



## **THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)**

### **Response to the House of Commons Public Bill Committee of the House of Commons call for evidence to support their scrutiny of the Representation of the People Bill**

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## Background

1. A Public Bill Committee has been appointed by the House of Commons to scrutinise the Representation of the People Bill which was introduced to Parliament on 12 February 2026. The Bill passed its second reading on 2 March and is now in its Committee stage.
2. The Bill develops a number of recommendations that were made in the Government's report *Restoring Trust in our Democracy: our strategy for modern and secure elections*. Several of the recommendations in that report were responses to challenges experienced at the UK Parliamentary General Election in July 2024. Other elements of the Bill pick up Government commitments to act to improve voter registration, address voter ID rules, give 16- and 17-year-olds the right to vote in all elections, and to protect democracy by strengthening the rules around donations to political parties.
3. The Convener of the Electoral Management Board has been invited to give oral evidence to the Committee at their meeting on 17 March 2026. This written evidence is submitted by the Electoral Management Board for Scotland (EMB) to provide brief comment on a number of areas that are addressed in the Bill.
4. The EMB is grateful for the opportunity to make these comments to the Committee and will happily engage further on any of these topics as the consideration of the Bill continues.
5. The comments offered are generally brief and the Convener of the EMB will be happy to expand on them when he provides his evidence to the Committee. Not every topic in the Bill is covered in this response. The focus is on those areas where the Board has particular concerns with respect to implementation by the Returning Officers and Electoral Registration Officers that the Board represents. The development of and decisions on policy are for Parliament.
6. The context for this submission is the general objective of the Board: "to deliver a result that will be trusted as accurate." Confidence in the result is fundamental to the democratic process and is predicated on confidence in all stages of the process of planning and delivering an electoral event. Ultimately, the EMB's primary focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration.
7. A more immediate context for the comments offered in this paper is the EMB's Response to the Public Administration and Constitutional Affairs Committee of the House of Commons call for evidence to support their review of the 2024 UK Parliamentary General Election, which was submitted to that committee on 27 January 2025. That response is available on the Parliament website at [committees.parliament.uk/writtenevidence/135592/pdf/](https://committees.parliament.uk/writtenevidence/135592/pdf/). That response addressed some of the policy areas with which the current Bill is concerned and to which it is reacting.

## General Comments and Observations on the Bill

8. There are a range of major changes proposed in this Bill. Some of them make fundamental changes to the electoral process for UK elections. These need to be carefully considered as consequences across the whole of the electoral process from registration through polling, postal voting and the count are not always easy to trace.

9. A crucial principle well-articulated in the Gould report into the Scottish Parliament election in 2007 is that any changes to electoral legislation should be clear and in place at least six months before they are due to be implemented or complied with. Many of the changes proposed in the Bill will be specified in secondary legislation. This will need to be understood and in place ahead of the next UK Parliamentary General Election. The scale of change is significant and cannot be rushed. The UK's electoral community will need as much time as possible to plan for and implement the changes.

#### **Votes at 16**

10. The nature of the franchise is a policy matter for Parliament to determine. 16 and 17-year-olds can already vote in Scottish Parliament elections and local elections in Scotland. The extension of the franchise to these younger voters dates to 2014 when 16 and 17 year-olds were included in the franchise for Scotland's referendum on independence first, and shortly after for all Scottish elections.
11. The Bill proposes that in Scotland and Wales, electors under 18 who apply to register to vote in devolved polls will be automatically added to the UK Parliamentary register. They will not need to make a further application as long as the Electoral Registration Officer believes they are eligible.
12. Giving a consistent date for the age of attainment for all elections across the UK will offer a number of benefits. It should make basic rules about elections easier to understand for the voter and for candidates. Consistency between devolved and reserved polls will also make the delivery of elections simpler for electoral professionals.
13. However for these benefits to be realised there should be as much alignment as possible between the new UK rules and approach to extension of the franchise to these younger voters and that which has been applied developed and communicated successfully in Scotland since 2014. There are many lessons to be learned from the experience of Scotland and care should be taken to ensure the maximum possible alignment between UK and Scottish approaches rather than adding further unhelpful divergence.
14. Care will need to be exercised around ensuring that the differing available sources of data of 14 and 15 year olds within the nations are considered when designing any systems to support the registration process.
15. Consideration will also need to be given to the ID verification process that is required as part of the registration and absent vote application procedure and ensuring that any data sets that are required to be used are appropriate for young electors.

#### **Registration of Voters**

16. All elections are predicated on an accurate and complete register. Such registers are fundamental to democratic participation. In order to participate as voters individuals need to be correctly registered.

17. Currently, a person must make an application to be added to an electoral register. This can be done via a paper application or through the “Register to Vote” platform on GOV.UK. This allows for identity verification to be carried out and for an Electoral Registration Officer (ERO) to assess eligibility.
18. The Bill makes a range of proposals with respect to voter registration, but the most significant is a move towards Automated Voter Registration (AVR). AVR would add an eligible person to the electoral register without them making an application. It could also allow changes to an existing register entry without any application from the voter. The Bill outlines a high-level system for AVR including notification process.
19. This is a fundamental change to the process for electoral registration that has been in place in general terms since the Representation of the People Act 1918, with the last major change being the introduction of individual electoral registration in 2014. The administrative burden associated with that change was significant and while a useful measure against fraud, the success in terms of accuracy and completeness of the register are sometimes debated.
20. The recent experience of the introduction of Online Absent Vote Application (OAVA) has many lessons that the Government needs to consider in any change to registration, especially were there to be any divergence between the nations of the UK. The divergence between absent vote application in the reserved and devolved polls has created confusion for voters and a costly effort in achieving convergence.
21. AVR has many attractions, but the system would need to take account of concerns around accuracy and eligibility verification, privacy and data sharing concerns and overall administrative complexity. There would need to be extensive and responsive engagement with EROs and importantly with the relevant software suppliers.
22. As noted above divergence would be a particular challenge were the proposals limited to the reserved register. AVR would undoubtedly increase the overall electorate in any area. Were a devolved register to be compiled on the basis of applications then the discrepancies would be obvious effectively forcing the devolved register to adopt the same model.
23. A more complete register would not necessarily lead to greater engagement and participation in the democratic process. Actual voting levels may well remain consistent with lower turnout percentages a potential consequence which may undermine overall confidence in the system.
24. It should be noted that the recent pilots on AVR in Wales related to the Local Government Register only, given the different, arguably more restrictive franchise of the UK Parliamentary Register it is essential that suitable pilots are conducted that test the feasibility of AVR on that franchise particularly around nationality eligibility.
25. There are currently regulations that allow AVR pilots to take place on the Local Government Register in Scotland and it maybe desirable to run any such pilots in tandem with Uk Parliamentary pilots to allow the impact of the pilot to be assessed against both registers.
26. The provisions in the Bill around extending the validity of an anonymous registration from 1 year to 3 seem sound and sensible and in the electors interests.

27. The Bill proposes to change the edited register from an opt out register to an opt in register. The existence of the edited register has caused some confusion for electors in the past and care will need to be exercised in how the transition from an opt out to an opt in register is undertaken and how the preferences of existing electors are to be captured.

## **Conduct of Elections**

28. Part 3 of the Bill proposes several changes to how elections are conducted, including expanding the list of IDs accepted at polling stations to include bank cards, making changes to absent voting and candidate nomination processes, and changes intended to address candidate security at elections.

### *Resources for Returning Officers*

29. The Bill recognises the need for Returning Officers to have access to the resources required to deliver electoral events effectively. Legislation in Scotland explicitly requires local authorities to place staff at the disposal of the Returning Officer, the same is not explicitly cited for UK Parliamentary Elections in England and Wales. The EMB would support any measures that provide additional required resource for Returning Officers. The infrastructure for the delivery of elections is fragile, lacking in capacity and in many cases there is not adequate resilience or contingency possible.
30. The Bill proposes a requirement that the Returning Officer role be held by a sufficiently senior officer of the local authority, such as the Chief Executive or a statutory officer. This would help to ensure that the Returning Officer has the authority to mobilise wider council resources when issues arose and is less vulnerable to pressure from candidates and political parties. The EMB would support this proposal.

### *Expanding the list of accepted voter ID*

31. The EMB evidence to the PACAC committee referred to in the Background above remarked that Voter ID had not been an issue in the UKPGE in 2024.

*The EMB noted few issues with the requirement for photo ID for voters attending a polling station. The EMB had made significant preparation for this new requirement, with sessions at a special conference for the Scottish Returning Officers in October 2023 and organising teams from Scottish Councils to visit polls in May 2023 in England to observe and learn from colleagues south of the border.*

*Voter ID did not cause any significant issues, but as noted in the Electoral Commission report there were a few voters who were turned away for lack of suitable ID who did not return.*

32. The proposal to allow voters to show bank cards as a form of ID would not be supported by the EMB as it would offer a much less secure protocol than the current requirements, where voters need to show government issued photographic ID at polling stations for UK elections. That is a clear and understandable message to communicate to voters and to polling staff. Bank cards do not include a photograph, are not issued by Government and are inconsistent in the name that they include. Their use would make it very difficult for polling station staff to verify a person's identity. There is no common format, design or validation feature for bank cards so the process for checking identify becomes extremely challenging.

33. Indeed, allowing bank cards to be used as a form of non-photographic ID undermines the overall voter ID policy, making its implementation at polling difficult to achieve and challenging to communicate.
34. There are arguments for measures to be put in place to support voters who have a valid photographic ID even if not issued by a Government body, and these should be further explored, for example allowing other voters to vouch for someone's identity. Introducing a digital Voter Authority Certificate (VAC) as well as the current paper certificate, with greater promotion of the free VAC for people without access to another accepted form of photo ID is another option that preserves simple and robust photo ID. Allowing an ID that is impossible to verify photographically detracts from the rationale for voter ID and a return to the devolved approach where ID is on the basis of a voter's declaration would be simpler.

#### *Changes to the nominations process*

35. Under current rules, a candidate must complete a set of nomination papers and sign a declaration that the details they have provided are accurate. There is no requirement for a candidate to show ID as part of the nomination process although it is an offence to provide a false statement on nomination papers.
36. At the UKPGE in 2024 there were reports of alleged fake or sham candidates and multiple candidates of the same name.
37. The Bill proposes changes to the nominations process including a requirement that the nomination paper be accompanied by prescribed documents providing evidence of the candidate's identity and a new statutory declaration form that the candidate has not provided false information on their nomination.
38. In the view of the EMB a statutory declaration form that the candidate has not provided false information is unnecessary. That declaration is already made when the candidate signs the nomination paper. A second declaration would likely have little impact.
39. The EMB is not supportive of the requirement for candidates to provide proof of their identity. This would not be a mere administrative modification of process, but a fundamental shift in the basis on which elections are administered by the Returning Officer.
40. It is a basic principle that the Returning Officer takes the information on the Nomination paper at face value. The candidate signs to declare that the particulars provided are correct. The Returning Officer does not have the time or resources to verify that those particulars are correct. The Returning Officer determines the validity of a nomination paper on the basis of its completeness; the Returning Officer cannot be responsible for determining whether the information provided is actually true.
41. To require the Returning Officer to determine the accuracy of information provided is a fundamental change in the responsibility of the role.
42. Practically it would also require the presence of the candidate at the submission of nomination papers. Currently it is rare for a candidate to attend.

### *Timing of proceedings for nominations*

43. The Bill proposes changing the candidate nomination deadline from 16:00 to 12:00 on the final day of nominations. The EMB would support this change for practical reasons. It allows ballot paper proofing to take place earlier and postal votes to be dispatched sooner, both in the interest of the voter.

### *Registration Deadline*

44. The Bill proposes to change the deadline for receipt of applications from midnight on day 12 before the poll to 5pm on the 12<sup>th</sup> day before the poll. This is a welcome change that will allow a consistency of messaging to electors where many other deadlines are also 5pm such as the postal and proxy voting deadlines. It also removes any expectation that an ERO will be able to resource any enquiries close to a midnight deadline.

### *Postal Voting*

45. The Bill proposes changes to the absent voting system with the intention of improving flexibility and resilience. There are proposals to move the postal vote application deadline three days earlier. The EMB evidence to PACAC rehearsed the various issues that impacted on the problems with postal voting in 2024. They were due to a short notice election being called in the Scottish school holidays within an already tight timetable. The fundamental problem identified was that the UK timetable is too short with the deadline for nominations being too close to polling day.
46. The ideal solution would be to lengthen the timetable to that used for devolved elections in Scotland where there is a longer period for the production of postal votes and thus less pressure on printers. In the absence of that change, an earlier deadline for postal vote applications will help increasing the timeframe to process, print, deliver, and for electors to return, postal votes. However it is the nomination deadline that is the real issue.

## **Campaigns and Political Expenditure**

47. The EMB has no involvement in campaigns or the control of political expenditure. The only comment that would be offered would be to seek an amendment that election spending returns should be submitted to the Electoral Commission rather than to the local Returning Officer. The Returning Officer has no remit to verify or control spending, such rules are promoted and communicated by the Electoral Commission. Spending Returns could be submitted electronically direct to the Electoral Commission rather than via the Returning Officer, and then made available electronically for inspection.

## **Abuse and Harassment**

48. There has been a worrying rise in the abuse and intimidation of candidates in recent years. This in itself is unhealthy for the democratic process but there have been incidences across the UK of intimidation of electoral staff at polling, the count and in the process of registration.
49. The Bill proposes adding a statutory aggravating factor in sentencing for certain election-related offences where they are motivated by hostility and extends disqualification orders to include offences against electoral staff.

50. Extending this protection to electoral staff is welcomed by the EMB as an important step to combat abuse and harassment. Polling staff in particular are vulnerable and often isolated from supervision and support. Any intimidation of candidates, campaigners or people working to run elections undermines our democracy. Unacceptable behaviour must be called out and cannot be tolerated.

### **The Electoral Management Board for Scotland (EMB)**

51. The Electoral Management Board for Scotland (EMB) was established by the Local Electoral Administration (Scotland) Act 2011. This Act gave the Board “the general function of co-ordinating the administration of local government elections in Scotland.” The Scottish Elections (Reform) Act 2020 extended the remit of the Board to cover elections to the Scottish Parliament.
52. The Scottish Elections (Representation and Reform) Bill which was passed without opposition in the Scottish Parliament on 17 December 2024. With effect from 1 April 2026 this will establish the Electoral Management Board for Scotland as a body corporate which will report to and be funded by the Scottish Parliament Corporate Body.
53. The EMB is independent of both Scottish and UK Governments and political parties and is accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers, their Deputies and Electoral Registration Officers.
54. Advisors include the professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.
55. The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration. The work of the EMB assumes the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections as required, and this power has been exercised in recent elections with the consent and wish of the electoral community.
56. The EMB has assisted in the coordination of the work of ROs and EROs in the delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections and UK and Scottish Referendums. Where the Convener does not have a legal power of direction the Board has made recommendations to achieve consistency and support adequate contingency planning across the country. Since its creation, the EMB has had an increasingly important role in promoting a consistent delivery approach, acting as a single point of contact for stakeholders and providing a source of professional expertise and support to the electoral community.

## **The EMB's role with respect to UK Parliamentary Elections**

57. The EMB welcomes the opportunity to provide evidence to the Committee to support its scrutiny of this Bill. While the EMB has no statutory function with respect to reserved elections its position in the electoral infrastructure of Scotland is such that it has an informal role in the oversight of UK elections. The EMB works to coordinate the work of ROs and EROs across Scotland making recommendations such that there is consistency in key voter facing elements of the election.

## **The EMB's Role, Objective, Principles and Approach**

58. The EMB's "general function of co-ordinating the administration of local government and Scottish Parliament elections" involves two specific roles:

- (a) assisting local authorities and other persons in carrying out their functions in relation to local government elections; and
- (b) promoting best practice in local government elections by providing information, advice or training (or otherwise).

59. The over-riding goal is to ensure that the interests of the voter are kept at the centre of all election planning, delivery and administration.

60. With respect to specific electoral events this function translates into a single clear objective: "...to deliver a result that will be trusted as accurate." The currency of elections is trust. Confidence in the result is fundamental to the democratic process and is predicated on confidence in all stages of the process of planning and delivering an electoral event.

61. The EMB shapes its work around four key principles:

- Accessibility - there should be no barriers to any voter taking part;
- Consistency - voters should have the same experience wherever they are in Scotland;
- Efficiency - electoral events will be administered efficiently; and
- Integrity - electoral events will produce results that are accepted as accurate.

62. The Board has the privilege of supporting a close and mutually supportive community of electoral professionals in Scotland. The preferred approach is always to operate through a progression of consensus where possible, guidance where helpful and direction if necessary.