



Annual report 2009



Contents

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Foreword

With this annual report of the Electoral Council for the year 2009, the Electoral Council renders account for its work over the past year and also provides information about its work to a broader public.

On 4 June 2009, elections were held in the Netherlands of the Dutch members of the European Parliament. During these elections, which are held once every five years, the use of the red pencil was re-introduced all across the Netherlands. This was connected to the State Secretary for the Interior and Kingdom Relations withdrawing the approval of the use of voting machines. It was also no longer possible to vote from abroad through the internet.

The official results for the Netherlands of the European Parliamentary elections were published by the Electoral Council, in its capacity of central electoral committee, after other European countries had made their way to the polling station as well. This was one week after the elections, on Thursday 11 June.

In order to calculate the election results, municipalities, principal electoral committees and the central electoral committee used software that was developed by the Electoral Council. This software provides back-up for both candidate nominations and the calculation and determination of the election results.

In 2009, the Electoral Council issued a total of ten advices. The only unsolicited advice the Electoral Council issued in 2009 related to an evaluation by the Electoral Council of the course of the elections of the Dutch members of the European Parliament.

Furthermore, the Electoral Council issued two advices this year at the request of the State Secretary for Transport, Public Works and Water Management. These advices related to the Water Boards Act or the Water Boards Decree.

These advices addressed a wide variety of issues. For example, an advice was issued on the allocation of an additional seat to the Netherlands in the European Parliament, another advice on an amendment to the Elections Decree with regard to the introduction of the system of voting with a voting pass, and an advice on the number of amendments to the Elections Act with regard to the elections of the members of the Senate. And, for example, an advice relating to the new constitutional status of the islands of Bonaire, Sint Eustatius and Saba. Chapter 5 discusses the outcome of these advices.

On 30 November and 1 December, the Electoral Council, together with the Ministry of the Interior and Kingdom Relations, organised the 6th "Electoral Management Bodies" conference (EMB-conference). This was done at the request of the Council of Europe, particularly the "Venice Commission". Themes discussed at this conference included informing the voters on elections, increasing electoral participation and withdrawing the right to vote.

This annual report describes the activities undertaken by the Electoral Council in the broad field of elections and electoral law over the past year. A field that receives increasing attention from voters and the media; it is also a field undergoing constant change. Informing interested parties is a core task of the Electoral Council. This way, the electoral process remains clear and transparency is an important condition to safeguard confidence in elections.

H.R.B.M. Kummeling,
Chairman

1 Introduction

This Annual Report outlines the main issues of 2009. It makes no consistent division between the work the Electoral Council does as an advisory body and the work it does as a central electoral committee, because both activities overlap.

In accordance with Section 28 of the Advisory Bodies Framework Act, this Electoral Council Annual Report for 2008 has been presented to the outgoing Minister of the Interior and Kingdom Relations, dr. E.M.H. Hirsch Ballin. In connection with her responsibility for electoral law and elections, Ms A.Th.B. Bijleveld-Schouten, MSc, State Secretary of the Interior and Kingdom Relations, has been presented this annual report as well. Furthermore, the annual report was presented to the chairmen of the Senate and the House of Representatives.

2 Duties and composition

Section A1 of the Elections Act regulates the composition of the Electoral Council. Section A2 of the Elections Act lays down the duties and composition of the Council:

- It is the duty of the Electoral Council to advise the government and both houses of the States General
- about matters of implementation relating to electoral law or elections.
- The Electoral Council also acts as a central electoral committee in the instances prescribed by law.
- The Electoral Council is formed of seven members.

Aside from its statutory duties as an advisory body and central electoral committee, the Electoral Council plays a role in providing information to citizens, municipalities, political parties, the media and other interested parties. The Council of State frequently asks the Electoral Council for its opinion in proceedings relating to electoral law. Other sections of this report further discuss this knowledge and information function of the Council, which has so far not been provided for by law.

Some time ago, in a draft legislative proposal for funding political parties, the intention was expressed of transferring to the Electoral Council the responsibility for subsidising political parties and supervising the finances of political parties. The Electoral Council issued advice notes on 13 March 2006 and 13 April 2006 about this legislative proposal. On 9 December 2008, at the request of the Minister of the Interior and Kingdom Relations, it issued a further response to it. The legislative proposal has not yet been presented to the House of Representatives.

The composition of the Electoral Council remained intact in 2009, and was as follows:

Prof. H.R.B.M. Kummeling, LL.M., chairman;
G.J. Schutte, vice-chairman;
Ms G.M.M. Blokdijk-Hauwert, LL.M., member;
R.T.B. Heemskerk, member;
Prof. M.H. Leyenaar, member;
W.M.B. Stoker, member;
A.J. te Veldhuis, LL.M., member.

By Royal Decree of 5 July 2008, Mr Kummeling, Ms Leyenaar and Mr Te Veldhuis were reappointed for four years with effect from 1 January 2009, respectively as the chairman and members of the Electoral Council.

By Royal Decree of 24 March 2009, Mr. Schutte was reappointed for four years with effect from 1 July 2009 as member and vice-chairman.

Mr Heemskerk left the Electoral Council as of 1 January 2010. This vacancy has now been filled by Ms A.G. van Dijk, LL.M.

Ms J. Schipper-Spanninga, LL.M., occupied the position of secretary-director of the Electoral Council. With effect from 1 November, she left the Electoral Council; her successor, M. Bakker, LL.M., was appointed as from 1 February 2010. Until that date, Ms R. Hoorweg, LL.M., who is deputy secretary-director, took care of her duties.

3 Developments

After 2008, the year in which a number of important reforms were made, 2009 was the year in which these changes were implemented for the first time during the elections of the members of the European Parliament. Pencil and paper were re-introduced in the voting system and the Dutch residents of the Netherlands Antilles and Aruba were granted franchise for the first time, as were persons placed under guardianship because of a mental disorder. The majority of the municipalities introduced compulsory ID in polling booths. It was not possible in 2009 to implement or to complete all proposed reforms which were on the agenda in 2008. The following issues were not realized in the reporting year: the legislative proposal for an Electoral Procedure Act, the legislative proposal for a Political Parties (Funding) Act and the outplacement project of the secretariat of the Electoral Council (for detailed information see chapter 4).

As usual, the Electoral Council made a comprehensive evaluation of the course of the European Parliamentary elections. For this evaluation, all official reports of electoral committees containing objections or stating that the session had been suspended have been studied. Not less important were the practical experiences of municipalities. These issues gave rise to a so-called unsolicited advice in which the Electoral Council drew the attention to a legal regulation of a number of issues which appeared to be essential to the practical implementation.

The State Secretary for the Interior and Kingdom Relations informed the House of Representatives that electronic voting would not be reconsidered: "electronic voting and/or counting can only be re-introduced if requirements to that effect have been formulated which are subsequently enshrined in laws and regulations". The Association of Netherlands Municipalities [Vereniging van Nederlandse Gemeenten or VNG], the Dutch Association for Civil Affairs [Nederlandse Vereniging voor Burgerzaken or NVVB] and the Electoral Council proposed to advance the closing time of the polling stations, considering that the manual counting of votes would constitute an additional burden. Nevertheless, the government decided not to advance the closing time: it is important to the government that voters are given as much opportunities to cast their votes as possible.

Besides the European Parliamentary elections, the question was according to which system a future 26th seat for the Netherlands in the European Parliament should be allocated.

The Electoral Council issued a total of ten advices. Several advices centred on the models for the Elections Act and the Elections Decree. These models are crucial to the organisation of elections. For example, different kinds of official reports, the polling card and the voting pass. Particularly model N 10-1, the official report filled in by the electoral committee in the evening of the election day has been considerably modified and simplified as a result of the experience gained during the European Parliament Elections.

Other advices were those on the reforms of the elections to the Senate and the introduction of the "envelope in an envelope" voting by mail during the Water Board elections. Chapter 5 of this annual report gives an overview of the advices and an outline of how these advices were followed up.

Once the requirements for the software to be used to calculate the results were formulated by the State Secretary for the Interior and Kingdom Relations in 2008 and after a (public) European tendering procedure, the development and subsequent testing of Election Back-up Software (OSV) was started at the end of 2008 in view of

the European Parliamentary elections. In accordance with one of the requirements of the State Secretary, an independent body, namely the Software Improvement Group (SIG) in Amsterdam, tested the software. The outcome showed that the programmes comply with the requirements and that the software scored above average on important quality requirements. The reports were presented to the State Secretary for the Interior and Kingdom Relations, who subsequently presented them to the House of Representatives.

A last observation is that an ever increasing number of questions on elections and electoral law were addressed to the Electoral Council. The Elections Information Point received many questions of citizens, municipalities, provinces, political parties and of course the press. In the interest of information provision, an up-to-date website was also launched which receives an increasing number of visitors (www.kiesraad.nl). Information, knowledge and experiences were also shared during a number of national and international meetings and conferences (for more information see chapter 4).

4 Organisation and working method

Secretariat of the Electoral Council

The secretariat of the Electoral Council employs twelve full-time permanent staff. They can be supplemented during elections. This was done in 2009 in connection with the Elections Information Point and with the OSV project. From an organisational point of view, the secretariat is part of the Ministry of the Interior and Kingdom Relations; officially, the staff are employed by the Ministry but are only accountable to the Electoral Council.

Outplacement project

This project was initiated in 2008. By placing the secretariat of the Electoral Council outside the core department, the wish of the Electoral Council and the Ministry of the Interior and Kingdom Relations to heighten transparency of the Electoral Council's autonomous position in executing its management responsibilities as well, is implemented. After having examined various ways of outplacement, it was decided in 2009 to further investigate and detail the consequences of the Ministry's preferred option, namely to give the Electoral Council its own legal personality. The above is to be realised by means of an Electoral Council Act [Wet op de Kiesraad]. A project structure was set up that includes a steering committee, supervisory committee and various working groups. More clarity about the consequences is expected by the summer of 2010.

Research Advisory Council

In 2008, the Electoral Council established a Research Advisory Council. It is the Council's job to advise on the Electoral Council's research programme and publications.

The Council is chaired by Prof. W.J.M. Voermans, professor in constitutional law and administrative law at the University of Leiden. Its members are: the political scientist Dr. H. van der Kolk, affiliated with the University of Twente's Political Science and Research Techniques department, and Dr. J.C.F.J. Merriënboer, member of staff at the Centre for Parliamentary History (as the successor to historian Dr. J. Loots). Secretary is Dr. R. de Jong, researcher at the secretariat of the Electoral Council.

In 2009, the Research Advisory Council met once, on which occasion the projects discussed were the text of a new publication within the context of the Electoral Council series on international electoral standards and the Dutch election process, and the planned publication of an Election Atlas.

Meetings

In 2009, the Electoral Council held sixteen plenary sessions. There were additional meetings in smaller groups.

External contacts

Both the Electoral Council and its secretariat maintain various external contacts. There is regular consultation with the State Secretary for the Interior and Kingdom Relations, the Ministry of the Interior and Kingdom Relations, the Association of Netherlands Municipalities and the Dutch Association for Civil Affairs. Additionally in 2009, as well as the regular contact between the registry and the secretariat, there were meetings with the House of Representatives' Permanent Committee for the Ministry of the Interior and Kingdom Relations. In addition, the Electoral Council has naturally had regular contacts with the Committee for the Examination of the Credentials of the House of Representatives.

In 2009, the Electoral Council organised two meetings especially for the municipal contact persons from the principal electoral committees. On the agenda were the latest developments regarding elections and the use of OSV. These meetings were much appreciated by the participants. It is very important for the Electoral Council's advisory task to gain insight in practical matters in this way.

In 2009, the Electoral Council also strengthened international contacts, both with international sister organisations and with institutes such as the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the International Institute for Democracy and Electoral Assistance (IDEA). These contacts took place during international conferences in particular.

5 Advices

Under the Elections Act, the Electoral Council advises the government and both Houses of the States General about matters of implementation relating to electoral law and elections. The Electoral Council may issue requested advice, but also advice on its own initiative: unsolicited advice. During the 2009 reporting year, the Electoral Council, as said, issued advice on a total of ten occasions, of which nine were requested. The majority of these (seven in number) were addressed to the State Secretary for the Interior and Kingdom Relations. Furthermore, the only unsolicited advice issued in 2009, in which the Electoral Council evaluated the course of the elections of the Dutch members of the European Parliament, was addressed to her too. Furthermore, the Electoral Council issued two advices at the request of the State Secretary for Transport, Public Works and Water Management. This advice related to the Water Boards Act or to the Water Boards Decree. In addition to the advices, the Council wishes to include three letters in this chapter.

The most important aspects of each advice are set out below, as is the action taken upon receipt of the advice.

Advice of 12 March 2009 about the amendment to the Temporary Electronic Remote Voting Experiments Order 2006 and modified models.

The Electoral Council issued an advice on the proposed amendment to the Temporary Electronic Remote Voting Experiments Order 2006. This amendment relates to the scrapping of a system of voting via the Internet or using a voting machine, to the introduction of compulsory voter identification, and to the separate registration and counting of blank votes cast. The Electoral Council also advised on the proposed change to the models for the polling card and the voting pass. In this advice, the Electoral Council informed that it had welcomed the amended and simplified models for the polling card and voting pass. In addition, the Council made a number of comments about the proposed models. These were adopted in large part when the legislative proposal was submitted.

Advices of 19 March 2009 and 17 September 2009 about the allocation of an additional seat to the Netherlands in the European Parliament

At the request of the State Secretary for the Interior and Kingdom Relations, on 19 March 2009 the Electoral Council issued an (initial) advice on the allocation of an additional (26th) seat to the Netherlands in the European Parliament, which, under the agreements made in a European context, could be allocated to the Netherlands during the coming term of the European Parliament if the Treaty of Lisbon were to come into force.

The Electoral Council recommended allocating this potential additional seat as if it were a residual seat. In doing so, the Council stated that it was qualifying its advice by suggesting that those parties which obtained at least 75% of the electoral quotient should also be eligible for this additional seat. Furthermore, the Electoral Council advised on the main points of this legislative proposal. The State Secretary adopted the suggestion that the 26th seat should be treated as a residual seat but did not adopt the above-mentioned qualification.

In a request for advice dated 17 August 2009, the State Secretary for the Interior and Kingdom Relations asked the Electoral Council to advise again on the legislative proposal for the regulation of the allocation of an additional seat to the Netherlands in the European Parliament.

On 17 September 2009, the Electoral Council informed the State Secretary that it had welcomed the legislative proposal submitted at that time and the proposed model, and that together they provided a solid basis for solving this unique problem of how to allocate an additional seat.

Furthermore, the Council informed that it saw no need at all to reopen the discussion about whether the above-mentioned 75% rule should be adopted. However, the Council did ask the State Secretary to use the Explanatory Memorandum to state the reasons for her decision to reject the above-mentioned qualification proposed by the Electoral Council. The Explanatory Memorandum¹ stated that the reason for the rejection is that the Cabinet believes it desirable that the additional seat should only be allocated to the parties that have obtained at least one seat in the elections of the members of the European Parliament.

Advice of 15 July 2009 about amendments to the elections to the Senate

At the request of the State Secretary for the Interior and Kingdom Relations, the Electoral Council issued advice on a number of amendments to the Elections Act in relation to the elections of the members of the Senate.

These proposed amendments relate in particular to the raising of the preference threshold, the bringing forward of the date of nomination of candidates in connection with the forming of combined lists, and voting times.

In the legislative proposal that was submitted to the Electoral Council for its advice, the time when candidates were nominated and linked to this forming of combined lists for the elections to the Senate was brought forward to a time prior to the Provincial Council elections. This would mean that the voter voting in the Provincial Council elections would know if, and if so which, parties would be forming a combined list in the next elections to the Senate and could decide whether this would influence his vote. In addition - with the Electoral Council attaching greater importance to this latter point - the proposed amendment would mean that parties would no longer be able to base their decision on whether to adopt a combined list solely on strategic reasoning (i.e. residual seats).

The Electoral Council raised objections to the proposed amendment and proposed two alternative solutions. As shown by the relevant Explanatory Memorandum², the government preferred the second alternative, which related to the option of maintaining the current period for nomination of candidates but to only permit those combined lists that are used in more than half the electoral districts in the Provincial Council elections.

The Electoral Council then received a further request for advice from the State Secretary for the Interior and Kingdom Relations in a letter dated 2 February 2010, this letter proposing a new option, namely that of basing the combining of candidate lists on ties between political groups³. In its advice dated 18 March 2010⁴, the Council proposes a simpler alternative, namely that political parties must submit a declaration of forming a combined list to the central electoral committee before the date on which the Provincial Council elections are being held, which will not be decided on until after these Provincial Council elections. This would mean that - in contrast to the current position - parties could no longer calculate after the results of the Provincial Council elections have become known whether and to what extent the forming of a combined

list for the elections to the Senate could be worthwhile, while the procedure set out in the existing Elections Act is followed more closely.

With regard to the preferential threshold and the setting of an election date, the advice issued by the Electoral Council dated 15 July 2009 was in keeping with its previous advice, namely that the election dates should be laid down by law⁵, and to raise the preferential threshold for elections to the Senate from 50% to 100%⁶.

The Electoral Council also asked for consideration of a number of other items of advice that it had issued previously with regard to the elections of the members of the Senate and recommended that these items of advice be incorporated into the legislative proposal after all. In this connection, the government noted in the Explanatory Memorandum that it had no fundamental objections to the amendments proposed by the Electoral Council. However, because it would take some time to incorporate these amendments and would require further consultation with the Electoral Council regarding the precise wording, the government did not consider it an opportune time to incorporate into the legislative proposal the other amendments proposed by the Electoral Council, given the Senate's wish that the legislative proposal in question should be implemented before the coming elections to the Senate.

Advice of 27 August 2009 about the amendment to the Water Boards Act in connection with the holding of water board elections once a water board has been appointed

At the request of the State Secretary for Transport, Public Works and Water Management, the Electoral Council issued advice on an amendment to the Water Boards Act relating to the holding of water board elections once a new water board has been appointed after a merger. The Electoral Council endorsed the goal of the legislative proposal to prevent cases in which the elections held every four years have to be held shortly after the elections held in connection with the appointment of a new water board.

The legislative proposal⁷ was submitted to the House of Representatives on 23 December 2009. The Explanatory Memorandum reveals that the suggestion made in the advice, namely to introduce a statutory exclusion preventing the concurrence of a maximum two-year extension of the term of office with the skipping of the elections, this leading to a six-year term of office on two successive occasions, would not be adopted. Following questions by the Permanent Committee for Transport, Public Works and Water Management, the State Secretary stated that this exclusion would not be adopted because such a concurrence is only expected to occur on very rare occasions.⁸

Advice of 22 September 2009 about the amendment to the Elections Decree in connection with the introduction of voting by means of a voting pass

At the request of the State Secretary for the Interior and Kingdom Relations, the Electoral Council issued advice about an amendment to the Elections Decree. The advice related to the introduction of voting using a voting pass in any polling station within the municipality.

The Electoral Council's comments were largely adopted. One suggestion by the Electoral Council that was not adopted related to the stating of candidates' addresses on the list of candidates. The Electoral Council noted in this context that since this modified arrangement draws no distinction between those candidates who are, and

those who are not, under threat, then in the Council's opinion this is not a desirable solution to the existing problems regarding the stating of a candidate's address. The amended provision would make it possible for candidates to decide to leave their address off the list of candidates. In the Electoral Council's opinion, this would compromise candidates' recognisability and accessibility, something at odds with the public role performed by candidates.

Advice of 29 October 2009 about the amendment to the Elections Decree in respect of the BES Islands

At the request of the State Secretary for the Interior and Kingdom Relations, the Electoral Council issued advice on a proposal to amend the Elections Decree in respect of the BES islands. This proposal is related to the new constitutional position of the BES islands (Bonaire, St. Eustatius and Saba) and follows from a previous amendment to the Elections Act in connection with this same new constitutional position. The Electoral Council has already advised on these matters⁹. The proposed amendments to the Elections Decree mainly focus on the consequences for implementation of the amendments to the law. The Electoral Council has reviewed these amendments critically and only wished to comment on one - minor - point.

Advice of 30 October 2009 about the amendments to the Model Regulation for the Elections Act and Elections Decree

At the request of the Secretary of State of the Interior and Kingdom Relations, the Electoral Council issued an advice on a proposal to amend the model regulation for the Elections Act and the Elections Decree. This amendment is necessary because of the introduction of the possibility to vote in any polling station within the municipality. An important model which has been amended concerns the texts and layout of the official report for the polling stations (N 10-1). In its advice, the Electoral Council made a number of remarks, the most important one relating to the address stated on the list of candidates, an issue mentioned earlier. Apart from this issue, the State Secretary adopted the most important suggestions of the Electoral Council.

Advice of 7 December 2009 following the evaluation of the 2009 elections of the members of the European Parliament

The Electoral Council evaluated the course of the elections of the Dutch members of the European Parliament. Following to this evaluation, the Council issued an unsolicited advice to the State Secretary for the Interior and Kingdom Relations.

The Electoral Council made suggestions on several issues in this advice, such as the adjustment of the nomination of candidates and lists of candidates, the request to enshrine in the law the use of OSV, to make further agreements on the role of an independent testing body and the request to lay down in the Elections Act the period that the polling documents must be kept.

The State Secretary for the Interior and Kingdom Relations wrote a letter to the House of Representatives¹⁰ expressing her reservations on a number of issues which were outlined, as the laws and regulations on elections are very detailed as it is. The issues relate for instance to a legal ground for officially made corrections to the list

of candidates, the placement of a municipal stamp on declarations of support and adjusting the official record with regard to the restitution of deposits¹¹. Considering that these issues have a major impact on the implementation practices, the Electoral Council regrets this point of view.

Advice of 18 December 2009 about an amendment to the Water Boards Decree to adjust the provision for voting by post.

The State Secretary for Transport, Public Works and Water Management asked the Electoral Council to issue an advice on an amendment of the Water Boards Decree allowing the introduction of the "envelope in an envelope" voting by post in the Water Board elections.

In short, the Electoral Council recommended to level the Water Board elections as much as possible with the provisions of the Elections Act. It also suggested that it would be advisable to integrate rules in a law as much as possible. The Council also asked a number of questions on the practical implementation of the scheme. During a General Consultation in the House of Representatives the State Secretary promised to come with a proposal on a different organisation of the Water Board elections before the summer of 2010¹². Recently a comprehensive consultation round was organised in which various organisations and bodies were asked their opinion on a new way of organising the Water Board elections. The Electoral Council has not been consulted.

Letters 2009

Apart from the advices mentioned above, the Electoral Council would like to mention explicitly the following three letters. The letters were sent to the State Secretary for Education, Culture and Science - on coinciding of holidays and elections -, to the State Secretary for the Interior and Kingdom Relations (on the requirements for election software and the organisation of the municipal elections), and to the Minister of the Interior and Kingdom Relations (requesting information on regulations regarding the withdrawal of the right to vote).

In its letter to the State Secretary for Education, Culture and Science of 17 July 2009 the Electoral Council pointed out the risk of elections coinciding with holidays. The Electoral Council argued that it is not desirable, for several reasons, to organise elections during school holidays, as this would negatively affect the turnout. It would also pose a heavy burden on the municipality which must prepare the elections. The risk of coinciding holidays and elections exists if the government does not recommend data for the elections and if schools do not take elections into account.

The Electoral Council requested the State Secretary to reconsider her intended policy. In a reaction to this letter, the State Secretary wrote that she would pass the concerns of the Electoral Council on to the official consultation in preparation of the New Regulation for the Staggering of the Summer Holidays 2012 - 2014.

In its letter to the State Secretary for the Interior and Kingdom Relations dated 28 August 2009, the Council made a number of remarks on the requirements set up by the State Secretary in 2008 for software used for the calculation and determination of the election results that are governed by the Elections Act. In this letter, the Council draws the attention to a number of issues with regard to the organisation of the upcoming municipal elections. The main issue was the opening times of the polling stations and the filling-in of the official record (N 10-1).

The State Secretary for the Interior and Kingdom Relations informed that the legislative proposal on an Electoral Procedure Act will establish a statutory basis for these requirements. Furthermore, the opening times of polling stations remained unchanged and the model for the N 10-1 record has been considerably simplified, partly as a result of the advice of the Electoral Council¹³.

Finally, in a letter to the Minister of the Interior and Kingdom Relations of 18 December 2009, the Electoral Council drew the attention to offences which can be punished by withdrawal of the right to vote and to the way these offences could be made punishable. The Electoral Council already made an earlier advice to change the structure of the constitutional scheme providing for withdrawal of the right to vote. The Explanatory Memorandum to the draft version of the Electoral Procedure Act showed that both issues may be taken into consideration by the government committee to be entrusted with the revision of the Constitution. In the meantime, the Constitution Government Committee has been established. The Electoral Council noted that the order to this committee does not include the above-mentioned issues. The Electoral Council therefore took the liberty to ask the Minister to which body these two issues, as they are not included in the order issued to the Constitution Government Committee, were appointed. The Council also requested the Minister to be informed on the follow-up of this issue.

6 Elections

6.1 General

As an independent administrative body, the Electoral Council has a variety of duties pursuant to the Elections Act. These duties include activities performed by the Electoral Council as the central electoral committee for the elections of the members of the House of Representatives, the Senate and the European Parliament. The Electoral Council also serves as knowledge and information centre for citizens, municipalities, provinces, political parties and the media in periods of elections held pursuant to the Elections Act. An increasing number of people addresses the Electoral Council to ask for information. During elections, the Elections Information Point plays a key role in this (also see chapter 9).

In 2009, the elections of the Dutch members of the European Parliament were held and six elections related to municipal redivision took place.

6.2 European Parliamentary elections of 4 June 2009

The Electoral Council acts as the central electoral committee at the elections of the Dutch members of the European Parliament. These elections relate to 25 seats to be filled¹⁴. At these elections, 353 out of the 441 municipalities participated in the experiment of Voting in Any Polling Station within the municipality. In addition, voters had for the first time a duty to provide proof of identity.

After the closing of the term for submitting applications for registration, the register of appellations managed by the Electoral Council included 22 registered appellations for the European Parliamentary elections. On 27 April 2009, the central electoral committee confirmed the validity of the candidate lists submitted by 17 parties. These lists held in total 289 candidates, of whom 96 women and 193 men. In 2004, 15 parties participated with 276 candidates, of whom 85 women. Three lists were combined, just as in 2004.

After the closing of the ballot boxes on 4 June 2009 at 9 am the manual casting of the votes started off all across the country. On 11 June 2009, the central electoral committee determined the results in a public session. The turnout percentage of 36.9% was lower than in 2004 (39.3%). Furthermore, 24 candidates reached the preference threshold (10% of the electoral quotient, 18,216 votes), although four candidates did not obtain a seat after all, because no or no more seats were assigned to the list. For the first time, blank votes (0.2%) were not considered invalid votes anymore.

In an attachment to the official record of the session of the central electoral committee in which the results were determined¹⁵, the central electoral committee, as it did in 2006 at the elections to the House of Representatives and in accordance with the agreement with the Committee for the Examination of the Credentials of the House of Representatives, gave its opinion on the course of the elections. The Electoral Council based its opinion amongst other things on the official reports of the polling stations in which objections were recorded or which stated that the session had been suspended.

It appeared for instance that members of the electoral committee were confused on how the record N 10-1 had to be filled in. The Committee for the Examination of the Credentials of the House of Representatives paid attention to this issue as well in its report to the House of Representatives¹⁶. In short, the central electoral committee was of the opinion that there were no grounds to doubt the reliability of the election results.

6.3 Municipal redivision elections of 18 November 2009

In the fall of 2009, six municipal redivision elections took place. The elections were held on Wednesday 18 November 2009. Monday 24 August was the last day on which political parties could submit an application for registration of an appellation and Tuesday 6 October was the day of the nomination of candidates (the day on which the lists of candidates are submitted).

At the municipal redivision elections, the Electoral Council has the duty, pursuant to Section G1(8) of the Elections Act, to make a public announcement on the fortieth day prior to the nomination of candidates of the appellations of the political groups and the names of the authorized representatives registered at the Electoral Council for the elections of the members of the House of Representatives. This is done with a view on the so-called continued effect of these appellations on the municipal elections concerned.

6.4 2008 water board elections

As the Water Board Elections are governed by an autonomous legal regime, the Electoral Council does not have a formal duty in this matter. The Electoral Council did issue two advices in 2009, at the request of the State Secretary for Transport, Public Works and Water Management, see chapter 5. In 2009, the Water Board Elections of 2008 have been rigorously evaluated by the Ministry of Transport, Public Works and Water Management and by the Union of Water Boards. The evaluation reports were sent to the House of Representatives on 1 July 2009¹⁷. For now, the State Secretary did not take up the offer of the Electoral Council to assist in the evaluation. By the end of 2009, a General Consultation took place in the House of Representatives during which the State Secretary for Transport, Public Works and Water Management promised, amongst other things, to come with a proposal on a different organisation of the Water Board elections before the summer of 2010. During this consultation, the possibility was discussed to bring the Water Board elections under the scope of Elections Act.

6.5 Election software

In 2008, the State Secretary for the Interior and Kingdom Relations formulated requirements for software used to calculate the results¹⁸. After the (public) European tendering procedure, the development and subsequent testing of the software was started by the end of 2008. For the testing of the software, representatives of political parties and municipalities showed themselves willing to participate in a user panel.

After the test of the Election Back-up Software (OSV) by the Electoral Council itself, an independent body, named the Software Improvement Group (SIG) in Amsterdam, tested the software pursuant to one of the requirements of the State Secretary. The outcome showed that the programmes comply with the requirements and that the software scored above average on essential quality requirements. The reports were presented to the State Secretary for the Interior and Kingdom Relations, who subsequently presented them to the House of Representatives¹⁹. The software was used for the first time by virtually all electoral committees and political parties at the European elections. Regional instruction meetings were held for various user groups and a help desk was set up to answer questions or to help with problems. The software worked well. As a result of the outcome of a comprehensive survey amongst various users, carried out by TNS-NIPO, it was decided to make a number of adjustments to enhance the user-friendliness of the software.

6.6 Filling of interim vacancies

One of the duties of the chairman of the Electoral Council is to appoint a candidate member of the House of Representatives, the Senate or the European Parliament if a place in one of these bodies becomes vacant.

In 2008, successors were nominated for the following numbers of vacancies:

Representative body	Number of interim	Distribution among
House of Representatives	8	Christen Democratisch Appèl (CDA) 3 VVD 2 Partij van de Arbeid (P.v.d.A.) 1 SP (Socialistische Partij) 1 Partij voor de Vrijheid 1
Senate	4	Christen Democratisch Appèl (CDA) 3 Partij van de Arbeid (P.v.d.A.) 1
European Parliament	1	Partij voor de Vrijheid 1
Representative body	Number of interim temporary vacancies due to illness or pregnancy	Distribution among the lists
House of Representatives	1	GROENLINKS 1

Three vacancies in the House of Representatives were related to the European Parliamentary elections in June 2009. Messrs. Van de Camp, Van Baalen en Madlener resigned as member of the House of Representatives because they had been appointed members of the European Parliament.

The number of appointments in interim vacancies has been rather stable, as shown by the table below. The relatively large number of seventeen interim vacancies in the House of Representatives is due to the fact that subsequent to the selections of 22 November 2006, members of the House became member of the government.

Representative body	2009	2008	2007	2006
House of Representatives	8	8	17	8
Senate	4	0	3	2
European Parliament	1	1	3	0

The chairman of the Electoral Council, in his capacity of chairman of the central electoral committee, assigns successors to interim vacancies. Therefore he checks which candidate ranks the highest of the list concerned, which has been determined after the elections. This person is eligible for assignment. It frequently happens, however, that a candidate does not wish to be appointed for an interim vacancy. In such cases, the person concerned may submit a declaration stating that he or she does not want to be appointed. He or she will then no longer be taken into account during the appointment procedure. In order to fulfil this duty properly, the Council had frequent contacts with the secretariat of the House of Representatives and the Senate. Appointments in interim vacancies in the European Parliament are also made through the secretariat of the House of Representatives.

7 Registering an appellation

7.1 Applications for registration

This year too, the Electoral Council, as central electoral committee, received applications for registration of appellations of political groups. For example, applications were received for entry in the register for the elections of the members of the House of Representatives and applications for entry in the register of appellations for the elections of the members of the European Parliament. No applications for entry or alteration of an already registered appellation in the register for the elections of the members of the Senate were received.

This year, the number of applications for registration for the European Parliamentary elections was slightly higher than the number of applications for the elections to the House of Representatives. Nine appellations were registered for participation in the first elections, while eight appellations were registered for the latter elections. The relative large number of registrations for the European Parliamentary elections was - of course - related to the fact the elections to that body were held this year. Political groups had the opportunity to register an appellation for these elections up to Tuesday 10 March 2009, after which the nomination of candidates took place on Wednesday 22 April and the elections on Thursday 4 June 2009.

The following remarks can be made on the registrations for the various elections:

House of Representatives

In 2009, the Electoral Council, as central electoral committee, entered eight applications for registration in the register for the elections of the members of the House of Representatives. In 2008, there were seven applications, in 2007 three. In addition, one appellation in the register was altered. Furthermore, the Electoral Council declined two applications for registration in 2009 and did not process one application on the grounds that it was incomplete.

In 2009, the following eight appellations were entered for the first time in the register for the elections of the members of the House of Representatives:

- Platform voor Integrale Politiek
- Nederlandse Moslim Partij
- Partij van Djkaan
- OokU
- Partij voor Gerechtigheid
- Partij moederCAO
- Progressieve Democratische Partij
- P.V.D.M. en alle overige aardbewoners

The appellation of 'Trots op Nederland' entered in this register was altered in 'TROTS OP NEDERLAND LIJST RITA VERDONK'.

The term for the registration of appellations for the elections to the House of Representatives of 9 June 2010 closed on 15 March 2010. At that time, 61 appellations were registered.

European Parliament

Due to the 2009 European Parliamentary Elections, the Electoral Council received significantly more applications for registration for these elections than in the year 2008. In the year 2009, nine appellations were registered, as opposed to only one in the year 2008.

The following nine appellations have been entered in 2009 in the register for the elections of the members of the European Parliament:

- Libertas
- Liberaal Democratische Partij
- PVV (Partij voor de Vrijheid)
- Solidara
- EUROPESE KLOKKENLUIDERS PARTIJ (EKP)
- E.S.P.
- Partij voor Europese Politiek (PEP)
- Europa Voordelig! & Duurzaam
- De Groenen

No appellations were altered in this register.

The reason for this is that the Electoral Council, as central electoral committee for the elections of the members of the House of Representatives, has the duty to announce publicly the appellations it registered of political groups, if this registration is irrevocable, as well as the names of the authorised representatives and their substitutes, in the Government Gazette on the fortieth day prior to the nomination of candidates for the municipal elections²¹. These appellations have a so-called continued effect, meaning that they also can be used for municipal elections without the need to register at municipal level. The publication concerned shows that a total of forty-six appellations registered with the Electoral Council had a continued effect to the municipal elections of 3 March 2010.

7.2 Deletion of a registered appellation

Not only new appellations were registered, a number of appellations were also deleted in 2009. An appellation is deleted for instance if a political group failed to submit a list of candidates at the most recently held elections²⁰.

Five appellations were deleted from the register of appellations for the European Parliamentary elections. These five deletions were all related to the fact that the political groups concerned had failed to submit a valid list of candidates for the European Parliamentary elections in June of this year. No appellations were deleted from the register of appellations for the Senate and the House of Representatives this reporting year.

7.3 Publication of registered appellations in view of municipal elections

Although the Electoral Council has no formal involvement in municipal elections, it did make a public announcement in the Government Gazette on 10 December 2009 with regard to the municipal elections held on 3 March 2010.

8 Lawsuits

In 2009, the Electoral Council was consulted as an expert in different lawsuits.

All lawsuits related to issues on the registration of appellations for the municipal elections of 3 March 2010. In all cases, proceedings were instituted in accordance with the provisions of the Elections Act contrary to the General Administrative Law Act before the Administrative Jurisdiction Division of the Council of State (the Division) and in which the Electoral Council was asked by the chairman of the Division for its opinion, pursuant to Section 8:45 of the General Administrative Law Act. Most cases occurred in the period after the closing of the term for registration of an appellation for the elections of the members of the municipal council on 7 December 2009. The proceedings were instituted by political groups whose application for registration had been rejected or declared inadmissible by a local central electoral committee for a variety of reasons. A number of appeals did not result in a decision on the merits, because the appeals lodged were withdrawn or because no court fees were paid. Compared to the registration procedure of the municipal elections of 2006, the number of lawsuits because of the registration procedure for the municipal elections on 3 March 2010 was considerably larger. In 2006, two appeals were lodged because of the registration procedure, while this year, five appeals were lodged because of the registration procedure. The same tendency of an increasing number of lawsuits could be observed with regard to the procedure for the nomination of candidates. In 2006, three appeals were lodged because of the procedure for the nomination of candidates, against seventeen appeals because of the nomination of candidates on 19 January 2010. As the nomination of candidates for the municipal elections took place in 2010, those issues will be discussed in the annual report of 2010. The appeal cases produced a considerable amount of case law on the interpretation and application of the Elections Act.

Cases in which the Electoral Council acted as an expert at the request of the court.

Section G 3 of the Elections Act

Son en Breugel

The central electoral committee of the municipality of Son en Breugel agreed in its decision with a request to change the appellation of 'Gemeentelijke Samenwerking Son en Breugel (GSSB)' in the name 'Dorpsvisie Son en Breugel (Dorpsvisie)'. The political group 'Dorpsbelang Son en Breugel (Dorpsbelang)' lodged an appeal against this, arguing that the appellation of 'Dorpsvisie Son en Breugel (Dorpsvisie)' is largely similar to the appellation registered by it, namely 'Dorpsbelang Son en Breugel (Dorpsbelang)' and would create confusion. The political group also argued that the request for alteration of the appellation had not been made by the persons having the authority to do so according to the registration in the Commercial Register. Furthermore, the political group argued that one of the members of the central electoral committee is a prominent member of the political group 'Gemeentelijke Samenwerking Son en Breugel (GSSB)', which means there is a conflict of interest. The Division did not adopt the opinion of the Electoral Council and dismissed the appeal²².

With regard to the ground of appeal that the appellation of 'Dorpsvisie Son en Breugel (Dorpsvisie)' is largely similar to the appellation of 'Dorpsbelang Son en Breugel (Dorpsbelang)', it is the Division's opinion, contrary to the opinion of the Electoral Council, that both the concept of 'dorps' and the name of the municipality 'Son en Breugel' in both appellations are of a general nature in everyday speech and constitute elements of minor importance in the appellation. Therefore, the Division ruled that the concept of 'belang' (interest) is essentially different from the concept of 'visie' (vision) and the words 'Dorpsbelang' and 'Dorpsvisie' have a substantially different word picture. Moreover, these words are also phonetically different, so that both appellations have sufficient distinctiveness. With regard to the ground of appeal that the application had not been done by the persons authorised thereto according to the registration in the Commercial Register, the Division ruled that the central electoral committee was not obliged to claim the documents referred to in Section G3(3) of the Elections Act. Finally, the Division ruled that the decision of the central electoral committee was not contrary to Section 2:4 of the General Administrative Law Act.

Nieuwkoop

The central electoral committee of Nieuwkoop agreed to the application for registration of the appellation of 'MijnPartij Nieuwkoop'. The political group named 'Midden Partij Nieuwkoop' lodged an objection against this decision. This political group argued that the appellation of 'MijnPartij Nieuwkoop' is largely similar to the appellation of 'Midden Partij Nieuwkoop', which was already registered by it and would create confusion amongst the voters. The Division followed the opinion of the Electoral Council and dismissed the appeal²³.

The Division considered that both the concept of 'Partij' (Party) and the name of the municipality 'Nieuwkoop' in both appellations are of a general nature and have no independent meaning in the appellation. The Division also considered that the term 'Midden' ('Middle') is different from the term 'Mijn' ('My') and that the words 'Midden Partij' and 'MijnPartij' have a different word image. Moreover, the words are not of such phonetic similarity that both appellations would lack distinctiveness.

Zaanstad

The application for registration of the appellation of 'Ouderen Partij Zaanstad' was rejected by the central electoral committee of the municipality of Zaanstad. The committee argued that the appellation of 'Ouderenpartij N-H/VSP' was registered at the central electoral committee of the province of Noord-Holland and would create confusion. The political group Ouderen Partij Zaanstad (O.P.Z.) lodged an appeal against this decision. The Division followed the opinion of the Electoral Council, allowed the appeal and nullified the decision of the central electoral committee²⁴. The Division found that the political group Ouderen Partij Zaanstad (O.P.Z.) applied for registration of the appellation of 'O.P.Z.'. By refusing in the contested decision to register the appellation of 'Ouderen Partij Zaanstad', the central electoral committee did not decide on the basis of the application. For that reason, the Division nullified the decision of the central electoral committee and ordered the central electoral committee of Zaanstad to enter the appellation of 'O.P.Z.' in the register, referred to in Section G3(1) of the Elections Act.

Veghel

In its decision, the central electoral committee of the municipality of Veghel granted the application of the political group 'Veghel Transparant' to register the appellation of 'Transparant, Evenwichtig, Leefbaar (TEL)'. The political group 'Gemeentebelang Veghel' lodged an appeal against this decision. The political group 'Gemeentebelang Veghel' argued that the central electoral committee wrongfully granted the application of the political group 'Veghel Transparant'. It argued that in public, the political group 'Veghel Transparant' uses the name 'Transparant, Evenwichtig, Leefbaar Veghel', thus suggesting a link with the former local party Leefbaar Veghel and with the national party Nederland Transparant and that this is misleading to the voters. The Division followed the opinion of the Electoral Council and dismissed the appeal²⁵. The Division considered that the argument that the political group 'Veghel Transparant' uses the name of 'Transparant, Evenwichtig, Leefbaar Veghel' in public does not acknowledge that, pursuant to Section G3(4) of the Elections Act, this procedure is solely open to disputes on whether the appellation to be registered is misleading to the voters. In this case, the name of the municipality of "Veghel" is not included in the appellation of 'Transparant, Evenwichtig, Leefbaar'. Moreover, the word image of this name is substantially different from the appellation of 'Leefbaar Veghel' and the appellation of 'Nederland Transparant'. Under these circumstances, the Division found that there is no ground for the opinion that this appellation would wrongfully suggest to the voters that this political group is a continuation of Leefbaar Veghel or that it is part thereof. According to the Division, it was also clear that the party was not a local party falling under the national party Nederland Transparant.

Utrecht

In its decision, the central electoral committee of Utrecht dismissed an application for registration of the appellation of 'Partij Vrij Nederland (PVU)', because the notarial deed (stating the articles of association and the extract from the Commercial Register) shows that the application was made by a political group with limited legal capacity. The Division did not follow the opinion of the Electoral Council. The Division allowed the appeal, nullified the decision of the central electoral committee and ordered the latter to register the appellation of 'Partij Vrij Utrecht (PVU)'. Contrary to the Electoral Council, the Division considered that since the articles of association of the political group were recorded in a notarial deed and a certificate of registration in the Commercial Register had been submitted, there is no violation of Section G3 of the Elections Act. The statement of the notary in the first sentence of the notarial deed, made prior to the recording of the articles of association, that the political group "is as yet an association with limited legal capacity", does not give rise to a different opinion, according to the Division, as this statement refers to the status of the political group at the time the notarial deed was drawn up until the moment at which that deed was signed.

Sections X 1 and X 5 of the Elections Act

Abcoude

The chairman of the council of the municipality of Abcoude cautioned a member of the municipal council pursuant to Section X5 of the Elections Act that he failed to comply with a requirement for membership of the Council of the municipality of Abcoude, as he was registered in the Personal Records Database of the municipality of Loenen. The member of the council concerned lodged an appeal with the Division against the fact that the Council did not judge this caution. The Division did not follow the opinion of the Electoral Council and allowed the appeal²⁶. The Division ruled that the legislator has not formulated specific requirements on how a caution is to be submitted to the judgement of the Council. Considering also that the fact that a caution is not subject to the judgement of the council is linked to the far-reaching consequence of termination of the membership of the council and the fact that access to the court depends on that element, it must be made unequivocally clear that the member concerned did not have the intention to submit the caution to the judgement of the council. The Division ruled that in this case, the member concerned did not accept the caution of the chairman and submitted it to the judgement of the council. Considering that the council failed to judge the caution, the chairman of the council wrongfully informed the member of the council concerned that he was no longer member of the council. The Division ordered the Council to render judgement as yet in the shortest possible time.

Following this decision of the Division, the council of the municipality of Abcoude rendered judgement after all on the caution given by its chairman. The member of the council concerned lodged an appeal against this decision with the Division. One of the arguments of the member of the council was that the chairman of the council was not competent to give him the caution, as the entry in the municipal personal records database was not yet legally irreversible, so that it had not been irrevocably established that he was no longer a resident of the municipality of Abcoude. The member of the council also argued that the council unjustly had not heard him prior to the caution by the chairman of the council, hence having acted contrary to Section 4:8 of the General Administrative Law Act. Another argument was that the council of the municipality of Abcoude did not comply with the Sections 7:16 and 7:18 of the General Administrative Law Act on the outcome of the administrative appeal. The Division followed the opinion of the Electoral Council and dismissed the appeal²⁷. With regard to the ground of appeal that the entry in the personal records database of the municipality of Loenen was not yet legally irreversible at the time of the caution, the Division considered that, in view of Sections X1(1) and X5(2) of the Elections Act and the legislative history thereof, viewed together, it was not irrevocably established. Section X1(1) of the Elections Act refers to the procedure of Section X5, whereby it is established that the requirement for membership has not been met or a position is held that is incompatible with the membership. With regard to the ground of appeal on the hearing, the Division considered that this failure can be considered to have been amended, as the member of the council concerned has now had ample opportunity to explain in a council's meeting the facts and circumstances relating to his actual residence. Moreover, the Division found that the provision of the council by virtue of Section X5(3) of the Elections Act requires swift settlement, since the membership of the council immediately stops if a member no longer complies with one of the requirements for membership. The Sections 7:16 and 7:18 of the General Administrative Law Act on the outcome of administrative appeal cannot be deemed to be fully applicable.

9 Communication

The motto of the communication policy of the Electoral Council for the period of 2008-2010 is: at a distance if necessary, nearby if possible. The ensuing policy lines are:

- Identifiable profiling
- Accessibility of information
- Enhanced focus on relationship management

In 2009, this policy remained the guiding principle of the communication function of the Electoral Council. Investments were made in the extension of reliable and accessible information (via website, Information Point, brochures), creating a clearer profile (via its house style) and in establishing closer contacts with the natural target groups of the Electoral Council, such as municipal officials responsible for the organisation of elections (through meetings).

It appears that the Electoral Council becomes better known to the public and is increasingly used as a source of information. This trend is visible through the growing number of visitors to the website and the growing number of questions submitted to the Elections Information Point (prior to and during the municipal elections, the Information Point received over 8.000 requests by phone and email). Furthermore, the Electoral Council has been expanding its contacts with the media.

Website

The website is a key factor in the provision of information by the Electoral Council, both during and in between election periods. In 2009, investments were made to extend and update the website's content. It now provides more news and now also contains information on laws and international documents related to electoral law. The website primarily aims at professionals involved in elections (particularly municipalities and political parties), but it appears that citizens consult the website too. That is one of the reasons why the policy focuses on the accessibility of the information.

Numbers of visitors to the website

More and more people visit the Electoral Council's website. This appears from the increasing number of visits to the website compared to 2008, which was about 400 visitors a month. See the following overview for the figures for 2009:

Month	Number of visitors
January	535
February	453
March	641
April	619
May	667
June	9.371
July	906
August	574
September	688
October	822
November	3.504
December	8.120

Remarkable, yet understandable, are the peaks in the months of June, November and December. The peak in the month of June is of course related to the European Parliamentary elections, which took place on 4 June. The peaks in the last two months of the year are connected to OSV, the Elections Back-up Software. In those months, the software for the nomination of candidates for political parties could be downloaded from the website. In the 'off-peak months' the website received around 600 visitors per month, that is an average of 18 visitors a day. Obviously the hits of employees of the secretariat are not taken into account.

Restyling of the website

In 2009, the homepage in particular was drastically restyled. This restyling was necessary to apply the new house style of the Electoral Council to the website. Furthermore, some adjustments were made to improve visitor navigation. Additional entries were created on the homepage, in the form of eye-catching voting buttons, which direct the visitor straight to up-to-date relevant content.

In November, both layout and content of the English version of the website was renewed. The immediate reason for this was the international EMB conference that took place at the end of November. With this part of the website, the Electoral Council also hopes to improve the service to and number of international visitors.

Information Point

In view of the European Parliamentary elections, the Elections Information Point was launched halfway through February. The main tasks of the Information Point were: providing information on electoral law and on the organisation of the European parliamentary elections. In the peak period, the Information Point was staffed by three external workers. At the end of June, the Information Point was closed again, and then re-opened in October 2009 in view of the municipal elections of 3 March 2010.

Questions addressed to the Information Point

In the time that the Information Point was active, up to the end of June, it received a total of 2328 questions, of which 41% by email and 59% by phone. Not surprisingly, activity reached its peak in the week of the elections, week 23, with a total of 550 questions.

Compared to the last national elections in 2006 (with a total of 1927 questions), the number of questions asked to the Information Point increased considerably. Unfortunately, it is not possible to compare figures related to the European Parliamentary elections, as no Information Point was set up at that time.

The questions asked to the Information Point were almost equally divided between citizens (42%) and municipalities (41%). Many questions were asked about voting from abroad (11%) and OSV (10%). The media asked a total of 102 questions to the Information Point, representing 4% of the total.

House style

In April 2009, the Electoral Council changed its house style. This new identity was applied to the many forms of communication of the Electoral Council, such as publications, website, letter heads and banners.

Publications

By the end of 2009, the Electoral Council published two brochures: one on electoral law and elections and the other on the Electoral Council itself. These brochures, also published in English, provide an outline of the work field, duties and organisation of the Electoral Council. They are primarily meant for professionals in the area of elections and for citizens who want to know somewhat more on electoral law, elections and the effort of the Electoral Council.

Apart from that, a bundle was published after the European Parliamentary elections containing the core data on the elections and an edition of the official report on these elections.

10 International developments

As in previous years, the Electoral Council has been active on both national and international level in the area of electoral law issues and elections in the reporting 2009. It is important to the Electoral Council to remain informed on the international developments and to actively contribute to these developments. For that reason, the Electoral Council takes part in European and international networks of electoral authorities and experts. One of the aims of the Electoral Council is to participate in meetings of international organisations. The Electoral Council also contributes to the developments regarding elections abroad, for instance by hosting international delegations in the Netherlands and by providing information on the Dutch electoral system.

On 14 and 15 January 2009, the secretary-director and an employee of the secretariat of the Electoral Council visited the Electoral Commission (EC) in London. The purpose of this visit was to gather information for the purpose of the activities that the Electoral Council and its secretariat will perform as supervising body if the Political Parties (Funding) Act [Wet Financiering Politieke Partijen or WFPP] were to come into force. This visit also inspired ideas on how research and control relating to the funding of political parties could be implemented, and on the kind of expertise needed to achieve adequate supervision and enforcement.

In Vienna, on 18 and 19 May 2009, an international workshop was organised on the subject of: "e-voting from abroad", organised by the Austrian Ministry for European and International Affairs. At the request of the organisation, the Electoral Council held a presentation during that workshop on the specific experiences of the Netherlands in this field, before a party consisting of representatives of ministries, electoral councils, international organisations such as the Organization for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR) and (other) experts.

In the autumn of 2009, an international conference was held in Kiev on the theme "Electoral systems: reinforcement of the democracy in the 21st century". The Electoral Council was represented by a member of the Council and an employee of the secretariat. The conference, opened by the president of the Ukraine, was organised by the Council of Europe and featured both plenary debates and workshops on a wide range of issues, such as promoting the legitimacy of elections by developing laws, institutes and processes, and the role of the media in ensuring fair elections. The attendants to the conference (scientists, members of electoral councils, policymakers etc.) came from a variety of countries. Especially the Eastern-European countries were well-represented.

Without a doubt, one of the highlights of this year was the 6th EMB (Electoral Management Bodies) conference. This (closed) conference was held on 30 November and 1 December in the Kurhaus in The Hague and was organised this year by the Venice Commission of the Council of Europe, together with the Electoral Council and the ministry of the Interior and Kingdom Relations. During the preliminaries of this conference, the Council frequently consulted the Venice Commission and other

organisations. This year's theme was "Enhancing participation in elections." Amongst the speakers representing the Netherlands were the State Secretary for the Interior and Kingdom Relations and the chairman of the Electoral Council. The main theme was discussed based on three subthemes:

- Stimulating voters to participate in elections
- Information campaigns at specific elections
- Criteria for disenfranchising of voters

These themes were discussed in both plenary sessions and workshops, during which the participants could share their experiences. Well over seventy participants took part, coming from many different countries and counting many experts, scientists and representatives of electoral councils.

In December 2009, the chairman of the Electoral Council and the acting secretary-director attended another meeting, organised by the Centre for Parliamentary Studies. This meeting, which was held in London, offered the opportunity to exchange experiences and initiatives on issues such as integrity and faith of the citizen in the democratic process.

In November 2009, the Electoral Council as part of the international network of electoral authorities and experts replied to a question from the New Zealand Electoral Council about the way in which elections are organised in the Netherlands.

The Bangladesh Election Committee also contacted the Electoral Council as it was interested in the Dutch electoral process, the functioning of the Electoral Council, Dutch electoral law and the methods used to set up an electoral register.

11 Finances

In 2009, the budget of the Electoral Council was €3,100,000.

The table below shows the operational budget of the Electoral Council and the expenses incurred in 2009.

The Electoral Council's budget and expenses in 2009

	Operational budget	Expenses
Staff (salaries of permanent and temporary personnel)	€ 1,131,000	€ 970,485
Material	€ 1,969,000	€ 1,779,501
Total	€ 3,100,000	€ 2,749,986

The Electoral Council did not use its entire budget in 2009. The reason was that the costs for hiring permanent and temporary staff were less than estimated. As it has not been possible to make all budgeted investments, such as the publication of an electoral atlas, the budget for material was not used entirely.

The overview does not include the income of the Electoral Council in the form of deposits. These deposits for the registration of an appellant and for the nomination of political party candidates are placed in a separate account, as they accrue to the State if they are not returned to those who paid them.

The chairman of the Electoral Council receives payment equivalent to the remuneration of 0.3 FTE in scale 18 of the BBRA. Members of the Electoral Council receive an attendance fee of €235 per meeting.

No employee of the Electoral Council secretariat falls under the Executives' Pay Financed from Public Funds (Disclosure) Act (Wet Openbaarmaking uit Publieke middelen gefinancierde Topinkomens).

The Electoral Council reports unusual financial data through the normal budget accounting cycle of the Ministry of the Interior and Kingdom Relations (Chapter VII of the National Budget). In 2009, amounts for the Electoral Council were listed in Article 1.3 of this budget.

Notes

1. Parliamentary Papers II, 2009 - 2010, 32 226, no. 3.
2. Parliamentary Papers II, 2009 - 2010, 32 191, nr. 3.
3. In accordance with the preference of the Permanent Committee for the Interior and the High Institutions of State/General Affairs and the Queen's Household from the Senate.
4. See the advice of the Electoral Council dated 18 March 2010, which can be found at www.kiesraad.nl.
5. See the advice of the Electoral Council dated 10 November 2003, which can be found at www.kiesraad.nl.
6. See the advice of the Electoral Council dated 21 September 2005, which can be found at www.kiesraad.nl.
7. Parliamentary Papers II, 2009 - 2010, 32 273, nr. 2.
8. Parliamentary Papers II, 2009 - 2010, 32,273, no. 6.
9. See the advice dated 23 October 2008, which can be found at www.kiesraad.nl.
10. Parliamentary Papers II, 2009 - 2010, 31,142, no. 18.
11. The last issue was raised because of a decision made by the Administrative Jurisdiction Division of the Council of State, ABRvS 11 February 2009, no. 200804861/1 (Verlinden/Electoral Council).
12. Parliamentary Papers II, 2009 - 2010, 31,986, no. 3.
13. See the advice of the Electoral Council dated 30 October 2009, which can be found at www.kiesraad.nl.
14. As for the allocation of the 26th seat referral is made to chapter 5 of this annual report.
15. See www.kiesraad.nl.
16. Parliamentary Papers II 2008 - 2009, nr. 97, p. 7650 - 7655.
17. Parliamentary Papers II 2008 - 2009, 31 986, nr. 1.
18. Parliamentary Papers II, 2007 - 2008, 31 200 VII, nr. 55.
19. Parliamentary Papers II, 2007 - 2009, 31,700 VII, nr. 86.
20. See Section G1(8) of the Elections Act.
21. See Section G1(8) of the Elections Act.
22. Decision dated 3 December 2009, case no. 200909011/1 (www.raadvanstate.nl).
23. Decision dated 11 January 2010, case no. 200909667/1 (www.raadvanstate.nl).
24. Decision dated 15 January 2010, case no. 200909965/1 (www.raadvanstate.nl).
25. Decision dated 14 October 2009, case no. 200907489/1 (www.raadvanstate.nl).
26. Decision dated 27 November 2009, case no. 200908213/1 (www.raadvanstate.nl).