

**IN THE MATTER OF A LOCAL GOVERNMENT ELECTION FOR THE
BORDESLEY GREEN WARD OF THE BIRMINGHAM CITY COUNCIL
HELD ON 10TH JUNE 2004**

**AND IN THE MATTER OF A LOCAL GOVERNMENT ELECTION FOR THE
ASTON WARD OF THE BIRMINGHAM CITY COUNCIL HELD ON 10TH
JUNE 2004**

EXECUTIVE SUMMARY OF THE JUDGMENT

[Important note: this is intended merely as a guide to the Judgment. It is not the Judgment and must not be cited or published as the Judgment. If there are any differences between this summary and the Judgment, the Judgment is the definitive document and prevails]

Introduction

1. This election court was convened to try the election Petitions brought in the Wards of Bordesley Green and Aston, being Wards of Birmingham City Council. In each Petition, the Petitioners challenge the election of three Labour Party councillors to Birmingham City Council at the election held on 10th June 2004.
2. In the Bordesley Green Petition, four electors of the Ward challenge the election of Mr Shah Jahan, Mr Shafaq Ahmed and Mr Ayaz Khan.
3. In the Aston Petition, four electors of the Ward challenge the election of Mr Mohammed Nazrul Islam, Mr Muhammed Afzal and Mr Mohammed Amin Kazi.

4. In both cases the Petitioners say that the election should be set aside and a new election held on grounds that:
 - (a) the election of the three Respondent Labour candidates was procured by corrupt and/or illegal practices on the part of those Respondents or their agents or by "general corruption" in the Ward designed to secure their election; and/or
 - (b) the conduct of the election by the Birmingham Returning Officer, Ms Lin Homer, was so flawed as to necessitate the election being run again.

5. As there are many issues common to both Petitions, I have decided to give a single judgment, while still treating the allegations in each Petition separately.

6. In both Petitions the allegations concern postal votes. In essence it is said that the Labour Party Respondents and their agents engaged in massive, systematic and organised fraud whereby literally thousands of bogus Labour votes were recorded and counted. But for those votes, it is said, none of the Labour candidates would have been elected in either Ward.

7. In both Petitions it is said that serious errors on the part of the Returning Officer and the Elections Office compounded the frauds and made a mockery of the election.

8. My task was to sort out the truth and to decide whether either or both of the elections should be set aside. In November 2004 and January 2005 I conducted the Scrutiny, an examination

of original election documents, particularly ballot papers. The factual findings I made about the documents and were incorporated into formal Scrutiny Reports.

9. I conducted the trials of the two Petitions between 21st February and 22nd March 2005.

Postal voting

10. Postal voting on demand was introduced in 2001 with all-Party support.
11. The system for postal voting contains no effective safeguards and is an invitation to fraud.
12. Applications for postal votes can be sent to the Elections Office up to six days before polling day. If thousands of applications are sent in the final few days, the system can be overwhelmed. This happened in Birmingham in 2004.
13. The scheme for registering postal vote applications is hopelessly insecure. Although the application must, by law, be signed by the voter in person, the Elections Office has no means of checking the validity of the signature or of the application. In any event, the Elections Office has neither the duty nor the resources to carry out any checks. If an application to vote bears something that looks like a signature, it must be accepted and the voter's name put on the postal voter's list.

14. An application for a postal vote can ask for the postal vote to be sent to an address other than that of the voter: obviously, this gives positive assistance to fraud.
15. Postal ballot packages are sent out by ordinary mail in clearly identifiable envelopes. Short of writing "STEAL ME" on the envelopes, it is hard to see what more could be done to ensure their coming into the wrong hands.
16. The system whereby a postal ballot is "verified" by a Declaration of Identity ("DOI") is farcical.
17. The DOI is meant to be signed by the voter, a pointless precaution because there is no means of verifying the signature. The Elections Office does not even compare this signature with that on the application to vote. It has no duty to do so and has no power to do so. Provided there is a squiggle on the "Voter Signature" line, the DOI will pass muster.
18. The voter's signature on the DOI must be witnessed and the signature, name and address of the witness inserted in the DOI. Another pointless precaution. Anybody in the world can witness a DOI and the Elections Office cannot (and does not) check up on any witness. Again, provided that some name, some address and a squiggle for signature appears in the "Witness" part of the DOI, it will be accepted.

19. Consequently, anyone who gets his hands on an unused postal ballot package knows that he can fill it in exactly how he likes and the resulting ballot paper and DOI, if completed, will be (indeed *must* be) accepted by the Elections Office.
20. The law is indifferent as to how the completed ballot package gets to the Elections Office. It is quite lawful for someone to collect it from the voter and promise to deliver it to the Elections Office. Some political Parties encourage their supporters to do this.
21. The Returning Officer operates (as she must) on the basis that, if a ballot paper clearly shows votes against candidates, she will accept it, even though it contains crossing out or other markings. Anyone who gets hold of a completed postal ballot before it reaches the Elections Office can open the envelope, take the ballot paper, scribble out one lot of crosses and substitute another before sending it off to the Elections Office. That ballot paper will none the less be accepted as valid.
22. Similarly, anyone who gets hold of a completed postal ballot and opens it to discover the voter has voted the "wrong" way, can simply destroy it.
23. Consequently, the system is wide open to fraud and any would-be political fraudster knows that it is wide open to fraud.

24. Since 2001, the Electoral Commission, the Returning Officers and the Elections Officers have warned that the system has insufficient safeguards against fraud. Some parts of the media have repeatedly warned against fraud.
25. Neither the Government nor any of the other political Parties has heeded these warnings which have been dismissed as "scaremongering".

Criminal offences

26. Unlawfully voting in the name of someone else is the offence of "personation" which carries a prison sentence. This covers most forms of misuse of a postal ballot package, including using the DOI to "witness" a signature that the witness knows is not that of the voter.
27. Fraudulently applying for a postal vote in the name of someone else is a criminal offence, as is destruction of ballot documents.
28. The criminal law is of no value, however, unless the system is properly policed.

Corrupt and illegal practices

29. Personation is a "corrupt practice". The other electoral offences involved in this trial are "illegal practices".

30. An election court may set aside the election of a local councillor or declare an entire Ward election void if it is satisfied that there have been corrupt or illegal practices committed by the candidates or their agents. "Agents" is a wide category and covers virtually all the candidates' supporters. Elections can also be set aside for "general corruption", the use of corrupt or illegal practices designed to secure the election of any candidate, not just the winning candidate.
31. In both these Petitions, the court is asked to set aside the elections on both grounds: corrupt and illegal practices by the candidates and general corruption.

No effective policing

32. Fraud is compounded by a lack of any effective system of fraud detection or prevention.
33. The Returning Officer has no policing function whatsoever. Returning Officers do not have a duty to investigate fraud, they do not have the resources to investigate fraud and, most importantly, they do not have the powers to investigate fraud.
34. On the evidence of this trial, the Police provide no real control of fraud. If presented with clear evidence of electoral misconduct, they may take action but, as the Aston trial showed, they can easily be persuaded to ignore blatantly unlawful conduct by plausible rogues claiming that what they are doing is "legitimate".

35. Police forces in general do not have, and cannot reasonably be expected to have, knowledge or experience of electoral law. Officers consider, understandably, that, in high crime areas such as Aston, there are better uses for scarce police resources than policing local authority elections.
36. During the 2004 Birmingham election campaign the West Midlands police was presented, principally by the Liberal Democrat Party, with a large number of complaints of electoral fraud. The police attitude was well summed up by the use of the codename for these complaints - *Operation Gripe*. In essence, the police did nothing to prevent the frauds which occurred.
37. The other way of combatting fraud is by an election Petition brought after the event. Petitions are, in effect civil actions brought by the losers against the winners. The Petitioners must prove wrongdoing by the Respondents. Electoral law places a large number of hurdles in their way and a Petition is very expensive. For these reasons, election Petitions are rare. They cannot reasonably be regarded as an effective way of policing electoral fraud.
38. The absence of any serious policing of electoral fraud is a further encouragement to the fraudster.

The 2004 Birmingham election

39. The 2004 election was characterised by a postal vote explosion. The number of postal vote applications rose from 28,000 in 2003 to over 70,000 in 2004. Although the Elections Office

had foreseen and planned for up to a 100% rise in postal votes, it did not foresee and could not have foreseen this explosion.

40. The increase in postal votes was not evenly spread, it varied wildly from Ward to Ward. The pattern of the increase was significant.
41. The other political Parties (particularly the Liberal Democrats) believed from the outset that the Labour Party was going to cheat in the election by the misuse of postal votes. They kept watch on the Labour candidates: this turned up some crucial evidence.
42. By polling day, it was clear that there had been widespread "theft" of postal votes. Large numbers of genuine voters turned up at polling stations to vote, only to learn to their surprise that they had been put on the postal voters' list and sent a postal vote (which, of course, they had never seen). Those voters were disenfranchised.
43. The avalanche of postal votes overwhelmed the Elections Office. In order to keep the election on its feet, the Elections Office threw the rule book out of the window. Many of the essential provisions of the relevant Regulations were simply ignored. In order to process the postal votes, they were carted round Birmingham in bags on trolleys or in plastic boxes and shopping bags in car boots.

44. The count was chaotic and incidents occurred where dubious votes were accepted into the count.
45. When the results were declared, to the amazement of all the other Parties, not only were Labour Party candidates returned as councillors, they were returned with a large swing in their favour. Even more surprising was that Labour seemed to have a large swing in its favour in Wards with a substantial population of Muslim voters, even though many such voters were strongly opposed to the Labour Party because of the Iraq War.
46. In Bordesley Green, the People's Justice Party ("PJP") and in Aston, the Liberal Democrats, immediately launched election petitions alleging massive fraud on the part of the successful Labour candidates.

History of the Petitions

47. In the course of both Petitions, I conducted the formal Scrutiny, an examination of the original documents (ballot papers and DOI in particular) for the purposes of establishing a factual basis for trying the Petitioners' allegations. The Scrutiny Reports are available and some of their conclusions are in the Judgment.
48. In each case, the court ordered the appointment of a handwriting expert jointly instructed by all parties to examine the relevant documents. The findings of Mr Allen in Bordesley Green and Mr Cosslett in Aston have been pivotal.

49. All the Labour Party Respondents were originally represented by solicitors appointed by the Labour Party, who in turn instructed counsel. Having already failed to secure an adjournment of the Petitions until a date after 5th May 2005 (believed to be the probable date of a General Election), as late as one week before trial these solicitors abruptly withdrew from representation, leaving the Labour councillors to fend for themselves.
50. In the Bordesley Green petition, the Labour Party Respondents decided to walk out of the trial on the first day and they took no subsequent part in it. In their absence I felt obliged to protect their rights by ensuring that all witnesses were asked the kind of questions that should have been asked if these Respondents had been represented by lawyers. Both Counsel for the Petitioners, Mr Brodie, and Counsel for the Returning Officer, Mr Coppel, co-operated fully in this exercise.
51. In Aston, Mr Nazrul Islam and Mr Kazi secured the services of Mr Jerry Hayes and Mr Afzal those of Mr de Mello. They were fortunate to do so. Although having to master the material on virtually no notice, Mr Hayes and Mr de Mello conducted their respective cases with great skill and charm and have said everything that could possible be said on behalf their clients. I have been much assisted by them.

Approach to the Petitions

52. When dealing with the Petitions, I have decided that allegations of corrupt or illegal practices against the Labour Party Respondents must be proved to the criminal standard of proof: proof beyond a reasonable doubt.
53. The allegations against the Returning Officer need only be proved to the civil standard of proof: the balance of probabilities.

The Human Rights Act 1998

54. Despite the well-presented arguments of Mr de Mello, English election law is not, in my judgment, incompatible with the Human Rights Act 1998 or the European Convention on Human Rights.

The case against the Labour Party Respondents - Bordesley Green

55. The Petitioners adduced evidence from:
- (a) the handwriting expert Mr Allen;
 - (b) Ms Barbara Holland who prepared a comparative schedule of the relevant documents;
 - (c) eye-witnesses of incidents such as those where Labour candidates were seen obtaining sacks of unused ballot papers from postmen;
 - (d) voters who discovered that someone had registered them as postal voters and were therefore refused the right to vote at a polling station;
 - (e) voters who simply said they had not asked for or used a postal vote (where one had apparently been used in their name);

- (f) voters whose ballots had been altered after being despatched to the Elections Office.
56. There was also the clear evidence of fraudulent alteration of ballot papers which had appeared at the Scrutiny.
57. The evidence of fraud was overwhelming and I am satisfied beyond reasonable doubt that the Petitioners have established that:
- (a) fraudulent applications for postal votes were made and electors' names improperly entered without their knowledge or consent on the absent voters' list;
 - (b) unused ballot packages were improperly diverted by a wide variety of means;
 - (c) the improperly diverted ballot packages were fraudulently used by completing the ballot papers and their attendant DOI and despatching them to the Elections Office;
 - (d) completed ballot packages (B envelopes) were improperly diverted;
 - (e) improperly diverted B envelopes were opened and the contents fraudulently altered (in particular by obliterating votes cast by the elector and substituting votes for other candidates).
58. How many ballot papers were involved ? It is very difficult to say with certainty. The best estimate I can give is that the number of ballot papers with bogus Labour votes cannot be less than 1,500 and may be well over 2,000. One has only to recall that the votes recorded for the three successful candidates were 4432, 4150 and 3976 to realise that as many as half those votes may have been fraudulent - certainly over one third.

59. When one adds to this the fact the difference between the lowest vote for Labour (3976) and the highest vote for the PJP (3535) was only 441, it is quite obvious that this electoral fraud not only affected the result of the poll. It determined the result in favour of the Labour Party Respondents.
60. I was satisfied that the Labour Party Respondents themselves were involved. There was eye-witness evidence of Mr Shah Jahan and Mr Shafaq Ahmed being in unlawful possession of unused ballot packages. A huge number of bogus DOI had been "witnessed" by men who were close relatives of the candidates by blood or by marriage. The candidates' personal involvement is clear.
61. In any event, frauds of this magnitude required a considerable degree of organisation and manpower, not to mention supervision and co-ordination. It would be unthinkable for them to be the work of a few hothead activists, working behind the backs of the candidates and their Party.
62. Even if there were no direct evidence of personal involvement of the candidates, the only rational inference to be drawn from the scale of the organisation needed to carry out these frauds is that they were the result of a campaign of vote rigging deliberately embarked upon by the Ward Labour Party with the full knowledge and co-operation of the candidates.

63. I am therefore satisfied beyond a reasonable doubt that:
- (a) there were corrupt and illegal practices committed by the Labour Party Respondents and their agents;
 - (b) there was general corruption within s.164 of the 1983 Act in that corrupt or illegal practices committed in reference to the 10th June 2004 election for the purpose of promoting or procuring the election of the Labour Party Respondents at that election have so extensively prevailed that they may be reasonably supposed to have affected the result.

The case against the Labour Party Respondents - Aston

64. This fell into two distinct sections. The first was what was called "the Warehouse Incident". The second concerned proof of fraud by handwriting evidence.
65. The Warehouse Incident occupied a lot of court time. In summary, what I find is this.
66. Three brothers of the Liberal Democrat candidate Mr Ayoub Khan were keeping watch on the Labour campaign office in Witton Road at about 11.00 pm on 8th June 2004. They saw the candidates and the Ward Organiser (Mr Zulfiqar Khan) behaving suspiciously with a large number of what looked like postal vote packages. The packages were put in the boot of a car and driven to a warehouse owned by Mr Mohammed Najib on the Wrylie Trading Estate. The police were called.

67. When police officers attended, they found several men sitting round a table covered with ballot documents. They saw open envelopes, ballot papers and DOI. The men present told the officers a cock-and-bull story about checking the ballot papers of illiterate voters and invited a bizarre checking exercise whereby officers were sent off to "verify" one of the sets of ballot documents. Fobbed off by this nonsense, the police left the men in the warehouse still in possession of the ballot documents and it was only two and a half hours later that anyone in the police thought to go back and seize the documents. When seized at 4.00 am the envelopes were all correctly filled and seemed in order.
68. These 275 ballot envelopes were handed by the police to Mr Owen, the Elections Officer, later that morning. He was given a wholly inadequate explanation of how they came into police hands and, quite reasonably, accepted them as genuine.
69. There was no doubt that Mr Nazrul Islam, Mr Kazi and Mr Zulfiqar Khan had been among the men at the warehouse but there was a hotly contested issue as to whether Mr Afzal had been there. The police identified him in court as being present in the warehouse. Mr Afzal said he had been in home in bed at the time. Unfortunately for Mr Afzal, his mobile telephone records exploded his alibi. In the witness box, Mr Afzal lied like a trooper. I had no difficulty in being satisfied that Mr Afzal was at the warehouse.

70. I was also satisfied that, at the warehouse, there were open envelopes and yellow local ballot papers visible on the table when the police arrived. Thus it seemed to me that there were only two real possibilities as to what the men present were doing:
- (a) they were filling out blank ballot papers; and/or
 - (b) they were examining properly completed ballot papers with a view to altering or destroying those which did not vote Labour.
71. Both these activities constitute personation and consequently both constitute corrupt practices. I am quite satisfied that these men were not at the warehouse for any innocent purpose and that they were engaged in corrupt practices.
72. The documentary evidence as examined by Mr Cosslett was deadly. I deal with it in detail in the Judgment. It is sufficient for this summary to say that it was wholly convincing that a vast number of postal votes had been forged in favour of Labour candidates. His evidence directly implicated Mr Nazrul Islam in great deal of forgery (use of five versions of his signature and two separate addresses as well as signing in other people's names) and Mr Nazrul Islam's evidence about it in court was patently dishonest.
73. The evidence was thus conclusive that the Labour Party Respondents and their agents had been guilty of vote-rigging: indeed they had been caught red-handed at the warehouse.

74. As in Bordesley Green, the scale of the enterprise makes it certain that the entire Labour Party apparatus in Aston was involved. The frauds could not have been achieved otherwise.
75. It is rather more difficult to estimate the number of false ballot papers in Aston. Doing the best I can on the figures, it is unlikely that number is under 1,000 but how much higher than 1,000 is almost impossible to tell. The false ballots obviously affected - indeed, as in Bordesley Green, determined - the result. Only 514 votes separated the third from the fourth in the poll.
76. I am therefore satisfied beyond a reasonable doubt that:
- (a) there were corrupt and illegal practices committed by the Labour Party Respondents and their agents;
 - (b) there was general corruption within s.164 of the 1983 Act in that corrupt or illegal practices committed in reference to the 10th June 2004 election for the purpose of promoting or procuring the election of the Labour Party Respondents at that election have so extensively prevailed that they may be reasonably supposed to have affected the result.

The case against the Returning Officer

77. To set aside an election because of the Returning Officer's failure to conduct it properly, I had to be satisfied that:
- (a) there was a breach by her of the rules or "mistake at the polls" *and* either

- (b) the election was not so conducted as to be substantially in accordance with the law as to elections; or
- (c) the breach or mistake affected the result of the election.

General breaches of electoral law

78. As I have indicated, on their own admission Mr Owen and the Elections Office felt they had to disregard many of the rules put in place by electoral law to safeguard postal voting. They said, with some justice, that the poll could not have been conducted if they had played it by the book.
79. I had to ask whether those general breaches of the rules were sufficient to justify my holding that the election was not so conducted as to be substantially in accordance with the law as to elections or had affected the result of the poll.
80. Although the question was nicely balanced, I came to the conclusion that the election was conducted *substantially* in accordance with electoral law. I also held that the Petitioners had failed to show that the breaches had materially affected the result.

The Bordesley Green count and the three boxes

81. At the Bordesley Green count three plastic ballot boxes were discovered under the wrong table. The PJP and Liberal Democrat teams considered that their presence was very suspicious and demanded that the Elections Office team carry out a proper investigation of them. Both the

Returning Officer, Ms Homer, and Mr Owen refused to carry out any enquiries and ordered that the contents of the boxes (some 1,500 or more postal ballots) be processed and counted.

82. Again with some reluctance, I came to the conclusion that it had been proved to my satisfaction that the boxes *were* legitimate votes which had arrived at the Elections Office before the close of poll and that their contents had been rightly processed, although I felt that Ms Homer and Mr Owen were wrong not to conduct a proper enquiry (however inconvenient it might have been) and that the candidates who objected to the boxes were treated with a lack of proper consideration.

83. I thus held that the Returning Officer had not been in breach of electoral law in relation to the three boxes.

The Aston count and the Nickleby's bag

84. At the Aston count a plastic shopping bag from Nickleby's (the men's outfitter) was discovered. It contained about 300 postal ballot envelopes and an unexplained wad of ballot papers for the European Parliamentary election which had also taken place on 10th June 2004.

85. My conclusion was that, even at trial, the provenance of the Nickleby's bag had not been established to my satisfaction. No enquiries as to the bag had taken place at the count and the Elections Office staff, in particular Mrs Alison Harding, the Deputy Returning Officer, had behaved in a very high-handed way. The votes in the Nickleby's bag were processed and the

votes counted. The Liberal Democrats who had protested to Mrs Harding, to the Chief Legal Officer (Mr Mirza Ahmad) and to Mr Owen were told in effect that if they didn't like it, they could always bring an election Petition. This was not a satisfactory response.

86. I therefore held that the Returning Officer was wrong to accept the votes in the Nickleby's bag. They should have been rejected and were improperly admitted into the poll.

87. On balance however I did not feel that the improper admission of the Nickleby's bag, even combined with the other breaches of electoral law, rendered the conduct of the election not substantially in accordance with electoral law. As the number of votes in the Nickleby's bag was certainly less than the difference between the winners and the losers in the poll, with some hesitation I had to conclude that the Petitioners had not proved that this breach of the law had affected the result.

Conclusions with regard to the Returning Officer

88. I was thus obliged to dismiss the case against the Returning Officer in both Petitions.

89. That said, I consider that the Petitioners in both Petitions had legitimate grounds for complaint (indeed I have upheld the complaint about the Nickleby's bag). I also consider that the wholesale disregard of the electoral rules by the Elections Office made some sort of challenge inevitable.

The wider picture

90. Having examined the evidence called in the two Petitions and the pattern of postal voting in the Birmingham electoral area in June 2004, I was forced to conclude that Bordesley Green and Aston were not isolated incidents but were part of a Birmingham-wide campaign by the Labour Party to try, by the use of bogus postal votes, to counter the adverse effect of the Iraq war on its electoral fortunes.

91. I must stress that there was no evidence before me to show that the frauds of the Labour Party in Birmingham were known to or approved by the national Labour Party.

CONCLUSIONS

92. My conclusions are as follows:

(a) The election for the Bordesley Green Ward on 10th June 2004 was avoided by corrupt and illegal practices on the part of the three Labour Party Respondents

(i) Mr Shah Jahan

(ii) Mr Shafaq Ahmed

(iii) Mr Ayaz Khan.

(b) The election for the Bordesley Green Ward on 10th June 2004 was also avoided for general corruption within section 164 of the Representation of the People Act 1983 in that corrupt and illegal practices for the purpose of promoting or procuring the election of the three said Labour Party

Respondents have so extensively prevailed that they may reasonably be supposed to have affected the result of such election.

- (c) The election of each of the three said Labour Party Respondents for the Ward of Bordesley Green shall be void under sections 159(1) and 164(1)(a) of the said Act.**

- (d) Each of the three said Labour Party Respondents shall be incapable of being elected to fill any of the vacancies for the Ward of Bordesley Green under section 164(1)(b) of the said Act.**

- (e) The election for the Aston Ward on 10th June 2004 was avoided by corrupt and illegal practices on the part of the three Labour Party Respondents**
 - (i) Mr Mohammed Nazrul Islam**
 - (ii) Mr Muhammed Afzal**
 - (iii) Mr Mohammed Amin Kazi.**

- (f) The election for the Aston Ward on 10th June 2004 was also avoided for general corruption within section 164 of the Representation of the People Act 1983 in that corrupt and illegal practices for the purpose of promoting or procuring the election of the three said Labour Party Respondents have so**

extensively prevailed that they may reasonably be supposed to have affected the result of such election.

- (g) The election of each of the three said Labour Party Respondents for the Ward of Aston shall be void under sections 159(1) and 164(1)(a) of the said Act.**
- (h) Each of the three said Labour Party Respondents shall be incapable of being elected to fill any of the vacancies for the Ward of Aston under section 164(1)(b) of the said Act.**
- (i) The claims of the Petitioners in the Bordesley Green Petition against the Returning Officer have not been made out to the standard required by section 48(1) of the said Act and are dismissed.**
- (j) The claims of the Petitioners in the Aston Petition against the Returning Officer have not been made out to the standard required by section 48(1) of the said Act and are dismissed.**
- (k) There is reason to believe that corrupt practices have extensively prevailed at the elections of 10th June 2004 throughout the area of Birmingham City Council.**

93. My conclusions will be embodied in the certificate of the court and will be the subject of my report to the High Court under sections 145, 158 and 160 of the Act of 1983.

Afterword

94. In the course of preparing my judgment, my attention was drawn to what I am told is an official Government statement about postal voting which I hope I quote correctly:

There are no proposals to change the rules governing election procedures for the next election, including those for postal voting. The systems already in place to deal with the allegations of electoral fraud are clearly working.

95. 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. To assert that "The systems already in place to deal with the allegations of electoral fraud are clearly working" indicates a state not simply of complacency but of denial.

96. The systems to deal with fraud are not working well. They are not working badly. The fact is that there are *no* systems to deal realistically with fraud and there never have been. Until there are, fraud will continue unabated.