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Mr Stuart Ryan
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Kemi Badenoch MP
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Dear Mr Posner and Mr Ryan

I am writing to you about concerns over so-called “family voting” or “community voting” and the enforcement of guidance and rules applying to the secrecy of voting in polling stations. These have been brought to the attention of the Government by Parliamentarians during discussions around the Elections Bill.

Highlighted in such discussions were press reports and a published observer report¹ into the polls in May 2021. These focused on instances of family members accompanying voters into a polling booth for the apparent purpose of influencing or guiding how they cast their vote. It is reported that staff in polling stations were reluctant to intervene when they saw this practice. You will also have seen the recent article by Cllr Peter Golds CBE in relation to his concerns about fraud in the London Borough of Tower Hamlets.²

The Government is concerned of the risks of election fraud in the May 2022 elections: whilst the Elections Bill is tightening the law to strengthen electoral integrity (subject to Parliamentary approval), it will not be in force by then. We are concerned that fraud could be repeated on 5 May in areas where it has occurred before, places such as Tower Hamlets where there is a particular history of fraud.

The Government’s view is that the secrecy of the ballot is fundamental to the ability of voters to cast their vote freely, without undue pressure to vote a certain way. The Government fully endorses the principle that someone’s vote must be personal and secret, and that no elector should ever be subject to intimidation or coercion when voting. It is never acceptable for men to direct women how to vote – irrespective of any (outdated) ‘cultural attitudes’.

¹ <https://democracyvolunteers.org/2021/07/08/2021-london/>, and <https://www.telegraph.co.uk/politics/2022/02/12/tory-figures-attack-electoral-commission-failure-tackle-illegal/>

² <https://www.conservativehome.com/localgovernment/2022/03/peter-golds-how-family-voting-in-tower-hamlets-is-undermining-democracy.html>

Our view is that electoral law clearly provides for certain persons only to be present in polling stations in addition to polling station staff and voters. Under the current legislative requirements³ voters should not be accompanied by another person at a polling booth except in specific circumstances - such as being a child of the voter, a formal companion or a member of staff.

Returning Officers and their staff in the polling stations are responsible for making sure that these requirements are upheld, and we are clear that these rules must be enforced consistently. If the Returning Officer or member of their staff considers that the requirements are not being followed they should take appropriate action, including reporting the matter to the police.

I appreciate that the Electoral Commission issues guidance to Returning Officers and polling station staff to help them undertake their duties. I also note that this guidance advises polling station staff that they should make sure voters go to polling booths individually so that their right to a secret vote is protected.

I am sure you will share the Government's concern that there seems to be uncertainty over the application of the current rules which has led to confusion on the issue, and the perception that inappropriate activity is permitted under the legislation. It is essential that there is a clear and consistent message to voters, electoral administrators and Returning Officers from the Commission and the Police about what is acceptable. Electoral staff should feel confident to address and report any inappropriate behaviour.

Please can you confirm that the Electoral Commission's view is that the only people who should be providing assistance at a polling booth are polling station staff and companions who are doing so only for the purposes of supporting an elector with health and / or accessibility issues which need such support.

Furthermore, it will be helpful to know what action you are taking, or you could take, to ensure that the requirements on secrecy and attendance at polling stations are understood and upheld, and that these rules are enforced consistently?

I would be grateful for a quick response on this and on how you are planning to work together at the upcoming elections in May to reassure Parliament that the secrecy of the ballot is upheld at those polls. The Government will also carefully consider any proposals from Parliament to clarify or strengthen the law in this area, given the constitutional importance of protecting the secrecy of the ballot.

Given the public concern over this issue ahead of May's elections, I am placing this letter in the public domain on Gov.uk.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

cc. Lord True, Minister of State

³ For parliamentary elections, see rules 32, 37, 38 and 39 of the Parliamentary Elections Rules, Schedule 1, Representation of the People Act 1983 - the provisions are replicated in the conduct rules for other elections, including local authority elections.