

Britain: Legal challenges likely after thousands turned away from polls

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Britain's May 6 general election witnessed extraordinary scenes of people being turned away from polling stations and denied the right to vote.

Legal action is being considered by individuals and groups that could even lead to the overturn of the results in some constituencies. The Electoral Commission has launched a review of what took place, and aims to publish an interim report next week and a full report in July.

David Monks, the leader of Britain's 400 returning officers who preside over elections, publicly urged those unable to vote to seek a rerun of the ballot. He cited those turned away from 20 polling stations; eight of the constituencies involved had recorded majorities of fewer than 6,000.

These results were narrow enough to be contested. They include seats with two Conservative gains, five that are Labour-held and one held by the Liberal Democrats. In Oldham East and Saddleworth, the Lib-Dem candidate lost to Labour by just 103 votes. In Sheffield Central, the Liberal Democrat candidate lost to Labour by just 165 votes.

Candidates and voters have 21 days to mount a legal challenge to a ballot result. They must serve an election petition in the High Court, which requires a payment of £5,000, returnable only if a challenge succeeds. This is prohibitive for most individuals, but Liberty is considering mounting a group action on behalf of disenfranchised voters. Liberty head Shami Chakrabarti said the challenge would be based on breaches of human rights, rather than electoral law.

In addition, human rights lawyer Geoffrey Robertson QC has said that people denied the right to vote could sue for compensation, for "at least £750", citing the European Convention.

In both East London's Hackney South and Shoreditch

voters were turned back. In Hackney North and Stoke Newington some people in the constituency were told they could not vote because they had not taken their polling card with them to the polling station. They are not obliged to do so, and this is a breach of election law. Voters staged a sit-in when the polls closed. The council estimated that 270 voters were turned away at four polling stations in the south of the borough, including a Conservative council candidate.

In Lewisham, police were called to curb protests by about 300 people who had not voted. Two polling stations remained open after 10 p.m. to allow voters to cast their ballots, with a council spokesman insisting they had been issued with ballot papers before the deadline. Islington council said 36 voters were turned away from a polling station after chaotic scenes and long queues in Highbury.

In Manchester, 150 voters were turned away from a polling station in Withington. In the Ladybarn area, voters reported 200-strong lines and people queuing for up two hours before some were turned away because the polls had closed.

In Liverpool Wavertree 200 people were turned away when their polling station ran out of ballot papers.

In Chester, more than 600 people were unable to vote because the electoral list had not been updated. Labour won on a majority of just 549.

In two polling stations in Newcastle, voters were ushered into the building before the doors were shut.

In Sheffield Hallam, Liberal Democrat leader Nick Clegg's constituency, several hundred people could not vote even after queuing for hours. In an extraordinary development, students were told to wait until "permanent residents" had voted, and many never got the chance.

Students tried to prevent ballot boxes being taken to the count after up to 500 voters were turned away. One pregnant woman queued for three hours to find the doors closed on her. Voters with unused polling cards went to Clegg's house to complain, with one woman stating, "It has been inadequately manned, there was hardly anyone there".

Hundreds were also left queuing due to "administrative problems" at the nearby Ranmoor polling station. Police were called, and one woman was threatened with arrest when she tried to stop a ballot box leaving.

As soon as the incidents became known the excuses began.

First, there came the hard-line declarations that the law dictates the deadline of 10:00 p.m. and no one had any choice in the matter.

Then it transpired that in Lewisham, sensibly, ballot papers were handed out to people in the queue before the deadline when the scale of the problem became clear. Legally, anyone who has already been issued with their ballot papers by 10:00 p.m. is allowed to vote, no matter how long afterwards this takes place. In Newcastle, 450 people at two polling stations were taken inside and allowed to vote after the deadline had passed.

Next came the claim that the poll was so much larger than expected that the machinery could not cope. In fact, aside from a few selected constituencies such as Clegg's seat in Hallam, the vote increase was only 3.5 percent higher than 2005. Standing at 65 percent, this was nowhere near the 70 percent figures recorded in the past. To this end, the excuse was modified to blame a "late surge" in voting.

As the full implications of what had happened became clear, there came the recriminations, accusations and counter-accusations.

Monks, who is the election representative for the Society of Local Authority Chief Executives, targeted Jenny Watson, head of the Electoral Commission, for blame, stating that she "lacked a grasp of reality" when it came to the running of general elections.

Watson is naturally a favoured villain in the Conservative press because of her close ties with the higher echelons of the Labour Party and its own privileged supporters. She was campaign manager at Charter 88, a pressure group advocating constitutional and electoral reform and she is the partner of Andrew Puddephatt, the former general-secretary

of Liberty. Her reputation as a democratic reformer has made her politically useful. She is paid £100,000 a year for a three-day week in her present position and another £28,000 for sitting on two other quangos.

Watson herself had earlier blamed an absence of staff for the poll-night chaos. And in this at least there is a grain of truth. John Turner, chief executive of the Association of Electoral Administrators, also said that cost-cutting in local government may have contributed to the problems. In addition, one council worker reportedly admitted that cost-cutting measures had included printing ballot papers for just 80 percent of voters, reducing staffing levels and having fewer polling stations.

There is, however, another factor at work here.

What appears to be the result of incompetence and overstretch during the evening of May 6 is only the end product of a deep contempt towards democratic norms within ruling circles. Indeed that is the only explanation for why the cuts cited by Turner would ever have been made.

Such an appraisal is reinforced by the statements from some officials involved that reek of arrogance and hostility towards working class voters.

Presiding officers in Sheffield, for example, blamed people turning up to vote without their polling cards, while one denounced the "absolute laziness" of the electorate for not joining queues earlier in the day.

For the powers-that-be, it has long been a matter of indifference that workers are given one day to vote (a Thursday since 1935, for no good reason), giving them even less time to attend a polling station than the more normal Sunday voting throughout most of Europe. This time, things were "made worse" because of the gravity of the issues facing millions—above all, the onset of recession and the brutal austerity measures and cuts now on the agenda. This provoked additional numbers to exercise (or attempt to exercise) their constitutional rights and go out and vote, whatever their distaste for what was being offered.



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