

Electoral Commission response to the Scottish Parliament Standards, Procedures and Public Appointments Committee - Scottish Government Legislative Consent Memorandums on the Representation of the People Bill

October 2026

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We promote public confidence in the democratic process and ensure its integrity, and we support participation in elections through our public awareness and democratic education work. A key part of our role is to advise the UK's Parliaments on legislation relating to elections and the regulation of political finance.

We thank the Standards, Procedures and Public Appointments Committee for this opportunity to provide our views on the UK Government's Representation of the People Bill (the Bill) and the Scottish Government's position on legislative consent, as set out in their initial Legislative Consent Memorandum (LCM) of 27 February 2026, and three supplementary LCMs dated 24 June 2026, 21 August 2026 and 10 September 2026.

This written evidence sets out our overarching position on the Bill and the LCMs. We understand there will be a further LCM, in which the Scottish Government will make their recommendations in relation to Parts 4 and 5 of the Bill. We have also set out our views in relation to these Parts. We look forward to meeting with the Committee on 29 October to discuss these matters further.

We have regularly engaged with the UK Government lead department on the Bill, the Ministry of Housing, Communities and Local Government, during the development of the Bill, and have also had positive engagement with Scottish Government. We will continue to engage with Parliaments and governments across the UK as the Bill progresses. Once the Bill has passed into law, we will work with voters, electoral administrators, political parties and campaigners to ensure everyone involved in elections understands and is prepared for the changes as they come into effect.

Our position on the Representation of the People Bill

The Representation of the People Bill has the potential to significantly improve the electoral system for voters, parties, campaigners and administrators. Changes to voter

registration and political finance rules will bring particular benefits. These reforms should strengthen the resilience and integrity of our electoral system, tackle many of the threats it faces and improve how elections work for those who participate. We also broadly welcome the efforts made to strengthen the Bill during its passage, particularly in response to the recommendations made by Philip Rycroft in his independent review into countering foreign financial influence and interference in UK politics.

We have published a series of briefings, setting out our position on individual clauses in greater detail, which are [available via our website](#). These are regularly updated as the Bill makes its way through the UK Parliament.

The Bill has evolved significantly since its introduction, including substantial new measures on political finance and enforcement following the Rycroft Review. The timetable for implementation is already very tight. As a regulator, our priority is to support stakeholders to understand and comply with the new requirements. This means setting out a coherent and appropriately paced implementation pathway that enables the Commission to provide effective support to stakeholders, for example through guidance and engagement, to adjust to significant change.

Any delays to implementation will delay the policy objectives of the Bill being realised. However, to ensure that the benefits of reform can be achieved, it is vital that the Bill's positive changes are given sufficient time for proper implementation. This is in order that candidates, parties and campaigners can prepare to comply with the changes, administrators have time to implement them, and we can carry out the important work of telling voters what is changing.

We have highlighted to the UK Government that any further major policy changes to the Bill at this stage would make it even more difficult to implement changes of this scale effectively in time for the next UK Parliament general election. On political finance reform specifically, we have also highlighted that remaining uncertainty on significant policy areas and outstanding workability concerns impact on the Commission's ability to progress implementation work.

Similarly, clarity on whether and when legislative alignment will be in place in Scotland and Wales is equally important to enable the Commission and the electoral communities in Scotland and Wales to be able to prepare accordingly.

Position on the Scottish Government Legislative Consent Memorandums

Where it can be achieved in this Bill, the Electoral Commission considers that alignment would strengthen the electoral system and best serve all those who engage with it. Where alignment cannot be achieved in this Bill, we note parallel legislation would be necessary to create a consistent regulatory system.

Part 1

We note that certain of the provisions of Part 1 (Young Voters) remain under discussion between the UK Government and Scottish Government as to whether legislative consent is required. We urge both Governments to provide clarity on the outcome of these discussions at the earliest opportunity.

Parts 2 and 3

The Scottish Government has recommended consent on relevant provisions in Parts 2 (Registration of Voters) and 3 (Conduct of Elections) of the Bill. These Parts introduce changes to enable automated or direct registration, and changes to the absent voting and candidate nomination processes respectively.

We agree with the Scottish Government that consent will support clarity for voters and avoid confusion and workability issues arising from different approaches to absent voting and registration.

Part 4

Part 4 of the Bill introduces significant reforms to the political finance system. The Commission has recommended some of these changes since 2013 to strengthen the system, particularly from foreign interference.

We note that the interaction between the law on political finance and the devolution settlements is particularly complex. While the majority of political finance legislation is reserved, a number of the significant reforms in Part 4 require legislative consent if they are to have consistent application across the UK and across devolved and reserved elections: notably the enhanced “know your donor” framework; changes to unincorporated associations making political contributions; ban on crypto asset donations and the cap on donations from overseas contributors. Further reforms, such as those that clarify the forfeiture process; move the leave to pay process to the Commission; prevent under 16’s from making donations to regulated entities; and consolidate the digital imprints regime will also require legislative consent if consistency is to be achieved.

We recognise that in so far as these provisions require legislative consent; in their application to Scottish local government election campaigns, PPERA-regulated referendums held in Scotland, donations to Scottish councillors, MSPs, recognised third parties and candidates at both local government elections and Scottish Parliament elections, the Scottish Government is discussing them with the UK Government before making its final recommendation on legislative consent. We also note that as some of these significant reforms have been introduced into the Bill after introduction, that process is ongoing.

Our position is that, given the complexity of electoral law, consistency in the political finance regimes across devolved and reserved elections in the UK is critical to ensure a robust and secure system. This will also ensure that candidates, parties and campaigners can understand and comply with the rules, and that they do not face undue barriers to participation.

Consistency is particularly important in the following areas:

Donation Controls

Part 4 of the Bill includes several measures to strengthen donation controls, including controls associated with:

- a ban on cryptoasset donations,
- a cap on donations from overseas donors,

- a new minimum age for making donations,
- “know your donor” risk assessments,
- and new controls on company donations,

As a package, these controls will strengthen the political finance regime and are intended to ensure impermissible funds cannot influence the UK’s political sphere. A lack of legislative alignment would not only introduce complex divergent donation control regimes but would also create potential points of weakness allowing these funds to enter the system. This would undermine the core objective of strengthening the UK’s political finance system as a whole.

Conversely, a lack of alignment on donation controls across devolved and reserved elections could make it unnecessarily difficult for candidates, parties and non-party campaigners to understand and comply with the rules at different sets of elections, creating an undue burden that could increase barriers to political participation and the risk of inadvertent non-compliance.

Part 5

Part 5 of the Bill introduces reforms to strengthen the enforcement of the UK’s political finance laws.

Consistency in regulation is essential to ensuring those we regulate are treated fairly, and to maintaining public confidence in the political finance system. To support effective compliance, as a regulator we must ensure that those we regulate have a clear understanding of what is expected of them and that our enforcement decisions are consistent, fair, proportionate and transparent. For voters, consistent and fair regulation promotes confidence in the rules, supporting trust in democracy.

To provide consistency in the Commission’s enforcement remit and maintain consistent regulatory powers across the UK at both devolved and reserved elections, legislative consent is required to apply the extension of our powers to local government elections and Scottish Parliamentary elections; and to decriminalise offences that apply during those devolved regulated periods and any devolved PPERA-regulated referendum.

We consider that consistency in both our enforcement remit and our regulatory powers is critical to support a secure and fair regulatory environment. Consistent regulatory responsibilities and equal powers to deal with offences will ensure we are able to deal with offences at both devolved and reserved elections in a proportionate and consistent way.

In particular, we consider consistency in the following areas key to our effective enforcement:

Maximum Civil Penalties

- The Bill would provide the Commission with an increased maximum fine power for political finance offences. Our current maximum civil fine of £20,000 was last updated in 2009 and does not reflect the scale of donations and spending in modern campaigning. Total spending at the 2024 UK general election reached a record high of £94.5M (£68.6M - political parties, £23.4M – candidates, £2.6M – non-party campaigners). Increasing the maximum civil fine for political finance offences to £500,000, in line with the fine for offences at Scottish referendums, would support a

more proportionate and effective sanctions regime that would better deter non-compliance.

- Legislative consent to provide a consistent maximum civil penalty across all offences within our civil sanctions framework is crucial to ensure that the Commission can carry out its statutory enforcement role in a way that is consistent, proportionate, and fair.

The Extension of the Electoral Commission's Remit

- Currently, the police and prosecuting authorities are responsible for investigating and prosecuting alleged political finance offences by candidates. The Bill would transfer responsibility for investigating and enforcing certain political finance offences relating to candidates and local third-party campaigners to the Electoral Commission. Those offences would be subject to civil (for example, a fine or an enforcement undertaking) rather than criminal sanctions. Criminal prosecution would be reserved for the most serious cases.
- Consistency in the prosecution and enforcement of offences is crucial to maintain a fair enforcement regime, protect the integrity of the electoral system and ensure public trust and confidence in the regulation of political finance.

The Future of Electoral Law

The Scottish Government LCMs rightly highlight the complexity of electoral law in the UK. While the Bill will bring improvements to the UK's electoral system, it will also add another layer to an already multi-layered legal framework.

Electoral law is part of our critical national infrastructure. It is also fragmented, outdated and increasingly complex, spread across at least 25 major statutes and is the responsibility of three legislatures. The resulting statute book is inaccessible and difficult to navigate for voters, candidates, campaigners and electoral administrators.

Consolidation of electoral law is essential to electoral integrity and security, accessibility, resilience and public confidence — not just a legal tidying exercise. It would strengthen the system and help protect it against all those who would look to exploit loopholes in the law.

We acknowledge this is a significant undertaking, which would take sustained commitment from governments and Parliaments across the UK but the Electoral Commission believes that the consolidation process must be started to ensure the fundamentals of our electoral system are fit for the future.