

Annual Report 2012

Dutch Electoral Council

Publication and editors

Electoral Council

Photography

Electoral Council

Contact

Electoral Council Secretariat

Postal address

P.O. Box 20011, 2500 EA The Hague

Address

Herengracht 21, 2511 EG The Hague

T +31(0)70 426 6266

F +31(0)70 426 6489

E kiesraad@kiesraad.nl

www.kiesraad.nl

The Hague, March 2013

ISBN/EAN: 978-90-78056-17-1

No part of this annual report may be reproduced and/or published by means of print, photocopy or by whatever other means, without expressly stating the source.

Table of contents

	Preface	5
1.	2012 in a nutshell	7
2.	Organization	9
3.	Elections	13
4.	Recommendations	17
5.	Appellations and appointments	19
6.	Lawsuits	21
7.	Expertise and communications	25
8.	National and international contacts	27
9.	Finances	31



AANNEMERSBED
J.C. vd. BROEK
KARSTENDEK 40 016 587 95 94
Gemeente Breda

Preface

Many of you will remember computerised voting. In 2006, 99% of Dutch municipalities used voting computers. To their great satisfaction, and to the satisfaction of voters as well. Figures from the National Election Study shows that in 2006, 80% of respondents had faith in voting computers (compared to 74% who had faith in ballot papers).

At the end of the long election day, a single press on the button was needed in order to determine the numbers of votes cast at the polling stations. Polling station officials were happy with the voting computers and so were municipalities and politicians. Election results could already be commented on and analysed on election night itself, at a decent time.

What a difference compared to the present situation. After the polling stations close, at 9.00 pm, some tens of thousands of volunteers start counting the votes manually. This is quite a job, which often takes until after midnight when the counting cannot be completed or the numbers cannot be made to add up. In addition, there is the occasional discussion about the validity of ballot papers. And when the results finally come in, they still first have to be included in the official report to be drawn up by each polling station. After that, all official reports made within a municipality are sent to town hall and the manual process turns into an electronic process: the voting numbers are entered by civil servants in software that has been developed especially for determining election results. The follow-up of the process at the principal electoral committee and finally the central electoral committee levels also takes place electronically.

As from 2009, part of the election results have been determined manually, the other part electronically. It has become clear that the part involving manual processes is the most vulnerable part in the process. Mistakes are made when the votes are counted and when the official reports are completed at polling stations. Part of these mistakes can be corrected afterwards, but when this happens, such correction is usually not carried out publicly and with a legal basis. The Electoral Council already pointed the matter out a number of times in the past.¹ A recent reference was made in an annex (TNS-NIPO report) to the evaluation report sent by Mr Plasterk, Minister of the Interior and Kingdom Relations to the House of Representatives.²

Over the past few years, Mr Plasterk's two predecessors in office have set course for the development of a new type of ballot paper, which can be counted and sent electronically (to voters abroad). They also aimed at no longer counting ballot papers up to the level of candidates at the polling stations, but to have them counted at a central location within the municipality. The introduction of this system would unmistakably result in election results being determined more carefully and would also mean less work to be performed by polling station officials.

Still, the question remains whether the time has come to seriously assess whether electronic means can be used for the first part of the election process – the actual voting – as well. Municipalities have been asking for a reintroduction of electronic voting computers for some time now and a draft initiative to this effect is currently being debated by the House of Representatives. Recently, during the debate on the budget of the Ministry of the Interior and Kingdom Relations in the House of Representatives, Mr Plasterk said that he has an open mind for further developments in this area. These words were welcomed by the Electoral Council. The Council earlier argued that quality requirements be set that voting computers should meet.³ The Council believes that electronic voting would result in a more scrupulous election process. Moreover, benefits could be obtained, such as improved efficiency, fewer time-consuming processes and - especially in the long run - cost savings. The discussion about the possible reintroduction of voting computers will nevertheless have to focus on the considerations as to why the confidence in voting computers was abandoned in 2006. Insofar as these were of a technical nature, it should be assessed whether the technological developments made since 2006 make it possible for our country to develop a new voting computer unencumbered by the objections from the past. Internationally recognised standards with respect to election processes and guarantees arising therefrom will play a central role in the upcoming debate.

¹ Evaluation advice on the 2009 elections to the European Parliament of 7 December 2009 and evaluation advice on the 2010 municipal elections and elections to the House of Representatives of 22 September 2010. See the website www.kiesraad.nl.

² Parliamentary Papers II 2012/2013, 31 142, no. 34

³ Compare the above-mentioned advice from the Council of 22 September 2010.

Will it be possible to have this new voting computer in place at the time of the next regular elections in 2014? This should be deemed impossible. The matter is up to the Government and Parliament first. Mr Plasterk has announced a debate with the House of Representatives and with supporters and opponents of voting computers in the spring of 2013. Should this debate on the future of electronic voting have a positive outcome, there will still be a long way to go. For comparison: the development of the new voting computer recently put into use in Belgium took seven years. A reintroduction of electronic voting is therefore not to be expected in our country in the near future.

Nevertheless, the year 2013 promises to be a very interesting year in terms electoral processes, despite the absence of regular elections.

Mr H.R.B.M. Kummeling,
chairman of the Electoral
Council

1. 2012 in a nutshell

Dissolution elections to the House of Representatives

On 23 April 2012, the government tendered its resignation to Her Majesty the Queen. If a government falls, so-called dissolution elections are to be held: an election day had to be set. This day was set at 12 September 2012. The election day is set by the government, by Royal Decree. The Electoral Council may advise to take holiday periods and public holidays into account. For instance, the Electoral Council argued that elections to the House of Representatives be held in September instead of June, in order to give new political parties and voters abroad the opportunity to register in time.

Moreover, elections in September would give the relevant municipalities and political parties more room to prepare for the nomination process.

In many areas, the 2012 dissolution elections resulted in an intensification of activities for the Electoral Council and its secretariat, such as the registration of new and existing political parties, the numbering of the lists of candidates and determining the election results. The election results were determined during a public hearing on 17 September 2012. The Electoral Council had no reason to question the reliability of the elections. This does not alter the fact that some parts of the election process can be improved. The Council has brought these points for improvement to the attention of the Minister of the Interior and Kingdom Relations.⁴

During the months surrounding the elections to the House of Representatives, the secretariat was frequently consulted by citizens, municipalities, political parties and the media. Compared to the 2010 elections to the House of Representatives, the number of questions increased by about 50%. For many years now, the Electoral Council and the Ministry of the Interior and Kingdom Relations have jointly set up an Elections Information Point to meet the need for information about the election process. The website of the Electoral Council plays an important part in providing this information. The website of the Central Government forms a source as well.

Redivision elections

On 21 November 2012, redivision elections were held for the new municipalities of Schagen, Molenwaard and Goeree-Overflakkee. Two proposed mergers were cancelled.

Water board elections

For a long time, it was unclear when and how the water board elections would be held. In 2012, the Electoral Council gave its recommendation on a bill that proceeded from indirect elections by municipal council members. In its recommendation, the Electoral Council argued that water board elections be included in the Electoral Act.⁵ The 'Building Bridges' coalition agreement now proceeds from direct (ballot box) elections, combined with provincial council elections on 4 March 2015.

Developments in the election process

In 2012, the foundations were laid for a number of possible changes to the election process.

Ballot paper

During the elections to the House of Representatives, three designs for a new ballot paper were tested at several locations on the instructions of the Ministry of the Interior and Kingdom Relations. During the redivision elections, too, new ballot papers and electronic counting were tested. More tests are planned, which should show whether the ballot papers are suitable for being sent to voters abroad electronically.

With the new ballot paper, counting votes should become easier, quicker and less prone to errors.

⁴ See Chapter 4, 'Evaluation Recommendation following the 2012 elections'.

⁵ See Chapter 4, 'Recommendation on an amendment to the Water Boards Decree in connection with indirect water board elections'.

Moreover, the ballot paper must become more suitable for blind or visually impaired voters and for voters who are semi-literate or have insufficient command of the Dutch language. The actual introduction of a new type of ballot paper is still unsure. The Minister of the Interior and Kingdom Relations only wants to make a decision on the matter after more test results have been obtained. However, the Minister is preparing a bill that allows for experiments with the new ballot papers and with the central and electronic counting of these ballot papers at later elections. The Electoral Council made a recommendation on the topic.⁶ Mr Plasterk has stated that, as far as he is concerned, a choice must be made between either new ballot papers or electronic counting.

Models

In 2012, the Electoral Council submitted a proposal to the Minister of the Interior and Kingdom Relations to radically simplify the Models Regulation pertaining to the Electoral Act and the Electoral Decree.⁷ The models (forms) are used by municipalities, political parties, voters and polling station officials and are currently considered to be complicated in practice.

The prescribed models are of great importance. Users can rely on the models being used, for example, to properly support their request. It provides a starting point and ensures that the wheel need not be reinvented all the time.

In its recommendation, the Electoral Council proposed to uniform the models and make them more user-friendly in order to reduce the chance of them being incomplete or containing errors. Moreover, the Council wants to stimulate the electronic use of the models.

⁶ See Chapter 4, 'Recommendation on Temporary (Ballot Papers and Central Counting) Experiments Act'.

⁷ See Chapter 4, 'Recommendation on the Models Regulation'.

2. Organization

Statutory duties

The Electoral Act stipulates that the Electoral Council shall advise the government and both Houses of the States General on matters of implementation relating to electoral law or elections.

The Electoral Council also acts as the central electoral committee for elections to the House of Representatives, the Senate and the European Parliament.

The Council:

- determines the official election results;
- checks and registers the appellations of political parties wishing to take part in national elections;
- numbers lists of candidates for national elections;
- checks and confirms the lists of candidates for elections to the Senate and the European Parliament.

The chairman of the Electoral Council appoints new members to fill vacancies in the House of Representatives, the Senate and the European Parliament.

Non-statutory duties

The Electoral Council provides information to citizens, political parties, municipalities, the media and other interested parties about electoral law and elections. During election periods, an Elections Information Point is set up for this purpose in cooperation with the Ministry of the Interior and Kingdom Relations. The Electoral Council also acts as an advisor in proceedings relating to electoral law.

Non-departmental Public Bodies Framework Act

The Electoral Council falls under the scope of the Advisory Boards Framework Act. The bill to amend the Electoral Act proposes to bring the Electoral Council also, and in fact mainly, under the scope of the Non-departmental Public Bodies Framework Act. In its recommendation⁸ about this, the Council pointed out that it is difficult to bring the Council under the scope of either Framework Act due to the specific nature of its activities and the necessary independence vis-à-vis the Minister of the Interior and Kingdom Relations. The Council still agreed to the bill, on the condition that a number of provisions be declared inapplicable in both Acts.

Relationship between the Ministry of the Interior and Kingdom Relations and the Electoral Council

The Ministry of the Interior and Kingdom Relations supervises all independent bodies performing a duty for which the Minister of the Interior and Kingdom Relations is responsible. This also applies to the Electoral Council and its secretariat when it comes to management. In practice, the Minister's powers are exercised on the Minister's behalf by the secretary-general. The frameworks within which the supervision is carried out have been detailed in a 'Supervision Arrangement'.

Members

The Electoral Council consists of seven members who are appointed for a four-year period by Royal Decree. They are appointed on the basis of their expertise in the area of electoral law and elections and on the basis of their knowledge of society and experience.

⁸ Electoral Council's recommendation on 'Amending the Electoral Act (1st tranche)', 14 October 2011.

In 2012, the Council was comprised as follows:

Chairman: *Prof. Dr H.R.B.M. Kummeling*
Henk Kummeling is a professor of constitutional law and comparative constitutional law at Utrecht University. He is also the dean of the Faculty of Law, Economics and Governance at the same university.

Members *G.J. Schutte (also vice-chairman)*
For twenty years (1981-2001), Gert Schutte was a party chairman to the GPV in the House of Representatives. Before that, he was a member of the Provincial Council in Utrecht for the same party.

Prof. M.H. Leyenaar
Monique Leyenaar is a professor of Comparative Political Science at the Radboud University Nijmegen. She conducts research in the area of civic participation, political reformations, elections and political leadership of women.

A.J. te Veldhuis, LL.M.
From 1982 to 2003, Jan te Veldhuis was a member of the House of Representatives, for the VVD, among others as spokesman of constitutional law. He currently chairs or is a member of various organisations, including Zeeland Refinery and the Zeeland Historical Research Foundation.

G.M.M. Blokdijk, LL.M.
Trudy Blokdijk works as a researcher and teacher of Monitoring Social Enterprises at the TiasNimbas Business School in Tilburg and has a consulting practice for Management and Supervision.

W.M.B. Stoker
Willem Stoker is senior advisor and Head of Elections for the Public Affairs Department of the municipality of Utrecht. He has been working in various positions for the municipality of Utrecht since 1972.

A.G. van Dijk, LL.M.
Anneke van Dijk is the head of the Constitutional and Administrative Law sector of the Legislation Department of the Ministry of Security and Justice.

In 2012, the composition of the Electoral Council remained unchanged. However, the members Kummeling, Leyenaar and te Veldhuis were reappointed for a four-year period, until 1 January 2017.

The departure of vice-chairman Schutte due to reaching the maximum term of office will create a vacancy within the Council as from 1 June 2013. The vacancy was opened in November 2012.

Secretarial staff members

In performing its duties, the Electoral Council is supported by a secretariat. The mandate regulations provide that the chairman of the Council is responsible for management. As regards the day-to-day management of the secretariat, this mandate is delegated to the secretary-director.

The secretary-director and secretarial staff members are employed by the Ministry of the Interior and Kingdom Relations. They render account for their activities to the Electoral Council only.

At the end of 2012, 13 staff members worked at the secretariat in the following positions⁹:

- secretary-director;
- coordinator for the electoral matters cluster/also deputy secretary-director;
- coordinator for the knowledge development and support cluster/also communications advisor;
- executive secretary;
- legal expert (3);
- knowledge and quality assurance assistant;
- researcher;
- IT worker;
- policy support assistant for the electoral matters cluster;
- policy support assistant for the knowledge development and support cluster;
- management assistant.

In 2012, two 'legal expert' vacancies were filled.

Through external hiring, three full-time staff members were appointed for the Information Point between 1 June and 1 October, such in connection with the elections to the House of Representatives in 2012, supplemented by one part-time secretarial staff member.

Since 2012, the Electoral Council has had an employee representative body. This body holds regular consultations with the chairman of the Electoral Council in his capacity of head of service.

⁹ The job titles were adjusted in 2012 due to the introduction of the so-called Central Government Job Classification System. See www.functiegebouwwijksoverheid.nl.



3. Elections

2012 Elections to the House of Representatives

In its capacity of central electoral committee, the Council decided on, inter alia, the registrations of appellations and the numbering of the lists of candidates, and it determined the election results.

Registration of political parties

Until 18 June, new political parties could submit an application to the Electoral Council for the registration of an appellation (name of political party). On 19 June, the Council granted 15 applications for the elections to the House of Representatives on 12 September, the total number of registered appellations thereby amounting to 50. For comparison: 61 appellations were registered with the Electoral Council for the 2010 elections to the House of Representatives.

On 12 September 2012, 21 political parties participated in the elections to the House of Representatives. There were no parties that participated with a so-called blank list.

Elections to the House of Representatives	2012	2010	2006	2003	2002	1998	1994
Registrations	50	61	74	45	45	50	38
Participated	21	19	24	18	18	23	26

Nomination

On 31 July, nomination day, 22 political parties submitted their lists of candidates for the electoral districts they wanted to participate in. The possibility of a central nomination with the municipality of The Hague was used in many cases.

The Netherlands is divided into twenty electoral districts. This used to be nineteen districts, but the electoral district of Bonaire was added to this on 10 October 2010. This electoral district consists of the public bodies of Bonaire, Sint Eustatius and Saba. This was the first time that elections to the House of Representatives were held in this electoral district.

On 2 August, the Electoral Council numbered the lists of candidates for the elections to the House of Representatives at a public hearing. Ten of the 22 parties that had submitted lists of candidates were already represented in the House of Representatives. At this hearing, the Electoral Council also approved the two combined lists submitted.

On 3 August, the principal electoral committee of each electoral district held a meeting about the validity of the lists of candidates submitted. In electoral district 20 (Bonaire), 3 lists of candidates were declared invalid due to the fact that not enough declarations of support were submitted. These parties therefore did not participate in twenty but in nineteen electoral districts. One party's ('IQ-Partij ; met IQ voor Eerlijkheid') list of candidates in the electoral district of The Hague was declared invalid, because the deposit required by law had not been paid and not enough declarations of support had been submitted. As this party had only submitted a list of candidates for this electoral district, it was unable to participate in the elections and list number 22, the number the Electoral Council assigned to it by lot, was cancelled. On Friday afternoon on 3 August, the principal electoral committees made the validated lists known at public hearings. The Electoral Council published the lists of candidates on its website.

Political parties were able to use Supporting Software for Elections (*Ondersteunende Software Verkiezingen or OSV*) in order to draft the lists of candidates. The Electoral Council provided this software in mid-May. The new political parties could register for an instruction meeting. Eleven parties took advantage of this opportunity.

Voting

On 12 September, election day, over 9,000 polling stations were open from 7.30 am to 9.00 pm.¹⁰ Many polling station officials were already up and about very early in the morning to make the necessary preparations. Many people were busy counting votes until late in the evening or even in the night. This time, too, municipalities had set up mobile polling stations and polling stations at special locations, such as railway stations and Schiphol Airport, which were usually subject to different opening hours.

The Electoral Council finds that municipalities make more and more efforts to instruct polling station officials and considers this to be a good development. At the same time, the Council finds that with every new election, municipalities have much difficulty finding enough polling station officials.

Of the 12,689,810 persons entitled to vote, 9,462,223 persons went to the ballot box, resulting in a turnout percentage of 74.6%.

Of the total number of votes, 9,424,235 votes were valid, 17,004 votes were blank and 20,984 votes were invalid.

The number of votes cast in the 20th electoral district was small. The high number of blank votes in Bonaire was striking: 358, against 2,149 valid votes and 58 invalid votes. In Saba, the number of valid votes was 22, the number of invalid votes 4 and the number of blank votes 2. On Sint Eustatius, these numbers were 262 (valid), 3 (invalid) and 9 (blank).

From an electoral law point of view, the election day and the following days went to the satisfaction of the Electoral Council.

Determination of the results

On Friday 14 September, the principal electoral committees determined the voting totals per electoral district. The results were communicated to the Electoral Council immediately after this session. The Electoral Council then calculated the national election results.

The central electoral committee (the Electoral Council) determined the election results at a public hearing on Monday 17 September. The Electoral Council's opinion was that there were no reasons to question the reliability of the election results. This was done after looking at the official reports by the polling stations, which included objections lodged by voters, mentioned irregularities or showed that hearing session was suspended. Just as in 2010, most objections were about the layout and accessibility of polling stations.

The Electoral Council evaluated the elections and points for improvement were brought to the attention of the Minister of the Interior and Kingdom Relations and the House of Representatives.¹¹

Provision of information

During the period between 12 and 14 September, the Elections Information Point received 410 questions. In 2010, 280 questions were received in the same period.

Most questions were about:

- the layout of polling stations (no privacy in polling booths);
- proxy voting (not aware of the requirement of a copy of the principal's ID in case of a private proxy);
- poll cards (no poll card received, questions about the text on the poll card).

The Electoral Council's website was visited 26,076 times between 12 and 14 September, 15,362 times on election day alone, a record. During these three days, the election results database was consulted 48,750 times in total, of which 16,597 times on 12 September.

¹⁰ Mobile and special polling stations were usually subject to different opening hours.

¹¹ See Chapter 4, 'Evaluation Recommendation following the 2012 elections'.

Redivision elections

Redivision elections were held on 21 November 2012.

- Harenkarspel, Schagen and Zijpe (North Holland) were merged into the new municipality of Schagen.
- Graafstroom, Liesveld and Nieuw-Lekkerland (South Holland) were merged into the new municipality of Molenwaard.
- Dirksland, Goedereede, Middelharnis and Oostflakkee were merged into the new municipality of Goeree-Overflakkee.

During redivision elections and regular municipal elections, the Electoral Council does not perform its statutory duty of central electoral committee. During both elections, however, the Electoral Council makes a public announcement in the Government Gazette of the political parties registered with it (appellations). For registrations of appellations have an impact on municipal and provincial council elections. In case of regular municipal elections, this announcement must be made on the fortieth day before the nomination.

Unlike with regular municipal elections, no Elections Information Point is set up for redivision elections, because there is no reason to do so in view of the number of questions.

Election software

The Supporting Software for Elections (Ondersteunende Software Verkiezingen or OSV) was used in 2012 for the elections to the House of Representatives and for the redivision elections. Prior to these elections, instruction meetings were organised for new political parties and municipalities. If necessary, any questions about the use of the software were forwarded to the help desk of IVU, the software supplier. The costs associated with this were borne by the Electoral Council.



4. Recommendations

Recommendations made in 2012

In 2012, the Electoral Council made four recommendations:¹²

1. recommendation on an amendment to the Water Boards Decree in connection with indirect water board elections;
2. recommendation on the Temporary (Ballot Papers and Central Counting) Experiments Act;
3. evaluation recommendation on the 2012 elections to the House of Representatives;
4. recommendation on the Models Regulation.

The recommendation on an amendment to the Water Boards Decree was made at the request of the State Secretary for Infrastructure and the Environment. The 'Temporary Experiments Act' recommendation was made at the request of the Minister of the Interior and Kingdom Relations. An unsolicited recommendation was made on the 2012 elections to the House of Representatives and on the Models Regulation.

Amendment to the Water Boards Decree in connection with indirect water board elections (01 May 2012)

The State Secretary for Infrastructure and the Environment asked the Electoral Council to make a recommendation on an amendment to the Water Boards Decree. Traditionally, water board elections are rather different from elections organised in accordance with the Electoral Act. The aim of this amendment to the Water Boards Decree was to reduce the differences. The Electoral Council made a recommendation with respect to three topics in order to connect with the Electoral Act more:

1. the closed list system;
2. the period between municipal and water board elections;
3. the term of office of the old management.

The Council also recommended that the water boards be provided with clarity as soon as possible on the question whether the elections in the fall of 2012 are postponed and it pointed out the importance of a careful and timely preparation for the elections.

Follow-up to the recommendation

The proposed amendment to the Water Boards Decree did and will not take place. For the coalition agreement stipulates that the water board elections be held on the day before the provincial council elections: 4 March 2015.

Temporary (Ballot Papers and Central Counting) Experiments Act (5 November 2012)

In 2012, the Council made a recommendation on the 'Temporary (Ballot Papers and Central Counting) Experiments Act'. The Electoral Council endorses the necessity of adjusting the ballot paper, so that it can be used more easily by both voters and polling station officials. The Electoral Council also believes that using electronic means to count the votes is a positive development. This will result in more scrupulousness during the election process and in more reliable results. Although the Electoral Council endorses the bill's objectives, the Council proposes that a number of points be clarified.

Follow-up to the recommendation

The government's position will become clear when the bill is submitted.

Evaluation Recommendation on the 2012 elections to the House of Representatives (14 November 2012)

The Electoral Council made an evaluation recommendation on the elections to the House of Representatives. This includes recommendations that meet the wishes of voters and other parties

¹² All recommendations of the Electoral Council can be found in their entirety on the website, www.kiesraad.nl.

involved in the election process. For instance, the Council believes that the counting process at the polling stations can be set up more easily by deleting various counts that are still prescribed now. The period for collecting declarations of support can be extended from one to two weeks.

Moreover, the number of declarations of support required for new parties in the (small) 20th electoral district (Bonaire, Sint Eustatius and Saba) can be reduced from thirty to ten. Due to the major time difference, the Electoral Council furthermore proposes that the date of the elections to the House of Representatives in these islands be advanced by one day. Even if voters reside abroad for reasons other than due to their profession or a holiday, they should be able to cast their vote from abroad by letter.

Furthermore, the evaluation recommendation deals with matters such as:

- printing and sending poll cards and lists of candidates (should be done more carefully);
- voting by persons placed under curatorship (administrators cannot vote by proxy);
- taking photographs or filming at polling stations (no statutory prohibition; it is up to the presiding officer to take possible action against excesses).

Follow-up to the recommendation

The Electoral Council's recommendation was offered to the House of Representatives as an annex to the evaluation report from the Minister of the Interior and Kingdom Relations. The evaluation reports shows that the Minister followed most of the recommendations of the Electoral Council.¹³ In the 2nd memorandum of amendment, these proposals were included in the bill to amend the Electoral Act which is currently being debated in Parliament.¹⁴

Recommendation on the Models Regulation (17 December 2012)

In election practice, municipalities, political parties, voters and polling station officials use different forms or models. Users regard the existing models as complicated. The Electoral Council recommends that these models be improved and has taken the initiative to do so. In doing so, they have been made uniform and more user-friendly, reducing the chance of them being incomplete or containing errors. Moreover, the Electoral Council wants to stimulate the electronic use of the models.

Follow-up to the recommendation

The Electoral Council hopes that the new models are established by ministerial regulation in time for the municipal elections of March 2014.

Relationship between the General Administrative Law Act and the Electoral Act

In 2012, the Electoral Council also conducted a study into the relationship between the General Administrative Law Act and the Electoral Act. The Director-General for Governance and Kingdom Relations was officially informed of the results of this study and was advised to bring the terminology and the setting of time limits in the Electoral Act more into line with the General Administrative Law Act by amending some parts thereof.

¹³ See the Letter to Parliament of 17 January 2013, evaluation of election to the House of Representatives of 12 September 2012.

¹⁴ Parliamentary Papers II 2012/2013, 33 268, no. 9.

5. Appellations and appointments

Applications for registration

In 2012, the Electoral Council handled 33 applications for registration. Most applications for registration were submitted in connection with the early elections to the House of Representatives. One application concerned the registration of an appellation for the elections to the European Parliament.

The Council rejected one application for registration. It concerned an application for registration of the name 'Occupy Politiek'. The Electoral Council's opinion was that this appellation wrongfully suggests that this political group is affiliated with the 'Occupy' movement. As a result, it concerned an appellation that is 'otherwise' deceptive (pursuant to the Electoral Act, Article G 1(4)(c)).

One application for registration was not handled because the application was incomplete. It concerned the EPN group.

Register for the House of Representatives

Moed, Anti Euro Partij, Wilhelmus van Nassauwe, Beter Nederland, SOPN, Onafhankelijke Burger Partij (OBP), Partij van de Toekomst, FAMILIA, Libertarische Partij, Anti Europa Partij, Platform Gelijk Burgerschap V/M, IQ-Partij ; met IQ voor Eerlijkheid, Partij Onze Nederlandse Samenleving, Red het Noorden, Het Sociaal Contract, Democratische Partij Nederland (DPN), Kleptocraten, NLB (Nederlandbeter), PAO (Partij Anti Onrecht), Democratisch Politiek Keerpunt DPK, HHH Partij, Politiek Correct, P.V.D.M. en alle overige aardbewoners, Club van niet kiezers, Europese Federalistische Partij, Politieke Partij NXD, Partij voor het Volk, ODVN, Groen Liberaal, De Groenen, Groen Rechts.

Register for the European Parliament

Artikel50.

Deletion from the register

In 2012, the Electoral Council deleted 29 political parties from the register for elections to the House of Representatives. An appellation is deleted, for instance, when a political group failed to submit a list of candidates at the most recently held elections. Deletions were also made at the request of parties themselves.

The following parties were deleted: Nieuw Nederland, TrotsopNederland, Heel NL, Partij één, De Groenen, Unie van Democraten (De Unie), Groen Rechts, MOED, Anti Euro Partij, Wilhelmus van Nassauwe, Beter Nederland, Onafhankelijke Burger Partij (OBP), FAMILIA, Platform Gelijk Staatsburgerschap V/M, IQ-Partij ; met IQ voor Eerlijkheid, Partij Onze Nederlandse Samenleving, Red het Noorden, Het Sociaal Contract, Democratische Partij Nederland, Kleptocraten, NLB (Nederlandbeter), PAO (Partij Anti Onrecht), HHH Partij, Politiek Correct, P.V.D.M. en alle overige aardbewoners, Club van niet kiezers, Europese Federalistische Partij, Partij voor het Volk, ODVN.

In 2012, no appellations were deleted from the registers with political parties for the Senate and the European Parliament.

Appointments

The Electoral Council appoints new members to vacancies in the European Parliament, the Senate and the House of Representatives. Many new Members of Parliament were appointed in consequence to the elections to the House of Representatives in September 2012. Following the elections to the House of Representatives, eleven interim vacancies were created, among other things because members joined the new government.

One interim vacancy in the European Parliament was created in the reporting year. There were three vacancies in the Senate.

Number of appointments in interim vacancies

	2012	2011	2010	2009	2008	2007	2006
House of Representatives	18	8	19	8	8	17	8
Senate	3	0	3	4	0	3	2
European Parliament	1	1	2	1	1	3	0

6. Lawsuits

Appeals

In 2012, the Electoral Council was involved in various lawsuits, both as a party and in the role of expert. In the cases in which the Electoral Council acted as expert adviser, the chairman of the Administrative Jurisdiction Division of the Council of State (hereinafter referred to as 'the Division') was requested to provide information pursuant to Article 8:45 of the General Administrative Law Act.

In general, the appeals were lodged within the context of the registration procedure and nomination procedure for the elections to the House of Representatives of 12 September 2012. No decision was given in two cases, because the appeals lodged were withdrawn. In two other cases, no decision on the substance was given, because the court fee was not paid (or not paid in time).

The Electoral Council as a party

Assessment of applications for registration

- The party named 'Burger Partij Amersfoort' appealed against the Electoral Council's decision to include the name of 'Onafhankelijke Burger Partij (OBP)' in the register with appellations for the elections to the House of Representatives. 'Burger Partij Amersfoort' was already included in the register for the elections to the council of the municipality of Amersfoort. If the name of 'Onafhankelijke Burger Partij (OBP)' would be registered, this would cause confusion among voters. The Division dismissed the appeal as unfounded and ruled that the Electoral Council had been correct in registering the appellation of 'Onafhankelijke Burger Partij (OBP)'.¹⁵
- The political group named 'Politieke Vereniging Iijst Europese Partij Nederland' appealed against the Electoral Council's decision not to handle the application for registration of the appellation of 'EPN' for the elections to the House of Representatives. The Electoral Council had not handled the application for registration because the application was not filed in full. As the required court fee was not paid in time, the Division declared the appeal to be inadmissible.¹⁶
- The appeal of the association named 'Vereniging Keerpunt 2010' was directed to the Electoral Council's decision to include the appellation of 'Democratisch Politiek Keerpunt DPK' in the register with appellations for the elections to the House of Representatives. The association argued that the co-existence of the names could cause confusion among voters. 'Keerpunt 2010' was included in the register for the elections to the municipal council of Grave. The Division dismissed the appeal as unfounded and ruled that the Electoral Council had been correct in registering the appellation.¹⁷
- 'Beter Nederland' appealed against the Electoral Council's decision to register the party named 'NLB (Nederlandbeter)' for the elections to the House of Representatives. 'Beter Nederland' argued that the appellation of 'NLB (Nederlandbeter)' too much resembles the appellation of 'Beter Nederland'. The Division allowed the appeal and ruled that the Electoral Council was wrong in including the appellation of 'NLB (Nederlandbeter)' in the register, in addition to the already registered appellation of 'Beter Nederland'. In the Division's opinion, the names 'Beter Nederland' and 'NLB (Nederlandbeter)' showed too much resemblance.¹⁸

Deletion from the register for the elections to the House of Representatives

The party named 'Beter Nederland' lodged a second appeal. This appeal was directed to the Electoral Council's decision to delete this party from the register with appellations for the elections to the House of Representatives. The Electoral Council had deleted the name, because this party had failed to submit a valid list of candidates for the elections to the House of Representatives.

The Division declared the appeal to be inadmissible because 'Beter Nederland' had failed to pay the required court fee in time.¹⁹

¹⁵ Decision of the Administrative Jurisdiction Division of the Council of State of 13 June 2012, case no. 201205278/1/A2.

¹⁶ Decision of the Administrative Jurisdiction Division of the Council of State of 12 July 2012, case no. 201206189/1/A2.

¹⁷ Decision of the Administrative Jurisdiction Division of the Council of State of 13 July 2012, case no. 201206320/1/A2.

¹⁸ Decision of the Administrative Jurisdiction Division of the Council of State of 13 July 2012, case no. 201206366/1/A2.

¹⁹ Decision of the Administrative Jurisdiction Division of the Council of State of 3 October 2012, case no. 201208318/1/A2.

The Electoral Council as expert

Payment of deposit

The central electoral committee of the municipality of The Hague declared the list of candidates submitted by the party named 'IQ-Partij ; met IQ voor Eerlijkheid' for the elections to the House of Representatives to be invalid. IQ-Partij appealed against this. At the request of the Division, the Electoral Council provided information and recommended that the appeal be dismissed. IQ-Partij had failed to pay the deposit required for nomination. The party deemed a deposit to be discriminatory. The party also believed that it was obstructed by the principal electoral committee because upon submitting the lists of candidates, it was stated that the party could only participate in electoral district 12, while it wanted to participate in 20 electoral districts. The Division dismissed the appeal.²⁰ The party submitting the lists of candidates is responsible for these lists complying with the statutory requirements. Moreover, the group was obliged to pay the deposit and to submit proof of payment of this deposit within the set period. As it had failed to do so in time and to remedy this omission in time, the principal electoral committee had to declare the list of candidates submitted by the group to be invalid.

Place of residence of councillor

A former municipal councillor of Weesp appealed against the council's decision stating that he would not (or no longer) meet the council membership requirements. According to the municipal council, the person in question no longer lived in Weesp, but in Hilversum. In this appeal case, too, the Division asked the Electoral Council for information. According to the Division, for reasons of determining the actual place of residence of the former councillor, the actual situation is of the essence, and the reasons stated for his stay in Hilversum and his intention to have his actual place of residence in Weesp are not of decisive importance. The Division dismissed the appeal.²¹

Other matters

Submitting for inspection and publication of lists of candidates

Lists of candidates are submitted for inspection after the nomination day, and may be inspected until the admittance of the members. Moreover, requests can be made during this period to send copies of the lists. Submitting the lists for inspection can, however, not be equated with a publication within the meaning of the Government Information (Public Access) Act. In 2011, the Division ruled in several cases that a request to send copies is an 'act without an intended legal effect' and this cannot be a decision against which objection or appeal lies. An appeal was lodged with the Division against some of these judgments.

In a judgment of 5 September 2012²², the Division argued that temporarily submitting lists of candidates for inspection only applies during the election period, and that the lists are therefore no longer publicly accessible after admittance of the members. It follows from this that they are not public within the meaning of the Government Information (Public Access) Act. After the end of the election period, the Electoral Act does not preclude the application of the Government Information (Public Access) Act. It is important here that the mentioning of address details in the lists of candidates does not imply that the candidates consent to these details being published as referred to in Article 10(3) of the Government Information (Public Access) Act. Furthermore, the Division argued that the mayor can decide not to publish address details of candidates, if he can argue convincingly that this involves a certain safety risk. The mayor is not obliged to consider this for each candidate.

²⁰ Decision of the Administrative Jurisdiction Division of the Council of State of 9 August 2012, case no. 201207629/1/A2.

²¹ Decision of the Administrative Jurisdiction Division of the Council of State of 15 February 2012, case no. 201200168/1/A2.

²² Case no. 201107018/1/A3.

Validity of list of SGP candidates

A matter about which the Electoral Council received a lot of questions concerned the nomination procedure of SGP. In April 2010, the Supreme Court ruled that the State violates, among other things, the UN Women's Convention by not taking any measures against Staatkundig Gereformeerde Partij (SGP). For the SGP does not grant women the right to stand as a candidate in elections. Following this, SGP filed a complaint with the European Court of Human Rights (ECHR) for violating the European Convention for the Protection of Human Rights and Fundamental Freedoms, such in connection with a violation of freedom of religion and freedom of speech and assembly. The party took the position that it should be at liberty to act in accordance with the principles of this party. On 10 July 2012, the ECHR delivered a judgment in this case. It declared SGP's appeal to be inadmissible, thereby upholding the judgment of the Supreme Court in 2010. The judgment had no consequences for the validity of SGP's list for the elections to the House of Representatives.



7. Expertise and communication

Elections Information Point

An Elections Information Point was set up in the run-up to the elections to the House of Representatives of 12 September 2012. It was available for the period between 1 June and 1 October 2012.

Any questions to the Information Point could be asked by telephone or in writing, in the latter case mainly implying by e-mail. In the main, people used the contact form on the website of the Electoral Council (www.kiesraad.nl). Questions were also asked by means of the contact form on the website www.verkiezingen2012.nl, a temporary website especially designed by the central government for the elections to the House of Representatives.

The total number of questions received by the Information Point between 1 June and 22 September was 3,518; an increase of 50% compared with the previous elections to the House of Representatives in 2010, the number of questions at that time amounting to 2,337.

The large majority of questions were about proxy voting (13.1%) and the poll card (11.14%). Questions of citizens mostly related to the poll card and proxy voting. Many questions of municipalities were about proxy voting as well. Municipalities also asked a lot of questions about problems surrounding the use of voter's cards, about the layout of polling stations and about allowing assistance to voters inside polling booths. Most questions asked by political parties concerned the nomination procedures, the filing of declarations of support and the registration of new appellations. Most questions asked by the press concerned the nomination (or nomination procedure) and the determination of the results (or the manner in which the results are determined).

The added value of an Information Centre that is operational for a longer period of time also became evident in 2012. It proved to be inefficient to set up an entirely new Information Point for each election, as far as its organisation and the build-up of expertise are concerned. That is why the Information Point was given a permanent status, with a front office and back office in place. The Information Point is scaled up during election periods.

Website

More and more people manage to find their (digital) way to the Electoral Council. In order to determine whether the Electoral Council serves its target groups well, a small-scale survey was conducted among four categories deemed relevant to the Electoral Council:

- civil servants charged with organising elections;
- staff members of political parties;
- other election professionals;
- voters.

A user panel was asked to check, between November 2011 and February 2012, whether the website meets expectations, whether it is user-friendly and where improvements are desired. Although the website received a positive assessment, the survey showed that there were points for improvements. These improvements, including an adjustment of the search function and the presentation of information per election, were implemented in 2012 and resulted in people being able to find documents better.

Election Results Database

The Database contains election results reaching back to the year 1848. In 2012, the database was supplemented with results of the elections to the House of Representatives and with all results of the elections to the European Parliament. The municipal elections from the year 1946 can now be consulted as well. The 2010 and 2012 elections to the House of Representatives do not only contain the results per municipality, but also the results per candidate.

Social media

The Electoral Council has a Twitter account. The tweets are mostly used to draw people's attention to news reports on the website.

Knowledge meetings

The secretariat of the Electoral Council organises themed meetings or seminars with some regularity. Such meetings were also held in 2012. Themed meetings are more of an internal nature and relate to the everyday activities of the Electoral Council. Seminars have a more external nature. Stakeholders of the Electoral Council, such as municipalities, political parties or civil servants involved in the area of expertise, are invited to such meetings. In 2012, a seminar was held on the use of international standards during the election process.

Research

In 2012, a trainee from Erasmus University Rotterdam (Faculty of Law, Constitutional and Administrative Law Department) conducted research into the question whether the Dutch Electoral Act meets the most important international electoral standards.

In 2012, a trainee from Radboud University Nijmegen (Faculty of Arts) conducted research into the incompatibility of functions (incompatibilities).

Ever since 2008, the Electoral Council has had a Scientific Advisory Council. This council consists of internal and external experts in the area of elections and suffrage. The duties of the Scientific Advisory Council are to supervise and assess the Electoral Council's research programme. The members of the Scientific Advisory Council are:

Chairman: *Prof. Dr W. Voermans*,
professor of Constitutional and Administrative Law, University of Leiden.

Members: *Dr H. van der Kolk*,
university lecturer and Political Sciences researcher, University of Twente, and
Dr J. van Merriënboer,
historian, connected to the Centre for Parliamentary History. Secretary:
Dr R. de Jong,
Electoral Council researcher, historian.

In 2012, the Scientific Advisory Council met once in order to discuss ongoing research. It concerned research into suffrage, among other things.

Government Information (Public Access) Act

The Government Information (Public Access) Act provides for both the active and passive disclosure of documents. The Electoral Council carries out the duty of active disclosure by providing as much relevant information as possible, for example through its website www.kiesraad.nl and through publications in the Government Gazette.

In 2012, the Electoral Council received and dealt with six requests under the Government Information (Public Access) Act.

- One citizen filed three requests for information about expense statements, lease cars and registration of fax receipts. The Electoral Council handled part of the requests under the Government Information (Public Access) Act itself and forwarded another part to the Ministry of the Interior and Kingdom Relations.
- Another request came from an association asking who had signed the declarations of support pertaining to the participating lists in the province of Gelderland during the elections to the Senate in May 2011. The Electoral Council provided the relevant information.
- One municipality was provided with address details of the candidates in the lists of candidates and of those who had submitted a declaration of support.
- The Electoral Council responded to a question whether a certain polling station had contacted the Electoral Council on the day of the elections to the House of Representatives.

8. National and international contacts

Contacts

The Electoral Council sees it as its duty to be well informed of developments in the area of electoral law. That is why the Council finds it important to form part of national and international networks of electoral authorities and experts.

In 2012, too, attention was paid to building and maintaining these relations.

National

Ministry of the Interior and Kingdom Relations

As in previous years, regular consultations were held in 2012 with representatives from the Ministry of the Interior and Kingdom Relations, on matters concerning both policy and management. During the reporting year, these consultations were held with, among others, the Minister of the Interior and Kingdom Relations, the Secretary-General, the Directorate-General for Governance and Kingdom Relations, the Constitutional Affairs and Legislation Department and the Financial-Economic Affairs Department.

Ministry of Foreign Affairs

At civil service level, discussions were held in 2012 with the Ministry of Foreign Affairs on support from the Electoral Council with respect to international cooperation processes (in relation to electoral matters). The Electoral Council participated in an election observation mission in Egypt. Moreover, a delegation of Egyptian journalists was received at the request of the ministry.

Ministry of Infrastructure and the Environment and Association of Water Boards

In 2012, consultations were held with the Association of Water Boards on water board elections (bringing these elections under the scope of the Electoral Act) and combinations of elections.

Association of Netherlands Municipalities and Dutch Association for Civil Registrars

Regular consultations are held with the Association of Netherlands Municipalities and the Dutch Association for Civil Registrars. In 2012, too, frequent discussions were held with both organisations about election themes.

Senate and House of Representatives

On 11 April 2012, the Parliamentary Standing Committee on Internal Affairs of the House of Representatives organised a round table meeting on water board elections. This meeting was held in preparation for the plenary hearing in the House of Representatives of the bill to amend the Water Boards Act. During the round table meeting, the Electoral Council was represented by the chairman. In 2012, no consultations were held with the Committee for the Examination of the Credentials of the House of Representatives. At civil service level, however, discussions were held with the secretary-general of this Committee on the procedure of handling letters of appointment and credentials. In addition, agreements were made with the Secretary General's office about the House of Representatives providing rooms and resources for any recount of votes for the elections to the House of Representatives.

Political parties, municipalities and provinces

In preparation for the elections to the House of Representatives and the redistricting elections, the Electoral Council organised instruction meetings for political parties and municipalities on the use of Supporting Software for Elections.

On 8 June 2012, the lieutenant governors of the Caribbean Netherlands paid a visit to the Electoral Council, in preparation for the elections to the House of Representatives. This was the first time that the islands participated in the elections to the House of Representatives and information was exchanged with both the Ministry of the Interior and Kingdom Relations and the Electoral Council on the organisation of these elections.

Every year, the Electoral Council organises a meeting with principal electoral committees. The meeting of 4 October 2012 focused on the elections to the House of Representatives. Together with the principal electoral committees, the course of these elections were evaluated and experiences were shared, among other things. These experiences have been included by the Electoral Council in its recommendation on the elections to the House of Representatives.

(Guest) lectures

In 2012, members of the Council and staff members of the secretariat gave (guest) lectures.

International

OSCE

In 2012, the Electoral Council was visited three times by a delegation of the OSCE/ODIHR, in preparation for the elections to the House of Representatives on 12 September. During the first two visits, discussions were held with the OSCE about, among other things:

- legislative amendments compared to the previous elections to the House of Representatives;
- the recommendations from the OSCE report of 2010;
- the conditions for the registration of the name of a political group and participation in the elections;
- the conditions under which appellations can be deleted from the register;
- proxy voting;
- the advisability of introducing a formal complaints procedure on election day (in addition to the existing low-threshold way of including any complaints in the official report of the polling station);
- the admittance of members of the House of Representatives.

The third visit took place after the elections, on 13 September 2012. The visit came after the discussions the delegation held with other bodies and persons involved in the elections to the House of Representatives on 12 September 2012 and after the observations of the delegation during these elections. During the visit, various topics were discussed, such as the general course of affairs during the elections to the House of Representatives and the most important changes to the bill to amend the Electoral Act which was being debated by the House of Representatives at that time.²³

Foreign delegations

In 2012, the Electoral Council received foreign delegations from: South Africa, Georgia, Egypt, Namibia and Kazakhstan.

Working visits

A representation of the secretariat paid a visit to London in connection with the mayoral and municipal elections. During this visit, the representatives gained experience with electronic central counting. They held discussions with, among others, LondenElect (the municipal organisation of the elections), IntElect (the supplier of the electronic counting equipment) and The Electoral Commission (the English Electoral Council). Moreover, they visited polling stations, on election day, and a counting location.

Staff members of the secretariat also visited the European Parliament in Brussels. Here, they talked about, among other things, electoral-law developments in the European Union for the elections to the European Parliament, such as the financing of European political parties, the nomination of residents of the European Union and possible other changes to the regulations with respect to these elections. A visit was also paid to the Local Government Agency of the Flemish government. In the presence of representatives of, among others, the Flemish region, the federal government and the city of Brussels, consultations were held about the new voting computers that were used in Flanders and Brussels during the local elections on 14 October 2012. During the consultations, information was provided about the development of and experiences with the new generation of voting computers.

²³ Parliamentary Papers II 2011/2012, 33 268, no. 2.

Conferences

On 4 and 5 June 2012, the Electoral Council participated in the annual Conference of Electoral Management Bodies. This 9th Conference of Electoral Management Bodies was held in Tallinn, Estonia, and was organised by the Estonian parliament in cooperation with the Venice Commission of the Council of Europe. Those present were representatives of Electoral Management Bodies, scientists, policy-makers and international and non-governmental organisations from 21 different countries. The theme was 'Innovative solutions for elections'. Presentations were held about 'Electronic voters list and registers of voters' in relation to the advantages and disadvantages of new technologies. Moreover, a presentation was held about, among other things, new technologies to train polling station officials, preventing election fraud and protecting internet votes.

In June, the five-yearly conference of honorary consuls was held in the Netherlands. During the conference, a consular market was organised where consuls were given the opportunity to talk to experts about various consular topics. The municipality of The Hague and the Electoral Council were present in order to answer questions about the topic of parliamentary elections. These questions mostly related to election procedures, and especially those for Dutch voters abroad.



9. Finances

Frameworks

From a budget point of view, the Electoral Council is included in Chapter VII of the National Budget of the Ministry of the Interior and Kingdom Relations, under Policy Article 1, 'Public administration and democracy'.

The Council follows the budget and accountability cycle of the Ministry of the Interior and Kingdom Relations. As from 2012, all overhead expenses of the Ministry of the Interior and Kingdom Relations have been combined in the budget into one non-policy article; the central overhead article. In this article, all expenses necessary to support the primary process have been combined. The Electoral Council's overhead expenses have also been placed here.

A Supervision Arrangement has been agreed with the Ministry of the Interior and Kingdom Relations, whereby the Electoral Council sends the ministry regular reports on its management.

Spendable budget

In 2012, the Electoral Council's spendable budget was € 2,225,000.

Remuneration for the Electoral Council chairman and members

In 2012, the Electoral Council members received a remuneration for their efforts. The remuneration for the chairman amounted to 0.3 FTE in scale 18 of the Civil Servants' Pay Decree (BBRA). The Electoral Council members received a remuneration of € 235 per meeting and a travel allowance.

The Council and its secretariat do not employ any persons who fall under the scope of the Executives' Pay Financed from Public Funds (Disclosure) Act.

Deposits

In 2012, the Electoral Council received deposits for the registration of appellations of political parties and for the nomination. These deposits are credited to a separate (suspense) account of the Ministry of the Interior and Kingdom Relations because they must be refunded to the parties if the applicable statutory requirements are met. If this is not the case, the deposits will revert to the State.

