Thank you for your letter of 21 June.

Perhaps it would be helpful if I set out a little more context to the Scottish Government’s position on this issue. As I said in my letter of 12 June, the Scottish Government’s general approach to this Bill and the policy underpinning it has been to replicate current registration practice for the purposes of the Register of Young Voters as far as possible, while balancing that with the need to treat data on those young people sensitively, and recognising that they might have particular needs. That is an important principle, as the efficacy of the registration process will play a large part in ensuring that the referendum is, and is seen to be, run to the highest standards of fairness and transparency.

Paragraphs 23 to 26 of the policy memorandum which accompanied the Bill as introduced, and which dealt with the registration of vulnerable young people, recognised this approach. It acknowledged that, despite the specific restrictions on access to the Register and the data contained in it, there would still be circumstances in which, to ensure utmost security, a young person should be able to register without disclosing their current address. The examples given were of young people living with foster carers, or young people without fixed addresses. That section also made it clear that some young people might be able to register completely anonymously, but that they would need to provide evidence that there was a good reason for allowing anonymity.

As you know, the Scottish Government brought forward amendments for consideration at Stage 2 to clarify the purpose of the provision set out in section 7 of the Bill by setting out which young people would be entitled to use an additional ground for making a declaration of local connection. The aim of those amendments was to address our concern that the original provision could be open to misuse by individuals living outside of Scotland, who were not vulnerable and who were not Scottish-resident, while making sure that young people with a connection to Scotland and who were vulnerable would still be able to register by making such a declaration.

The declaration of local connection is likely mainly to be used by young people living at one Scottish address who wish to register using a different Scottish address, but there may be occasions where the current address is not in Scotland. However, the provision cannot be available to all young people, regardless of their personal circumstances, because of the potential misuse. I am not prepared therefore to reverse the amendments made to the Bill at Stage 2. Neither would it be practical to reverse the amendments and simply add an ‘ordinary residence’ qualification or impose an arbitrary time limit. An ‘ordinary residence’ qualification may disenfranchise some vulnerable young people, while a time limit runs that risk while also opening up some potential for misuse as just described.

As you say in your letter, we share the same aim: to ensure that the largest number of young people possible register to vote in the referendum and that they are able to do that safely. We have taken great care in developing our proposals to ensure that the registration processes are robust and appropriate. In order to do that, we have listened to and taken onboard external expert advice in relation to both electoral issues and child protection issues, and will continue to do so, including from yourself. You mention in your letter the Scotland Office’s plans to extend by Order the range of Scottish court orders which would entitle an individual to apply to register anonymously. I understand that this Order will be laid
before the UK Parliament shortly, and that the provisions are likely to come into force before the end of this year. I can confirm that the Scottish Government will seek to apply these updated arrangements to the Register of Young Voters, either through an Order under the Scottish Independence Referendum (Franchise) Act (if passed by the Scottish Parliament), or through the main Scottish Independence Referendum Bill. Any extension to the list of orders will require very careful consideration, including with Electoral Registration Officers. The Scottish Government will consider this issue further.

As I set out in my letter of 20 June, the Scottish Government has tabled an amendment to the back of the Young Voter Registration Form to make it clear that other registration options may be available to young people if they are concerned that inclusion on the Register of Young Voters could affect their personal safety, or they do not wish to register using their current address. The text of the amendment directs individuals to discuss the possible options with their Electoral Registration Officer.

As regards your other concerns about the operation of the anonymous registration process, as you point out the arguments you put forward apply to adults as much as they apply to younger people. The Scottish Government will consider these further, but will have to give extremely careful consideration as to whether any changes going beyond those already planned by the UK Government would be appropriate, both in terms of the integrity of the registration system and from the risk that differences in requirements between particular registers may cause confusion and unintended difficulties.

I am sending a copy of this letter to the Scottish Parliament’s Referendum Bill Committee.

25 June 2013