

Annual Report 2013

Dutch Electoral Council

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Preface

Traditionally, the Electoral Council has been the advisory body of the government and parliament on electoral law and elections, and the central electoral committee for national elections. Over the past few years, the Electoral Council has also developed into an advisory and information centre in the area of elections. The Electoral Council provides municipal authorities, political parties, the media, citizens and other agencies with information about the election process, under the Electoral Act and the Electoral Decree. For many years, an Elections Information Point has been set up during election periods in cooperation with the Ministry of the Interior and Kingdom Relations. It has also become common practice to inform municipal authorities and political parties at meetings throughout the country on recent developments in relation to electoral law, elections and the use of election software (OSV).

Support in practice

As an extension of information provision, there appears to be an increasingly important need for a body that provides organizations responsible for organizing elections with assistance and advice, and, where necessary, also with on-site assistance and advice. This need exists especially in situations in which one has to operate under time pressure, and the Electoral Act does not give a definitive or unambiguous answer, for example in case of a recount of votes. Experience suggests that, in practice, this type of requests for support shows a fairly steady increase.

Electoral Act explained

The information provided by the Electoral Council centres and continues to centre on the Electoral Act. In 2013, the Minister of the Interior and Kingdom Relations asked the Electoral Council to make a public-friendly version of the Electoral Act. This request fitted in well with the Electoral Council's efforts to clarify matters relating to electoral law, also via the website. In implementation of this request, the Council therefore completed a new section on its website www.kiesraad.nl, called 'Kieswet toegelicht' (Electoral Act explained).

Knowledge of the election process

In quite a number of municipalities, knowledge of the Electoral Act and of the processes described therein appears to be vulnerable. This knowledge is sometimes concentrated in only one or two civil servants. If this expertise is lost – because these persons retire, for example – and the municipalities failed to anticipate this in time, they will be faced with a big challenge if they 'suddenly' have to organize elections. Many private organizations and persons currently take an active part in providing training and courses to election officials and polling station officials. However, there is no form of quality control at present, which also makes the process vulnerable. The question arises whether this situation, which has become increasingly important in practice, will remain the same in the future. Against the backdrop of the possible use of electronic equipment during the election process in the near future, this question becomes extra important.

H.R.B.M. Kummeling,
Chairman of the Electoral Council



1. 2013 in a nutshell

Only redivision elections were held in 2013. In 2013, the activities of the Electoral Council therefore focused on its second statutory task, namely making recommendations on legislative proposals in the area of electoral law and elections.

Recommendations

In 2013, the Council made a total of eight recommendations. These recommendations often concerned legislative proposals to amend the Electoral Act. In 2013, the Electoral Council also made recommendations on the following proposals: draft Provisional Experiments Decree, draft Provisional Experiments Regulations and draft Advisory Referendum Decree. Moreover, the Minister of the Interior and Kingdom Relations asked the Electoral Council to draw up a public-friendly Electoral Act. In response to this request, a new section called 'Kieswet toegelicht' (Electoral Act explained) was published on the website of the Electoral Council, containing a concise explanation of all articles of the Electoral Act. The work carried out for this new section was completed in 2013, as far as municipal elections and elections to the European Parliament are concerned. The other elections will follow in 2014.

Revision of the Electoral Act

Following questions from the Senate, the Minister of the Interior and Kingdom Relations asked the Electoral Council to make a recommendation on a total revision of the Electoral Act (and the design thereof). The Council has advocated the need for a revision for a longer period of time. The most recent fundamental revision of the Electoral Act was in 1989 and the Electoral Act has been amended more than 50 times since. The Council believes that it is time for a more coherent revision, also for the purpose of modernizing the election process. The Council expects to make a recommendation on this during the second quarter of 2014.

Combination of provincial council elections and water board elections

In its recommendation of 15 February 2013 on the draft legislative proposal on combining water board elections with provincial council elections, the Electoral Council recommended that a number of points in the legislative proposal be amended.¹ The government followed this recommendation of the Electoral Council almost in its entirety by means of a memorandum of amendment.²

Central nomination for the elections to the House of Representatives

In 2013, the duties of the Electoral Council were expanded by law³. Candidates for the elections to the House of Representatives will, from now on, be nominated centrally at the Electoral Council, acting in its role of central electoral committee during these elections.

Advisory referendum

In 2013, the Electoral Council prepared itself for a possible new duty following the implementation of the Advisory Referendum Act and the Advisory Referendum Decree. If this legislative proposal – which is now pending in the Senate – is adopted, the Council will start assessing the validity of preliminary or final requests for holding a referendum. The Council will, in that case, also determine the number of requests submitted and the results of referenda.

¹ See Chapter 4 below

² Parliamentary Papers II, 2013/14, 33 719, no 8

³ Bulletin of Acts and Decrees of 3 July 2013

First Aid during Elections

Providing information and assisting municipal authorities and political parties, especially during election periods, is not a new duty of the Electoral Council, but is a duty that requires increasing attention and capacity. On 1 October 2013, an Elections Information Point was set up once again, in cooperation with the Ministry of the Interior and Kingdom Relations. Based on its task of providing first aid during elections, the Electoral Council also supported the municipality of Alphen aan den Rijn when the municipal council decided to recount all of the well over 33,000 ballot papers. The independent position of the Electoral Council was an important factor here.

New forms for election practice

On the initiative of the Electoral Council, around 50 models (forms) pertaining to the Electoral Act and the Electoral Decree were adjusted. The new forms have been included in the Electoral Regulations.⁴

New Dutch EML standard

A new Dutch EML (Election Markup Language) standard was set in 2013. This standard is necessary in order to safeguard a problem-free exchange of data when using election software. The Electoral Council manages this standard in cooperation with representatives of private market players in the area of elections.

Lecture series on electoral law and elections

In close cooperation with the Erasmus University Rotterdam, the Electoral Council developed a lecture series on 'Kiesrecht en Verkiezingen, in theorie en praktijk' (Electoral Law and Elections, in theory and practice) for the constitutional law master's programme students and other interested persons. The lectures will be given during the first quarter of 2014. The aim of this initiative is to promote scientific attention to and knowledge of electoral law and elections.

Report of the Committee investigating electronic voting at polling stations

On 18 December 2013, the Committee to assess electronic voting at polling stations (the Van Beek Committee) submitted its report to the Minister of the Interior and Kingdom Relations. In 2013, the Council prepared a substantive position on this report and expects to present this position during the first months of 2014. In anticipation of this, the Council stated that it is pleased that the Van Beek Committee has put the use of electronic tools during the voting and counting process on the map again as a real possibility. For some time now, the Council has been advocating an investigation into the possibilities available in this matter⁵, being convinced that the use of supporting equipment will benefit the voting process.

⁴ Decree of 6 November, entry into force on 1 December 2013

⁵ Cf. the evaluation recommendation on the 2009 elections to the European Parliament (recommendation of 7 December 2009) and the evaluation recommendation on the 2010 elections to the municipal councils and the House of Representatives (recommendation of 22 September 2010). See also the preface to the Council's annual report of 2012. The recommendations and annual report can be found on the website of the Electoral Council: www.kiesraad.nl.

2. Organization

The Electoral Council has two duties:

- the Council advises the government and the Senate and House of Representatives on matters of implementation relating to electoral law or elections
- the Council acts as the central electoral committee for elections to the House of Representatives, the Senate and the European Parliament:
- the Electoral Council determines the official election results
- the Electoral Council checks and registers appellations of political parties
- the Electoral Council decides on the validity of statements submitted for the purpose of forming a combined list
- the Electoral Council decides on the validity of lists of candidates submitted centrally and numbers these lists

Other duties

The Electoral Council provides information to citizens, political parties, municipalities, the media and other interested parties on electoral law and elections. As described in Chapter 1, this non-statutory duty requires increasing attention. Finally, in 2013, the Electoral Council also acted as adviser in lawsuits relating to electoral law.⁶

Non-departmental Public Bodies Framework Act and Advisory Boards Framework Act

In 2013, the duties and responsibilities of the Electoral Council as central electoral committee were placed under the Non-departmental Public Bodies Framework Act (Kaderwet zelfstandige bestuursorganen).⁷ In connection with its advisory function, a few sections were excluded from this⁸, given the Council's independent position. Moreover, part of the advisory duties of the Electoral Council is subject to the Advisory Boards Framework Act (Kaderwet adviescolleges)⁹ and another part is not¹⁰. These exceptions are also connected with the special position of the Electoral Council in our form of government.

Relationship with the Ministry of the Interior and Kingdom Relations

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. The special position of the Electoral Council in our form of government and its independence affect this supervisory relationship. Since 1 January 2011, the Electoral Council has become more independent from the ministry, because the Council was given more control over its staff members and the spending of its budget. This relationship is further detailed in a 'Supervision Arrangement' between the ministry and the Council.

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 related policy areas. Social knowledge and experience also play a role in appointing members. Members can be reappointed for no more than two four-year periods. In 2013, the Electoral Council said farewell to Mr Gert Schutte, who had been a Council member for twelve years and was deputy chairman. He was succeeded as Council member by Peter Castenmiller. Anneke van Dijk was appointed deputy chairman.

⁶ Judicial Division of the Council of State

⁷ Bulletin of Acts and Decrees of 3 July 2013

⁸ Non-departmental Public Bodies Framework Act, Articles 12, 21 and 22

⁹ Advisory Boards Framework Act, Article 15(1), (3), (4) and (5) and Article 16

¹⁰ Advisory Boards Framework Act, Articles 21 and 29



In 2013, the Council was comprised as follows:

Prof. H.R.B.M. Kummeling, LL.M. Chairman. Appointed in 2005. 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.

A.G. van Dijk, LL.M., MSc. Appointed as a member in 2010 and as deputy chairman in 2013. Anneke van Dijk is Legislation and Legal Affairs director of the Ministry of Security and Justice.

Prof. Dr. M.H. Leyenaar. Appointed as a member in 2005. Monique Leyenaar is a professor of Comparative Political Science at 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. Appointed as a member in 2005. 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 organizations, including Zeeland Refinery and the Zeeland Historical Research Foundation.

G.M.M. Blokdijk, LL.M. Appointed as a member in 2006. Trudy Blokdijk advises and evaluates Supervisory Boards and holds various supervisory and management positions. She is also affiliated with the University of Amsterdam and conducts research into the basic principles and position of internal supervision.

W.M.B. Stoker. Appointed as a member in 2006. 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.

Dr. P. Castenmiller. Appointed as a member in 2013. Peter Castenmiller is employed by PBLQ-Zenc, a consultancy for innovations in the public domain, where he acts as project manager and reporter, among others.

Secretariat

In performing its duties, the Electoral Council is supported by a secretariat. The secretary-director is the head of the secretary and charged with day-to-day management.

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

At the end of 2013, thirteen staff members worked at the secretariat in the following positions:

- Melle Bakker, LL.M. secretary-director
- Pamela Young, MSc. deputy secretary-director, also coordinator of the Legal Affairs cluster
- Heleen Hörmann, BSc. Coordinator for the Communications, Research and Operations cluster, also communications advisor
- Karin van der Mijnsbrugge executive secretary
- José Haring, LL.M. senior legal adviser
- Edward Brüheim, LL.M. senior legal adviser
- Jennifer Alspeer, LL.M. legal adviser
- Dr. Ron de Jong scientific researcher
- Marjolein Walsmit-Brouwer, MSc. communications officer
- Jan-Jouke Vos, B Eng, LL.M. IT consultant
- Henny Siero policy support assistant
- Patricia Chatrer-Mol¹¹ policy support assistant
- Karina de Klerk Wolters office manager

In the run-up to the elections in 2014, the Electoral Council's secretariat is temporarily expanded with the Elections Information Point. At the end of 2013, the Elections Information Point was comprised of the following staff members: Roderick Al and Bas Paauwe. As from January 2014, the Elections Information Point will be reinforced by a third staff member: Lisanne Vodegel.

¹¹ Temporarily replaced by Sabrina Bafati due to pregnancy.



3. Elections

Redivision elections were held in a number of municipalities on 13 November 2013. These redivisions will enter into force on 1 January 2014.

The redivisions concerned the following municipalities:

- Alphen aan den Rijn, Rijnwoude and Boskoop. These municipalities were merged to form the new municipality of Alphen aan den Rijn.
- The municipality of Boarnsterhim was divided into four parts. There was a partial adjustment to the boundaries between Skarsterlân (municipality of De Friese Meren) and Súdwest-Fryslân. Moreover, one part is merged with Leeuwarden and another part is merged with Heerenveen. For this reason, redivision elections were held in the municipalities of Heerenveen, Leeuwarden, Skarsterlân, Lemsterland, Gaasterlân-Sleat and Boarnsterhim (except the part that is added to Súdwest-Fryslân, because this part participates in the regular municipal elections of Súdwest-Fryslân in March 2014).
- The municipalities of Skarsterlân, Lemsterland and Gaasterlân-Sleat. These municipalities were merged to form the new municipality of De Friese Meren.

No regular municipal elections will be held in the eight newly formed municipalities in 2014. The new merged municipalities will join the municipal elections again in 2018.

Recount in Alphen aan den Rijn

The municipal council of Alphen aan den Rijn decided to recount the votes. On 21 November 2013, all of the well over 33,000 votes cast in the 61 polling stations were recounted. Over 155 civil servants were deployed for this public recount. The most important reason for the recount was a very small difference between the numbers of votes cast in favour of two parties and the exact number of votes was relevant in order to allocate the last residual seat. The Electoral Council had intensive contacts with the municipality in advance of the recount. On the day of the recount, a Council delegation travelled to Alphen aan den Rijn in order to be present at the recount.

Election software

Various amendments to the Electoral Act and the Electoral Decree have resulted in adjustments to the Supporting Software for Elections (Ondersteunende Software Verkiezingen, OSV). In addition to these adjustments, revised models (forms) for nomination, the determination of results and the allocation of seats are also included in OSV. Moreover, OSV supports the new Frisian-language models for elections in the province of Friesland.

At the end of 2013, a start was made with the roll-out of the OSV software for the municipal elections of 19 March 2014. Political parties and municipalities were given the most recent version of the software which they can use for the nomination. Furthermore, over 40 instruction meetings for municipalities and political parties were organised throughout the country in cooperation with IVU Benelux, the software developer.

EML_NL standard

On the initiative of the Electoral Council, a specific EML_NL election software standard was set for our country¹². The international Election Markup Language (EML) standard was adjusted for this purpose. This (open) standard allows for a clear exchange of election data. This contributes to a reliable determination of results. The Standardization Board has set the EML_NL standard for the electronic exchange of candidate and voting data at Dutch elections. A steering group with external users of OSV is responsible for managing the standard.

¹² As published on the website, see <https://www.kiesraad.nl/artikel/eml-standaard>



4. Recommendations

In 2013, the Electoral Council made eight recommendations:¹³

1. Recommendation on implementation of amendment to Directive 93/109/EC in the Electoral Act
2. Recommendation on combined water board elections
3. Recommendation on the Ballot Papers and Central Counting of Votes Experiments Decree
4. Recommendation on amendment to the Electoral Decree
5. Recommendation on the Act approving and implementing the UN Convention on the Rights of Persons with Disabilities
6. Recommendation on the right to vote of non-Dutch nationals at island council elections
7. Recommendation on the Advisory Referendum Decree
8. Recommendation on the Experiments Regulations on Ballot Papers for voters outside the Netherlands

The recommendation on combined water board elections was made at the request of the Minister of Infrastructure and the Environment. The recommendation on the Act approving and implementing the UN Convention on the Rights of Persons with Disabilities was made at the request of the Minister of Health, Welfare and Sport. The other six recommendations were made at the request of the Minister of the Interior and Kingdom Relations.

Recommendation on implementation of amendment to Directive 93/109/EC in the Electoral Act (24 January 2013)

The Electoral Council made a recommendation on a directive that makes it easier for EU citizens to put themselves forward as a candidate for elections to the European Parliament in an EU country other than their country of origin. The directive allows for other EU countries to check with the Electoral Council whether the Dutch candidates who live in the relevant countries are indeed entitled to stand for election. In its recommendation, the Electoral Council proposed that the Minister of Security and Justice draw up and issue the formal statement for candidates, because the Minister holds the required information. The Electoral Council subsequently passes on the statement to the responsible authorities. If non-Dutch EU citizens want to put themselves forward as a candidate in the Netherlands, it is up to the Electoral Council to check with the relevant EU authorities if they are entitled to vote.

Follow-up to the recommendation

This recommendation was followed by the minister.

Recommendation on combined water board elections (15 February 2013)

At the request of the Minister of Infrastructure and the Environment, the Electoral Council made a recommendation on the inclusion of regulations on water board elections in the Electoral Act and the simultaneous organization of elections to water boards and provincial councils. At provincial council elections, voters can cast their vote at each polling station within their municipality. This becomes difficult for municipalities spread over more than one water board area – there are even a few municipalities having parts of three water board areas within their borders. This makes the organization of elections very complex. The Council argued that municipalities that cover three water board areas be given the opportunity to set restrictions on voting at a random polling station. It also recommended that the votes for the water boards be counted the following day at the water board offices. This will put less pressure on the polling stations and will make the water boards responsible for the determination of the results of the water board elections.

Follow-up to the recommendation

At the request of a large majority of the House of Representatives, the government reconsidered its proposal. The government decided to limit voting at random polling stations in municipalities with

¹³ All recommendations made by the Electoral Council can be found at www.kiesraad.nl.

several water boards to the area covered by the water board elections. The recommendation that votes be counted at the water board offices was not followed.

Recommendation on the Ballot Papers and Central Counting of Votes Experiments Decree (17 May 2013)

The Minister of the Interior and Kingdom Relations asked the Electoral Council to make a recommendation on its intention to conduct two experiments with ballot papers as from 2014. The first experiment allows for sending voters abroad a ballot paper that has been especially developed for this purpose by e-mail - the ballot paper is now still sent to them by regular post. The second experiment pertains to the central counting of ballot papers in municipalities on the day after the vote. Only a 'quick count of votes', at party level, will then still be done by the separate polling stations. The quick count of votes makes it possible to announce preliminary election results on the evening of the vote.

Follow-up to the recommendation

The government followed, among other things, the Electoral Council's recommendation to have the municipal polling station immediately announce the (preliminary) results per polling station. Moreover, voters present are given the opportunity to raise oral objections against the (preliminary) results. The experiments decree is valid until 1 January 2018.

Recommendation on amendment to the Electoral Decree (21 May 2013)

An extensive revision of the Electoral Act in 2013 required an amendment to the Electoral Decree. Among other things, the Electoral Council recommended that the material required for training polling station officials be provided in time. This training has been compulsory since 1 December 2013. The Council also recommended that the models pertaining to the Electoral Act be adjusted in time.

Follow-up to the recommendation

The Electoral Decree was amended on 1 December 2013. The models pertaining to the Electoral Act were adjusted according to the Electoral Council's recommendation.

Recommendation on the Act approving and implementing the UN Convention on the Rights of Persons with Disabilities (27 August 2013)

At the request of the Minister of Health, Welfare and Sport, the Electoral Council made a recommendation on the Act approving and implementing the UN Convention on the Rights of Persons with Disabilities. The Electoral Act now provides that 'at least 25%' of the polling stations should be suitable for voters with disabilities. The government proposed that this be changed into: 'as many as possible, but at least 25%'.

In its response, the Electoral Council requested that more attention be paid to the limitations experienced by voters with physical impairments when casting their vote. In any case, municipalities could differentiate more in the facilities for voters with a physical impairment and provide information about this in time before each election. Incidentally, the Council endorsed that providing assistance to voters at a polling station should remain limited to voters with a physical disability.

Follow-up to the recommendation

The follow-up to this recommendation is as yet unknown, because the legislative proposal has not yet been submitted.

Recommendation on the right to vote of non-Dutch nationals at island council elections (3 September 2013)

The Minister of the Interior and Kingdom Relations asked the Electoral Council to make a recommendation on its intention to temporarily give non-Dutch nationals who have lived in the Caribbean Netherlands for five years the right to vote at island council elections. This temporary arrangement will apply until the island council members are entitled to vote at elections to the Senate. The government wants to prevent this group of voters to have a direct or indirect influence on the composition of the States General. In its recommendation to the Minister, the Electoral Council recommended that non-Dutch nationals who have lived in the Caribbean Netherlands for five years not only be temporarily granted the right to vote at island council elections, but also the right to stand for these elections. The reason for this is that, for other elections, the right to vote is at par with the right to stand for elections. For instance, a person who is allowed to vote at municipal elections may also stand as a candidate at municipal elections.

Follow-up to the recommendation

The follow-up to this recommendation is as yet unknown (the legislative proposal has not yet been submitted).

Recommendation on the Advisory Referendum Decree (1 October 2013)

The Advisory Referendum Decree is an elaboration of a private member's legislative proposal on advisory referenda. The decree pertains to referenda on acts adopted by Parliament. In order for an advisory referendum to be held, voters must present a minimum number of signatures (requests for referenda and declarations of support). In its recommendation to the government, the Council recommended that the proposed random check of requests for referenda and declarations of support be further detailed.

Follow-up to the recommendation

The follow-up to this recommendation is as yet unknown (the legislative proposal has not yet been submitted).

Recommendation on the Experiments Regulations on Ballot Papers for voters outside the Netherlands (18 November 2013)

The Electoral Council made a recommendation on an experiment with other ballot papers for voters outside the Netherlands. The experiment allows for sending voters abroad a ballot paper (or new model thereof) by e-mail. On the new type of ballot paper used in the experiment, voters are to colour two boxes: one for the party, and one for a candidate. In its recommendation, the Council asked that attention be paid to the availability of lists of candidates for voters outside the Netherlands, the use of colours in the registration of logos and the use of a logo by parties who jointly registered one appellation.

Follow-up to the recommendation

The position of the Minister of the Interior and Kingdom Relations will become clear as soon as the ministerial regulation enters into force.



5. Appellations and appointments

The Electoral Council registers the appellations of political parties who want to participate in the elections to the House of Representatives, the Senate and the European Parliament.

Applications for registration

In 2013, the Electoral Council handled thirteen applications for registration. One application for registration was not handled because the application was incomplete.

Register for the House of Representatives

The register of appellations of political parties includes the names of parties registered by the Electoral Council for the elections to the House of Representatives. In 2013, the following appellations were listed in the register for the elections to the House of Representatives: Artikel50, Partij van de Rede – ASP, Basis Inkomen Partij (BIP), JEZUS LEEFT, Leefbaar Alkmaar, Liberale Partij, Nederland Samen, NEDERLANDSE KLOKKENLUIDERS PARTIJ (NKP), Nieuwe Communistische Partij – NCPN, OPA, PLATFORM VRIJE POLITIEK, Verenigde Senioren Partij and Ware Volkspartij.

In 2013, the Electoral Council received no applications for registration for the registers for the elections to the Senate and the European Parliament.

Deletion from the register

After each election, the Electoral Council deletes the appellations of parties who did not participate in the elections from the register of appellations. In 2013, the Electoral Council did not delete any appellations from the registers for the House of Representatives, 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. In 2013, there were seven appointments in interim vacancies in the House of Representatives. Moreover, there were eight appointments in interim vacancies in the House of Representatives due to illness or maternity leave. There were four appointments in interim vacancies in the Senate. Eventually, fewer Members of Parliament were admitted, because not all members accepted their appointment.

Number of appointments in interim vacancies

	2013	2012	2011	2010	2009	2008	2007	2006
House of Representatives	15	18	8	19	8	8	17	8
Senate	4	3	0	3	4	0	3	2
European Parliament	0	1	1	2	1	1	3	0



Wijkcentrum
Kerk en Zanen

Gemeente
Alphen aan den Rijn



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6. Lawsuits

In 2013, the Electoral Council was involved in four lawsuits. The Electoral Council was a party in two lawsuits and provided information as an adviser to the Judicial Division of the Council of State in two other lawsuits.

Under the heading 'other lawsuits', two judgments are discussed in which the Electoral Council was not involved, but which are important for electoral law.

The Electoral Council as a party

Onafhankelijke Partij Alkmaar (OPA)

The Onafhankelijke Partij Alkmaar, with the appellation 'OPA', appealed against the decision of the Electoral Council to register the appellation 'OPA' in the register for the elections to the House of Representatives. The political party Ouderen Politiek Actief, which also had the appellation of 'OPA', had submitted this application for registration. According to the Onafhankelijke Partij Alkmaar, registration of the appellation 'OPA' in the register would cause confusion among voters. Moreover, the registration would result in the Onafhankelijke Partij Alkmaar no longer being able to use the appellation after the 2014 redivision elections.

The Division dismissed the appeal. According to the Judicial Division of the Council of State, the Electoral Council is supposed to check, when assessing the application for registration, if any confusion with another political party can be expected. In that case, it should concern an appellation that is also registered for the elections to the House of Representatives and not an appellation that is registered at municipal level, as is the case with 'OPA' in Alkmaar. Moreover, the Division did not believe that the appellation 'OPA' was misleading. The Onafhankelijke Partij Alkmaar is unknown to voters for the House of Representatives. This therefore does not easily create the impression that there is a national party of which the 'OPA' party in Alkmaar forms part.

Libertarische Partij (LP)

The political party Libertarische partij voor persoonlijke vrijheid en verantwoordelijkheid, with appellation Libertarische Partij (LP), appealed against the decision of the Electoral Council to register the appellation 'Liberale Partij' in the register for the elections to the House of Representatives. The Libertarische Partij argued that the appellation 'Liberale Partij' was identical or largely similar to its appellation 'Libertarische Partij (LP)' registered by the Electoral Council. The party believed that the appellation would be misleading to voters. The party also feared that the Liberale Partij would use the abbreviation 'LP'.

According to the Electoral Council, the concepts of 'libertarische' (libertarian) and 'liberale' (liberal) are general concepts to which a political party cannot claim the exclusive right. Moreover, the appellations are not phonetically similar, the dominant words in both appellations are not identical and the meanings are not the same. No confusion can therefore be expected. Finally, the Electoral Council stated in its defence that the appellation 'Liberale Partij' is mentioned at the top of the list of candidates and not the abbreviation 'LP'.

The Judicial Division of the Council of State followed the judgment of the Electoral Council and dismissed the appeal.

The Electoral Council as advisor

Rotterdamse Ouderen Bond

The Rotterdamse Ouderen Bond association appealed against the decision of the central electoral committee of the municipality of Rotterdam to register the appellation 'Rotterdamse Ouderen Partij (ROP)' of the eponymous political party in the register for the municipal elections. The association argued that it is to be expected that the appellation will be confused with the name of its association, causing the latter to be associated with the said political party.

The Electoral Council recommended that the appeal be dismissed. The Division agreed and ruled that the central electoral committee could only have refused the registration if the appellation 'Rotterdamse Ouderen Partij (ROP)' had been identical or largely similar to an appellation of another political party which had already been registered or to an appellation for which an application for registration had been received earlier. As the Rotterdamse Ouderen Bond did not register any appellation, nor submitted any application for this purpose, the central electoral committee was correct in its opinion that there is no reason to dismiss the application for registration. The Division also ruled that the appellation was not otherwise misleading to voters. The only similarities are the place name and the word 'ouderen' (the elderly). These are frequently-used and non-distinguishing terms which cannot be claimed exclusively by one party. For this reason, the appeal was dismissed.

50+ Rotterdam

The political party 50+ Rotterdam appealed against the decision of the central electoral committee of the municipality of Rotterdam to refuse the registration of the appellation '50+ Rotterdam' in the register for the municipal elections. According to the central electoral committee, this could create confusion among voters with the appellation '50PLUS' which had already been registered by the Electoral Council.

The Electoral Council recommended that the appeal be dismissed. The Judicial Division of the Council of State agreed to this. The central electoral committee was correct in its assessment that the appellation was largely similar to the appellation '50PLUS' which had been registered by the Electoral Council. Both appellations include the distinctive number '50'. Although the additions '+' and 'PLUS' have a distinctive character because their spelling differs, they are phonetically identical and have the same meaning. The word 'Rotterdam' is, other than argued by the association, of minor importance in the appellation. If the registration would have been granted, this would have created the impression that it was part of, or a local party operating under, the national party '50PLUS', which could create confusion.

Other lawsuits

Actual residence

The municipality of Arnhem brought so-called warning proceedings against a councillor who, according to the chairman of the municipal council, no longer met the requirements for council membership, because he no longer lived in the municipality. The councillor appealed against the council's subsequent judgment to the Judicial Division of the Council of State.

The Division dismissed the appeal. The council had correctly assessed that the chairman of the council had rightly warned the councillor that he did not meet the requirement of residency of the municipality of Arnhem.

Publication of list of polling station officials

After a former polling station official had been notified by the municipality of Echt-Susteren that he was not assigned as a polling station official at the next elections, he applied for the list of initials, surnames and home addresses of the persons whom the municipality had contacted for polling station membership. The municipality rejected this application, which relied on Article 10 of the Government Information (Public Access) Act (Wet openbaarheid van bestuur). The applicant appealed against this decision to the Rotterdam District Court and subsequently appealed to the Judicial Division of the Council of State.

Just as the district court, the Division ruled that the personal data provided by persons for their availability as polling station official are not available to the public for inspection. The tribunal ruled that respect for the privacy of these persons outweighed the interest of publication.



7. Expertise and communication

In the run-up to the elections to the municipal councils (19 March 2014) and the European Parliament (22 May 2013), an Elections Information Point was set up on 15 October 2013 for questions about electoral law and elections. This Information Point will be operational until mid-June 2015. The Information Point can be contacted by telephone and e-mail. During the first two months in which the Information Point was active, most questions (almost 1500 in total) were asked by municipalities about registrations of appellations, among other things. The Information Point was also frequently consulted by political parties on nomination, among other things.

Website – Electoral Act explained

The Electoral Council's website – visited in 2013 by almost 100,000 'unique visitors' – was expanded at the end of 2013 with a section called 'Kieswet toegelicht' (Electoral Act explained). This section clearly and concisely summarizes all articles of the Electoral Act. Each article contains a link to the official article of law. Moreover, each article contains a link or several links to information that can be found elsewhere on the website, per type of election. This latter feature has by now been included for municipal elections and elections to the European Parliament. The explanation for other elections will be added in 2014. The 'Kieswet toegelicht' section is the result of a request by Minister Plasterk to the Electoral Council to make a 'public-friendly Electoral Act'. Following this request, a few video clips about the election process were made for the website as well. Moreover, step-by-step plans were prepared for the website. These plans provide a schematic picture of the processes from the election process.

Election Results Database

The database contains election results starting from the year 1848. In 2013, the database was supplemented with results of the municipal redivision elections of that year. 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 number of people following the Electoral Council on Twitter is still growing, which contributes to a (rapid) dissemination of news reports among interested persons such as politicians, journalists, municipal officers and others.

Research

In 2013, Sekandar Atmar, trainee from Erasmus University Rotterdam, conducted research into penalty provisions in the Electoral Act and into prosecution policy. From November 2013 to March 2014, Mariëtte van der Tol, trainee from Utrecht University, will conduct research into the connection between citizenship and suffrage within the Kingdom.

Scientific Advisory Council

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. The members of the Council are:

Chairman:	Prof. W. Voermans professor of Constitutional and Administrative Law at Leiden University
Members:	Dr. H. van der Kolk university lecturer and Political Sciences researcher at the University of Twente Dr. J. van Merriënboer historian and researcher at the Centre for Parliamentary History
Secretary:	Dr. R. de Jong Electoral Council researcher

The Scientific Advisory Council did not meet in 2013.

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, especially via the website www.kiesraad.nl and through publications in the Government Gazette.

In 2013, the Electoral Council received and dealt with three requests under the Government Information (Public Access) Act.

- A citizen submitted a request for information about the way public bodies communicate with citizens.
- A citizen submitted a request for information about the use of software by the Electoral Council.
- A foundation submitted a request for information about electronic voting.





8. National and international 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 2013, 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 2013 with representatives from the Ministry of the Interior and Kingdom Relations, on matters concerning policy, legislation and management. 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 of this ministry.

Senate and House of Representatives

On 5 March 2013, the Parliamentary Standing Committee on Internal Affairs of the House of Representatives and the Electoral Council discussed various matters relating to elections. The discussion was held in advance of a plenary debate on an amendment to the Electoral Act – which has now entered into force.

Visits to municipalities with a principal electoral committee

This year, the Electoral Council's secretariat paid visits to all municipalities with a principal electoral committee for the elections to the House of Representatives, with the exception of the principal electoral committee in electoral district 20 ('Bonaire'). This year, the usual annual meeting for principal electoral committees was replaced by these visits.

Association of Netherlands Municipalities and Dutch Association for Civil Registrars

Regular consultations are held with the Association of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten, VNG) and the Dutch Association for Civil Registrars (Nederlandse Vereniging voor Burgerzaken, NVvB). In 2013, too, discussions were held with both organizations about election themes.

Political parties, municipalities and provinces

In preparation for the regular municipal elections, the Electoral Council organized instruction meetings for political parties and municipalities on the use of Supporting Software for Elections. In cooperation with the Ministry of the Interior and Kingdom Relations, the Council also participated in information meetings for municipalities on electoral law.

(Guest) lectures

In 2013, staff members of the secretariat gave a number of (guest) lectures, for example at autumn conferences of the NVvB, Radboud University Nijmegen, the University of Groningen and Leiden University's Campus The Hague.

International

Foreign delegations

In 2013, the Electoral Council received foreign delegations from: Azerbaijan, Moldova, Uganda, Turkey and South Korea.

Working visit

On 3 June 2013, a delegation of the Dutch Electoral Council paid a working visit to the European Commission for Democracy through Law (in short: the Venice Commission) and the Group of States Against Corruption (GRECO). Both bodies are part of the Council of Europe in Strasbourg. Discussions were held, among other things, about legislation on granting subsidies to political parties in the Netherlands and the organization of referenda.

Conferences

On 26 and 27 June 2013, the Electoral Council participated in the annual Conference of Electoral Management Bodies. The 10th conference was held in Chisinau (Moldova) and was organised by the central electoral committee of Moldova in cooperation with the Venice Commission of the Council of Europe. The overarching theme was 'The code of good practice in electoral matters: strengths and potential developments'. Discussions were held about the relationship between the judgments of the European Court of Human Rights and the Code, the financing of election campaigns and political parties and about measures that election authorities can take in order to promote confidence in democracy.

From 12 to 14 September 2013, the Electoral Council participated in the annual ACEEEO conference in Warsaw (Poland) for the first time. During this conference, discussions were held about the use of information and communication technology at elections and about the use of social media during elections.

At the invitation of the 'Instituto Federal Electoral' (IFE), the Electoral Council attended an international conference on electronic voting in Mexico. During the conference, discussions were held about the experience of the Netherlands with voting computers and internet voting and the reasons why this was abandoned by the Netherlands in 2008.





9. Finances

The budget of 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. Since 2012, all overhead expenses of the Ministry of the Interior and Kingdom Relations have been combined in the budget. The Electoral Council's overhead expenses have also been placed here. The Council's programme budget is, however, shown separately in the National Budget.

A Supervision Arrangement has been made with the Ministry of the Interior and Kingdom Relations. The Electoral Council periodically reports to the ministry on operational results, including the exhaustion of its budget.

Spendable budget

In 2013, the Electoral Council's spendable budget was € 2,288,000. As 2013 was not an election year, the 'end-of-year margin' was used. This means that any budget not used in 2013 will be available for 2014. The Council will be able to use this money to finance additional costs in the 2014 election year.

Remuneration for the Electoral Council chairman and members

In 2013, 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 members of the Electoral Council and the secretary-director are subject to the reporting obligation under the Wnt¹⁴.

Deposits

In 2013, 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. The deposits are refunded if the parties meet the statutory requirements. If this is not the case, the deposits will be forfeited to the State.

¹⁴ Senior Officials in the Public and Semi-Public Sector (Standards for Remuneration) Act (Wet normering bezoldiging topfunctionarissen publieke en semi-publieke sector, Wnt). This Act replaces the Executives' Pay Financed from Public Funds (Disclosure) Act (Wet Openbaarmaking uit Publieke middelen gefinancierde Topinkomens). The Wnt report is included in the 2013 annual report of the Ministry of the Interior and Kingdom Relations.

