The Electoral Commission

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Jenni Minto MSP
Convener
Standards, Procedures and Public Appointments Committee
Scottish Parliament
By email: sppa.committee@parliament.scot

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Dear Convener,

Electoral Commission views on the open register

Thank you for inviting the Electoral Commission to submit evidence as part of your scrutiny of the Scottish Government's legislative consent for the Representation of the People Bill. I hope you found the submission of our written and oral evidence helpful.

During the session, we committed to follow-up with further information on the Commission's views regarding the open register, following questions from Patricia Gibson MSP.

There are two versions of the electoral register. The full version includes the name and address of everyone who is registered to vote, except those who register to vote anonymously. Candidates, registered political parties and other registered campaigners are allowed to have copies of the full electoral register, which they can use for campaigning activities, including sending election communications to voters.

The open register is an extract of the full electoral register. This version is available to anyone who wants to buy it, such as businesses or charities.

Currently, people’s names and addresses are included on the open register unless they opt out when applying to register to vote. The open register is the version of the electoral register that is available to anyone who wants to buy a copy.

Clause 38 of the Representation of the People Bill switches the default for the open register so that people in future will be asked if they want to opt in, rather than opt out, of the open register. This will apply to electors and forms of registration for reserved elections, including new forms of registration, such as automatic registration. People under 16 years old and anonymous electors must not be asked if they want to be on the open register. The changes around the open register in the Representation of the People Bill will only apply to reserved elections.

We believe this change will reduce the risks to some voters’ safety by being included (by default) on the open register and removes a barrier for those that may not want their

details to be accessible. We support this change and have long called for the open register to be abolished.

In Wales, the open register has been abolished for devolved elections, which took effect from 1 October 2026. The position in Wales is now a UK Parliamentary opt-in to the open register, and for Senedd and Welsh local elections, no open register at all.

In Scotland, if consent is not given to clause 38, this could leave scope for different rules governing the open register for reserved and devolved elections. There could be confusion for voters having to opt-in to one register, but opt-out of another, and this would be a very complicated message for stakeholders to communicate to voters.

If you have any further questions, please contact Morton Dunlop at mdunlop@electoralcommission.org.uk.

Yours sincerely,
Jackie Killeen
Director of Electoral Administration and Regulation