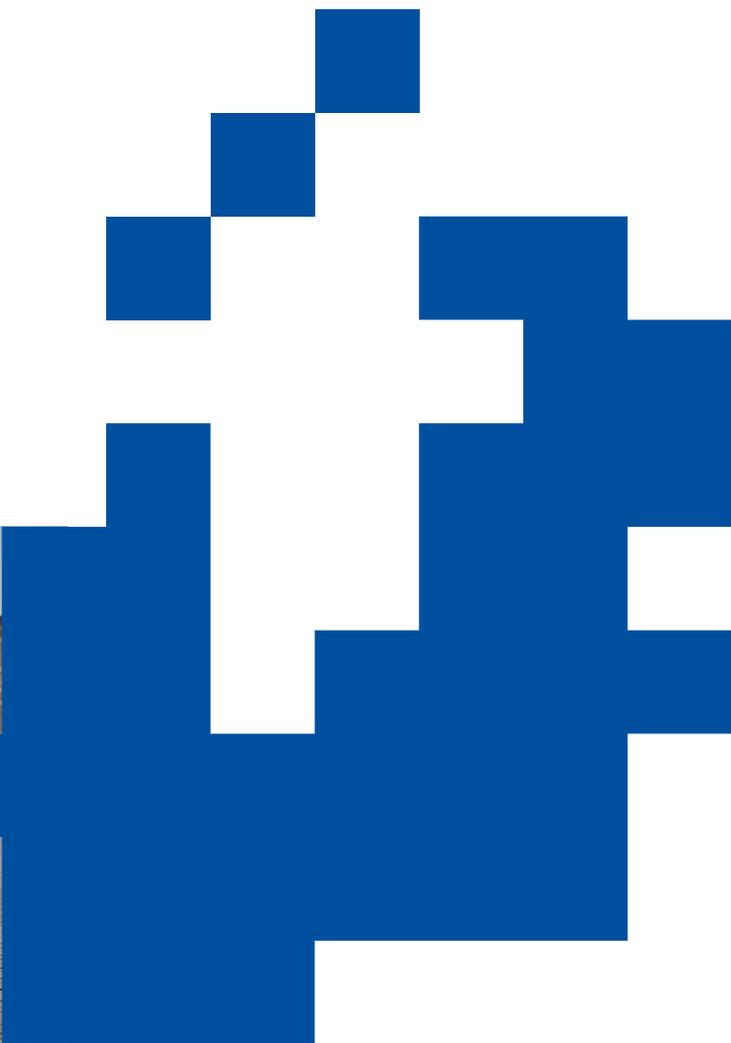


KIESRAAD



Annual Report 2015 Dutch Electoral Council



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Dutch Electoral Council



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Preface

Last year not only brought the novelty of the combination of Provincial Council elections and Water Board for the Dutch election authorities, but the Advisory Referendum Act (Wet raadgevend referendum, Wrr) also entered into force. Until now, the 2005 national referendum on the Treaty Establishing a Constitution for Europe had been one of a kind. This concerned a consultative referendum held on the initiative of House of Representatives members pursuant to an Act which was only implemented for that one specific purpose: consulting voters about the 'European Constitution'. After this referendum, the political establishment did not seem to be very enthusiastic about creating a permanent provision for holding national referenda. However, on 1 July 2015 we did see the entry into force of the Advisory Referendum Act, following a 10-year parliamentary debate. The Advisory Referendum Act enables an Act or treaty enacted by Parliament to be subject to what is referred to as an advisory referendum, whereby the population may declare itself against or in favour of the Act. Now, in contrast to a few other countries, the Netherlands, does not really have a 'referendum culture'. However, this new option was almost immediately seized upon by an action committee which easily managed to clear the legally prescribed threshold of 300,000 valid final requests. Thus, as the Electoral Council established on 14 October 2015, the referendum on the Act approving the EU-Ukraine Association Agreement became a fact.

The implementation of the Advisory Referendum Act has already raised numerous questions, for example about the expense for municipalities and the use of an app which facilitates the submission of preliminary and final requests. It should of course not come as a surprise when an initial application of a law brings to light flaws in practice. This is also the case with the Advisory Referendum Act. For instance, as the Electoral Council discovered last year, the terminology used in the Act is not always clear and the legal setting of time limits is quite tight in some respects.

The Electoral Council has developed a habit of assessing all elections and making spontaneous recommendations on the results. This will also definitely be the case with regard to the implementation of the Advisory Referendum Act. This assessment will no doubt also reflect on the manner of submitting requests for a referendum prescribed to date. Requests are submitted to the initiators by electronic means, printed and then submitted to the Electoral Council on paper. All submitted requests are then converted into electronic files for control purposes - this seems a rather cumbersome procedure, which even carries certain risks.

The election authorities at municipal level will gain their first experiences with the implementation of the Advisory Referendum Act in 2016. The Electoral Council always makes grateful use of the information received from other election bodies for its evaluation recommendations. The Electoral Council is of course open to any tips and suggestions that may contribute to a reliable and confidence-inspiring voting process.

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



1. 2015 in a nutshell

2015 was a special year in several respects. Combined elections for provincial councils and the governing boards of the water boards were held for the first time on 18 March. For many municipalities, this was the first time they had to prepare two elections at the same time. The combined elections led to a greater need for information and support from the Electoral Council among municipalities, political parties and voters. Information was largely provided by the Elections Information Centre, a collaboration between the Electoral Council and the Ministry of the Interior and Kingdom Relations, which was active from the third quarter of 2014 until April 2015.

In general, both elections went smoothly, as shown by assessments from the Electoral Council, the Association of Water Boards and the Ministry of the Interior and Kingdom Relations.¹ The Electoral Council believes that, on the whole, the collaboration between the municipalities and the water boards also went smoothly. Municipalities which were responsible for organizing part of the Water Board elections for the first time turned out to be well prepared for the simultaneous organization of the two elections.

Furthermore, elections to the three island councils of Saba, Sint Eustatius and Bonaire were held on 18 March.

The elections to the Senate were held on 26 May. The Electoral Council acted as the central electoral committee for these elections and, as such, was responsible for registering party names and determining the lists of candidates and election results. On 6 July the Electoral Council submitted its evaluation recommendation on these elections to the Minister of the Interior and Kingdom Relations.²

Finally, on 18 November, redivision elections were organized in the municipalities of Bussum, Muiden, Naarden, Edam-Volendam and Zeevang. These redivisions came into effect on 1 January 2016. Through these redivisions, the municipalities of Bussum, Muiden and Naarden were combined into the new municipality of Gooise Meren and the municipalities of Edam-Volendam and Zeevang were combined into the new municipality of Edam-Volendam.

Advisory Referendum

The Advisory Referendum Act entered into force on 1 July 2015. Since that time, voters can request a referendum on almost any recently enacted law (and treaty). For instance, no referendum may be held on Acts pertaining to the Constitution, the budget or the Royal House. The implementation of the Advisory Referendum Act was to an important extent entrusted to the Electoral Council. For instance, the council determines whether a sufficient number of preliminary or final requests for a referendum have been submitted and, eventually, determines the results of a referendum. A sufficient number of preliminary and final requests were submitted for one particular referendable Act: the Act approving the EU-Ukraine Association Agreement. This referendum will be held on 6 April 2016.

Study and recommendation on penal provisions

On 12 June the Electoral Council submitted a recommendation on a study³ on the penal provisions in the electoral process to the Minister of the Interior and Kingdom Relations. This recommendation argues for tightening the criminalization of the abuse of proxy voting and extending the possibility of depriving individuals of the right to vote. On 18 June the Electoral Council organized, in cooperation with VU University Amsterdam, the symposium 'procurement of proxy votes and deprivation of the right to vote' on the study and the recommendations following therefrom. Speakers Thom de Graaf (Senate member for D66), Solke Munneke (Professor of Constitutional Law, VU University Amsterdam)

¹ Electoral Council: <https://www.kiesraad.nl/sites/default/files/Advies%20n.a.v.%20verkiezingen%20voor%20provinciale%20staten%2C%20waterschappen%20en%20eilandsraden.pdf> and <https://www.kiesraad.nl/sites/default/files/Eindrapportage%20Informatiepunt%20Verkiezingen%202015.pdf>.

Association of Water Boards (Unie van Waterschappen, UvW): <https://www.uvw.nl/wp-content/uploads/2015/10/Evaluatie-waterschapsverkiezingen-2015.pdf>. Ministry of the Interior and Kingdom Relations: Parliamentary Papers II 2015-2016, 31 142, Nos. 50 - 52.

² See Electoral Council website: <https://www.kiesraad.nl/sites/default/files/Advies%20evaluatie%20Eerste%20Kamerverkiezing%20van%2026%20mei%202015.pdf>.

³ The study was published in the publication 'Penal provisions in the electoral process - origin, functioning and future'. https://www.kiesraad.nl/advies_publicatie/strafbepalingen-het-verkiezingsproces.

and Henk Kummeling (Chairman of the Electoral Council) entered into a discussion with the audience about voting by proxy and the possibility of (temporarily) depriving someone of his or her right to vote, particularly in case of offences under electoral law.

Voting and counting by electronic means

The Minister of the Interior and Kingdom Relations asked the Van Beek Committee to examine in 2013 if and how voting by electronic means could be (re)introduced. In its report, the Van Beek Committee concluded that the time is ripe for reintroducing electronic equipment in the voting and vote-counting processes. The committee recommended that a ballot printer, by means of which a voter makes his/her choice and a ballot paper can be printed, be used. The voter then puts the printed ballot paper in the ballot box. The ballot printer does not store the vote and does not count any votes. Votes are counted by scanning ballot papers. On 12 May 2015 the Minister of the Interior and Kingdom Relations established the 'Experts Group on Voting and Counting by Electronic Means in the polling station', which was charged with drawing up the technical specifications for the newly proposed voting technology. Meetings were held with a few members of the Experts Group in 2015.

Modernization of the Elections Act

In previous years, the Electoral Council regularly requested a full review of the Elections Act. The last full review of this Act dates back as far as 1989. The Act has been amended more than sixty times since. When requested, the Minister of the Interior and Kingdom Relations promised the House of Representatives and Senate that he would, in consultation with the Electoral Council, check which parts of the Elections Act had to be amended first. Administrative consultations on this were initiated in 2015.

Towards the end of 2015, 6 legislative proposals to partially amend the Elections Act had been submitted to Parliament:

- MPTaverne's private member's bill to enable voters outside the Netherlands to vote via the internet;
- a private member's bill on the implementation of the Convention on the Rights of Persons with Disabilities;
- MP Klein's private member's bill on the abolition of electoral districts;
- MP Klein's private member's bill on the submission of lists of candidates or corresponding documents by electronic means;
- an amendment of the Temporary Ballot Papers and Central Counting Experiments Act for experiments with a new ballot paper;
- a legislative proposal on removing the option for political parties to form combined lists.

Recommendations

The Electoral Council made 14 recommendations in 2015 - a record number. Two recommendations – following private member's bills van MP Klein – were made to the House of Representatives. The other 12 recommendations were made to the Minister of the Interior and Kingdom Relations.



2. Organization

The Electoral Council has been charged with a number of statutory duties:

- the council acts as a central electoral committee for the elections to the House of Representatives and Senate, the election of the (26) Dutch members of the European Parliament and for referenda based on the Advisory Referendum Act;
- the council checks and registers the appellations (and logos) of political parties;
- the council decides on the validity of submitted lists of candidates and their numbering;
- the council makes forms available for submitting requests for holding a referendum;
- as and when necessary, the council determines the number of submitted valid preliminary and final requests;
- the council determines official election results;
- the council appoints the newly elected members of representative bodies;
- the council advises the government and Parliament on the implementation aspects of electoral law and elections. This largely concerns draft legislative proposals and post-election assessments.

Other duties

The Electoral Council acts as a knowledge and information centre for electoral law and elections for municipalities, provincial registries, political parties, voters and the media throughout the year. At election time an Elections Information Centre is set up together with the Ministry of the Interior and Kingdom Relations. The report of the Elections Information Centre, which was set up for the combined Provincial Council and Water Board elections⁴, shows that 2,342 questions were answered from 1 October 2014 to 1 April 2015, the majority of which (1,702) pertained to the combined elections.

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

The Electoral Council, in its capacity as central electoral committee, is governed by the Non-departmental Public Bodies Framework Act.⁵ A few parts of this Act do not apply⁶ because of the necessarily independent position of the Electoral Council. Moreover, some parts of the Advisory Boards Framework Act apply⁷ to the Electoral Council, while others do not⁸. These exceptions also have to do with the Electoral Council's special position 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 is politically responsible. The special position which the Electoral Council occupies in the Dutch form of government and the corresponding necessary independence affects this supervisory relationship. This relationship is expressed in the form of a 'Supervisory Arrangement' between the Electoral Council and the ministry. The aim is to further strengthen the Electoral Council's independence in the area of management by bringing the Electoral Council under Chapter II-B, 'Other High Institutions of State and Cabinets' of the national budget as from the 2018 fiscal year.

Members

The Electoral Council consists of seven members who are appointed by Royal Decree for a four-year period. They are appointed on the basis of their expertise in the areas of electoral law and elections and policy areas related or relevant to it. Social knowledge and experience also play a role in appointing members. On 1 April 2015 Prof. R. Nehmelman, LL.M., became a member of the council, succeeding A.G. van Dijk, LL.M., M.Sc.

⁴ See Parliamentary Papers II 2014-2015.

⁵ Act of 3 July 2013, Bulletin of Acts and Decrees 289.

⁶ Non-departmental Public Bodies Framework Act, Sections 12, 21 and 22.

⁷ Advisory Boards Framework Act, Sections 15 and 16.

⁸ Advisory Boards Framework Act, Sections 21 and 29.



From left to right: Willem Stoker, Trudy Blokdijk, Remco Nehmelman, Henk Kummeling, Jan te Veldhuis, Monique Leyenaar and Peter Castenmiller.

In 2015 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 a university professor at the same university.

G.M.M. Blokdijk, LL.M. Vice-chairman. Appointed as a member in 2006. Trudy Blokdijk advises and evaluates supervisory boards and holds various supervisory and management positions. She gives guest lectures at, amongst others, Tias, Business School Tilburg University.

Prof. M.H. Leyenaar. Appointed as a member in 2005. Monique Leyenaar is a Professor of Comparative Political Science at Radboud University (Nijmegen).

A.J. te Veldhuis, LL.M. Appointed as a member in 2005. Jan te Veldhuis was a member of the House of Representatives for the VVD from 1982 to 2003, among other things, as a spokesman on constitutional matters.

W.M.B. Stoker. Appointed as a member in 2006. Willem Stoker worked for the Population Affairs Department of the municipality of Utrecht as a senior consultant and Head of Elections from 2000 to 2015.

Dr. P. Castenmiller. Appointed as a member in 2013. Peter Castenmiller is employed by PBLQ-Zenc, a consultancy for innovations in the public domain.

Prof. R. Nehmelman, LL.M. Appointed as a member in 2015. Remco Nehmelman is a Professor of Public Institutional Law at Utrecht University.

Secretariat

The Electoral Council is supported by a Secretariat in the performance of its duties. The secretary-director is the head of the Secretariat and is responsible for the 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 are only accountable to the Electoral Council for their duties.



Bottom row, from left to right: Jeroen Kraaijeveld, Pamela Young, Patricia Chatrer-Mol, Melle Bakker, Karina de Klerk Wolters, Heleen Hörmann and Jan-Jouke Vos.

top row, from left to right: Maaïke van Hoboken, Edward Brüheim, Henny Siero, Marjolein Walsmit-Brouwer, Marco Segers, Nicolette van Eenennaam-Sikkema, Roderick Al, Ellen Voogd, Ron de Jong, José Haring and Ronald Jansen.

At the end of 2015, eighteen staff members were employed at the Secretariat in the following capacities:

Melle Bakker, LLM., secretary-director

Pamela Young, MSc., deputy secretary-director and cluster coordinator Legal Affairs and IT

Heleen Hörmann, BSc., cluster coordinator Communication, Research and Support, Communications Consultant

Roderick Al, LLM., legal assistant

Edward Brüheim, LLM., senior legal adviser

Patricia Chatrer-Mol, policy-supporting assistant

Nicolette van Eenennaam-Sikkema, BSc., application manager Referenda

José Haring, LLM., senior legal adviser

Maaïke van Hoboken, administrative assistant Referenda

Ronald Jansen, senior consultant management

Dr. Ron de Jong, researcher

Karina de Klerk Wolters, office manager

Jeroen Kraaijeveld, team leader Referenda

Marco Segers, LLM., legal assistant

Henny Siero, policy-supporting assistant

Ellen Voogd, administrative assistant Referenda

Jan-Jouke Vos, LLM., IT consultant

Marjolein Walsmit-Brouwer, MSc., communications officer

Until April 2015, the following staff members were employed at the Elections Information Centre: Lucas Brouwers and Marjoleine van Leerdam.



3. Elections

The following elections were held in 2015:

- Wednesday, 18 March: combined Provincial Council and Water Board elections
- Wednesday, 18 March: elections to the island councils in the Caribbean parts of the Kingdom of the Netherlands
- Tuesday, 26 May: elections to the Senate
- Wednesday, 18 November: municipal redivision elections in 5 municipalities

Provincial Council and Water Board elections

On Wednesday, 18 March 2015 elections were held in 12 provinces and 22 water boards⁹. It was the first time that Water Board elections were held in the polling station under the Elections Act.

Although the Electoral Council does not act as a central electoral committee for the provincial council or Water Board elections, these elections also create work for (the Secretariat of) the council. Citizens, municipalities, water boards, political parties and the media often went to the Electoral Council for information in the run-up to these elections, especially since it was the first time combined elections were held throughout the country.

Municipal and Water Board boundaries

One of the issues which raised many questions in the run-up to the combined elections concerned the difference in the eligibility to vote in both elections. Because the boundaries of the municipalities do not coincide with the boundaries of the water boards, some municipalities even had to organize three or four elections. In the preparatory phase, particular attention was paid to the 87 municipalities with several water boards within their boundaries. These municipalities had to decide whether they were going to keep the option open to cast a vote at any polling station within the municipal boundaries. In the interest of their voters, most municipalities chose to do so.

Combined elections

Assessments of the combined elections show that municipalities which had to organize elections for three or four water boards within their boundaries ran into greater difficulties in the preparatory phase than municipalities which only had to organize two elections.¹⁰ For instance, the recruitment of polling station officials, the counting of votes, the delivery of lists of candidates to the addresses of voters and deciding on the eligibility to vote per water board created more problems. None the less, no major unforeseen problems occurred, and the municipalities were able to solve the problems that occurred in time. The orderly progress of the electoral process was therefore not adversely affected.

Registration of political parties

Political parties which had already registered with the Electoral Council in order to take part in the elections to the House of Representatives did not have to register separately for the Provincial Council and Water Board elections. Their registration with the Electoral Council carries over to participation in those elections. In view of this, a list of the appellations of political parties registered with the Electoral Council was published in the Government Gazette in the run-up to the elections.¹¹

⁹ Water Board elections were held for 22/23 water board districts with residents. Ten municipalities, all of which are located in the water board district of Vechtstromen, only had to organize the Provincial Council elections since merger elections had already been held for Vechtstromen in November 2013.

¹⁰ Electoral Council: <https://www.kiesraad.nl/sites/default/files/Advies%20n.a.v.%20verkiezingen%20voor%20provinciale%20staten%2C%20waterschappen%20en%20eilandsraden.pdf> and <https://www.kiesraad.nl/sites/default/files/Eindrapportage%20Informatiepunt%20Verkiezingen%202015.pdf>. Association of Water Boards (Unie van Waterschappen, UvW): <https://www.uvw.nl/wp-content/uploads/2015/10/Evaluatie-waterschapsverkiezingen-2015.pdf>. Ministry of the Interior and Kingdom Relations: Parliamentary Papers II 2015-2016, 31 142, Nos. 50 - 52.

¹¹ <https://www.kiesraad.nl/sites/default/files/stcrt-2014-geregistreerde%20aanduidingen.pdf>.

Experiment with centrally-counted votes

During the Provincial Council and Water Board elections, 25 municipalities¹² took part in an experiment with centrally-counted votes. The votes were counted in two rounds in these municipalities: at first partially (at party level) in the polling stations and then completely (at party and candidate level) in one central location. The idea behind centrally-counted ballot papers is that the counting process can proceed more uniformly and efficiently. It should also benefit the verifiability and transparency of the counting process: it is easier for voters, politicians and the media to witness this process. The Electoral Council made several recommendations on the experiment with centrally-counted votes (see Chapter 4 of this annual report).

Election results

After the elections, the Electoral Council entered the results of the Provincial Council elections in the Election Results Database (www.verkiezingsuitslagen.nl),^{13 14}. The turnout percentage for the Provincial Council elections came to 47.8% (in 2011: 56%). At 43.5%, the turnout at the Water Board elections was almost double that of the 2008 Water Board elections (approx 22.7%). A significant increase in this turnout percentage was one of objectives of the combined elections. It was striking that the percentage of blank or invalid votes at the Water Board elections (3.4%) was higher than at the Provincial Council elections (0.6%).

Island Council elections

On Wednesday, 18 March elections were held for the island councils of Saba, Sint Eustatius and Bonaire. The votes that were cast in Bonaire were recounted. However, this did not result in a different seat allocation. The turnout at these elections was high (91.3%, 65.5% and 78% respectively).

Elections to the Senate

The elections for the 75 members of the Senate were held on 26 May 2015. The Electoral Council, acting in its capacity as central electoral committee, is responsible for determining the results of these elections and for:

- registering political party names (“appellations”) and logos
- checking and assessing the validity of (lists of) candidates
- numbering the lists of candidates
- allocating seats and appointing members

The Electoral Council registered 3 new appellations for the elections to the Senate in 2015. On 23 April 2015, the day of nomination, 13 political parties submitted their list of candidates to the Electoral Council. The decision on the validity of the (lists of) candidates was made on 30 April in an open Electoral Council session. The council also decided on the numbering at this session. Because one of the lists was declared invalid, only 12 parties actually took part in the elections. A total of 261 candidates featured on the lists. A total of 261 candidates featured on the lists.

Election results

On 28 May the Electoral Council announced in an open session the official results of the election of the members of the Senate. All 570 voting provincial council members cast their vote, i.e. a turnout of 100%. 26 of the 75 chosen members were female (35%). In 2011, this percentage was 36%.

¹² Borne, Culemborg, Dantumadiel, Elburg, Epe, Ermelo, Goeree-Overflakkee, Heerenveen, Heerlen, Hof van Twente, Kampen, Lingewaard, Maassluis, Noordenveld, Ouder-Amstel, Overbetuwe, Putten, Raalte, Rhenen, Rucphen, Uden, Vlissingen, Voorschoten, Zaltbommel and Zoetermeer.

¹³ See Electoral Council website: <https://www.kiesraad.nl/nieuws/definitieve-uitslagen-provinciale-statenverkiezingen>

¹⁴ The results of the Water Board elections will eventually also be entered in the Election Results Database.

Municipal redivision elections

Two municipal elections were held on 18 November 2015 with a view to the redivision of:

- the municipalities of Bussum, Muiden and Naarden into the new municipality of Gooise Meren
- the municipalities of Edam-Volendam and Zeevang into the new municipality of Edam-Volendam

These redivisions came into effect on 1 January 2016. No regular municipal elections were held in the newly formed municipalities in 2014. The newly formed municipalities will join the municipal elections again in 2018. The turnout at these redivision elections was 41% for the municipality of Gooise Meren and 51% for the new municipality of Edam-Volendam.

Election software

Political parties, municipalities and principal and central electoral committees can make use of Supporting Software for Elections (Ondersteunende Software Verkiezingen, OSV) during elections. Political parties can use Supporting Software for Elections to generate (a) list(s) of candidates. Municipalities use Supporting Software for Elections to enter the votes counted in all polling stations. Supporting Software for Elections is used for the combined Provincial Council and Water Board elections and for the election of members to the Senate.

Assessment of Supporting Software for Elections

In 2014 the Minister of the Interior and Kingdom Relations imposed a few new requirements on software used to determine results and allocate seats. In 2015 the modified software was submitted to Software Quality Systems (SQS) for an independent assessment. This company completed the assessment of Supporting Software for Elections in January. SQS assessed the software for the following two aspects:

- the extent to which the software meets the specifications for calculating results and allocating seats that were drawn up by the Electoral Council
- the extent to which the software satisfies the requirements imposed on the software in accordance with the appendix to art. 2a of the Elections Act and Decree

These aspects form part of the elaboration of Section P 1a of the Elections Act. SQS's assessment report can be accessed on the Electoral Council's website.¹⁵ SQS also assessed the general quality of Supporting Software for Elections and made a few recommendations for improvement.

Invitation to tender for Supporting Software for Elections

Because the maintenance and management agreement for Supporting Software for Elections with IVU Traffic Technologies A.G. expired in mid-2015, tenders were invited for a new agreement. Several parties participated in this European tendering procedure. Based on these tenders, the contract for maintaining and managing Supporting Software for Elections for the next three years was (again) awarded to IVU.

Advisory Referendum Act (Wet raadgevend referendum, Wrr)

The Advisory Referendum Act entered into force on 1 July 2015. The Electoral Council plays an important role here, such as publishing referendable Acts, making available request forms for referenda, checking submitted requests, making decisions in what is referred to as the preliminary and final stages of these requests and announcing referendum results. To support these tasks, the Electoral Council subcontracted the development and management of a software application. A special website was developed¹⁶ where referendable Acts/treaties are listed and request forms for holding a

¹⁵ <https://www.kiesraad.nl/artikel/ondersteunende-software-verkiezingen-osv>.

¹⁶ See <https://www.referendumovereenwet.nl>.

referendum can be downloaded. To check submitted requests (for the time being on a temporary basis), additional staff members were recruited and a collaboration was entered into with a unit of the Tax and Customs Administration in Heerlen.

Software modification

In 2015 modifications of Supporting Software for Elections were prepared so that the software can also be used for advisory referenda. The inclusion of the formats (request forms) of the referendum forms part of these modifications. As with the assessment of Supporting Software for Elections for elections held under the Elections Act, SQS has been asked to test the software for the advisory referendum.

Act Approving the EU-Ukraine Association Agreement

A total of 59 Acts/treaties have been declared referendable since the Advisory Referendum Act entered into force. One or more preliminary requests were submitted for six of these.

The first (and, to date, only) referendable Act which cleared the threshold for the preliminary and final stages in 2015 was the Act approving the EU-Ukraine Association Agreement. The campaign of Geen Peil (a collaboration between Geen Stijl and Burgerforum EU) was the decisive factor here.

App for submitting preliminary and final requests

As provided by the Advisory Referendum Act, preliminary and final requests must be submitted on paper. To make it easier for people to submit a request for a referendum on the Act approving the EU-Ukraine Association Agreement, Geen Peil developed an *app* with which the request form could be filled in and signed completely by electronic means. Then, in conformity with the regulations, the requests which Geen Peil had printed at a later stage were submitted to the Electoral Council on paper.

Sufficient number of final requests for a referendum

On 14 October the Electoral Council announced in a well-visited open session that enough valid final requests had been submitted for holding an advisory referendum on the Act approving the EU-Ukraine Association Agreement. A citizen lodged an appeal against this decision with the Administrative Jurisdiction Department of the Council of State. The department judged that this person was not an interested party and therefore declared the appeal inadmissible.¹⁷ This finalized the Electoral Council's decision and paved the way for a referendum would be held.

The Advisory Referendum Act provides for the establishment of an independent referendum committee by the Minister of the Interior and Kingdom Relations. The committee is responsible for, amongst other things, fixing referendum dates. When it had become firmly established that a referendum on the Act approving the EU-Ukraine Association Agreement would be held, the Referendum Committee scheduled this referendum for 6 April 2016.

¹⁷ <https://www.raadvanstate.nl/uitspraken/zoeken-in-uitspraken/tekst-uitspraak.html?id=85581>.



4. Recommendations

In 2015 the Electoral Council made the following recommendations:¹⁸

1. recommendation on the amendment of the Temporary Ballot Papers and Central Counting Experiments Act following the combined Provincial Council and Water Board elections and the amendment of the Temporary Ballot Papers and Central Counting Experiments Decree;
2. recommendation on the amendment of the Elections Act and Decree in connection with the implementation of the Advisory Referendum Act and Advisory Referendum Decree;
3. recommendation on the amendment of the Temporary Ballot Papers and Central Counting Experiments Act for experiments with a new ballot paper in the polling station;
4. recommendation following elections to provincial councils, water boards and island councils;
5. recommendation on the proposal to amend a bill on the Caribbean electoral committees for the Senate;
6. recommendation on the study of penal provisions in the electoral process;
7. recommendation on the allocation of residual seats in case of the abolition of combined lists;
8. recommendation on the draft legislative proposal in connection with the abolition of combined lists;
9. assessment of the election of the members of the Senate of the States General on 26 May 2015;
10. recommendation on a motion by the island council of Bonaire;
11. recommendation on the permanent registration of non-residents;
12. recommendation on the draft decision to amend the Temporary Ballot Papers and Central Counting Experiments Act in connection with experiments with a new ballot paper in the polling station;
13. recommendation on a private member's bill to amend the Elections Act and the Advisory Referendum Act on the abolition of electoral districts;
14. recommendation on a private member's bill to amend the Elections Act in order to be able to submit lists of candidates or corresponding documents by electronic means.

Most of the recommendations were made to the Minister of the Interior and Kingdom Relations. Two recommendations (Nos. 13 and 14) were made to the House of Representatives. The Electoral Council made most of the recommendations on request. The Electoral Council also made four 'spontaneous' recommendations: two recommendations following the elections (Nos. 4 and 8), one on the penal provisions in the electoral process (No. 6) and one following a motion which was passed by the island council of Bonaire on 26 May 2015 (No. 10).

1. Recommendation on the amendment of the Temporary Ballot Papers and Central Counting Experiments Act following the combined Provincial Council and Water Board elections and the amendment of the Temporary Ballot Papers and Central Counting Experiments Act (12 January 2015)

Following on from the experiments carried out in 2014 regarding counting votes in one or more central locations instead of separate polling stations, the Minister of the Interior and Kingdom Relations wanted to organize similar experiments during the combined Provincial Council and Water Board elections in 2015. Arrangements were made for voters who had put their ballot paper in the wrong ballot box. The Electoral Council recommended that the frequency with which the alleged problem occurred be assessed.

Follow-up to the recommendation

The Minister of the Interior and Kingdom Relations changed the format of the official report of the municipal polling station in such a way that it is now possible to determine the frequency with which voting documents are put in a wrong ballot box during combined elections. However, this was not done during the assessment by the Ministry of the Interior and Kingdom Relations¹⁹.

¹⁸ All recommendations made by the Electoral Council can be accessed on www.kiesraad.nl.

¹⁹ Parliamentary Papers II 2014/15, 31 142, No. 51.

2. Recommendation on the Amendment of the Elections Act and Decree in connection with the implementation of the Advisory Referendum Act and the Advisory Referendum Decree (9 February 2015)

The implementation of the Advisory Referendum Act required that forms be developed (e.g. for submitting a request for holding a referendum). The Electoral Council indicated that, like the minister, it was in favour of integrating the request forms into the Elections Act and Decree since these also include forms for other elections. He made a few suggestions to further increase the uniformity of the formats. The Electoral Council also called attention to the requirements imposed on the software for calculating referendum results. The council considered the requirement that the software be developed for several operating systems to be unnecessary.

Follow-up to the recommendation

The council's suggestions for increasing the uniformity of the formats were adopted. The Minister of the Interior and Kingdom Relations upheld the requirement that referendum software be developed for several operating systems.

3. Recommendation on the amendment of the Temporary Ballot Papers and Central Counting Experiments Act with a new ballot paper in the polling station (22 April 2015)

The Electoral Council supported the Minister of the Interior and Kingdom Relations' intention to resume the study on a new ballot paper. The Electoral Council also endorsed the decision to carry out an experiment with the ballot paper which had previously been successfully used by Dutch voters abroad. It was recommended that preference be given to improving the proposed voting method and that restraint be exercised in experimenting with other ballot papers. The draft proposal provides for the possibility of printing the logos of political parties and the photographs of candidates on ballot papers. It was recommended that the pros and cons of publishing the photographs of candidates on ballot papers (e.g. possible effect on voting behaviour) be explained more fully in the explanatory note.

Follow-up to the recommendation

The Minister of the Interior and Kingdom Relations indicated that the matter that voters must be allowed to become accustomed to a new voting method would be taken into account when assessing this arrangement. As far as the effect of using the photographs of candidates on voting behaviour is concerned, the minister has pointed out that, in his opinion, this is only the case with voters who don't know (for certain) for whom (political party/candidate) they will vote when they enter the polling station. The minister remains in favour of using party logos and photographs on ballot papers.

4. Recommendation following the elections to provincial councils, water boards and island councils (18 May 2015)

In its recommendation following the Provincial Council and Water Board elections of 18 March 2015, the Electoral Council recommended that more clarity be provided about protecting the data on (the copies of) IDs in future elections. The council would also like to have the effects of the combined elections investigated further. It was not always clear which voter could vote for which water board. It was recommended that a lasting solution be found for this.

Follow-up to the recommendation

The minister adopted the recommendation that more clarity be provided about protecting the data on IDs. He did not consider a further investigation into the 'nationalization' of Water Board elections (if any) to be necessary. The recommendation that the procedure for determining the eligibility to vote at Water Board elections be changed was not adopted. The minister pointed out here that there was only one municipality in which an incident had occurred, as a result of which 140 voters initially received the wrong poll card.

5. Recommendation on the proposal to amend a bill on the Caribbean electoral committees for the Senate (11 June 2015)

By establishing electoral committees, voters in the Caribbean parts of the Kingdom of the Netherlands can have (indirect) influence on the composition of the Senate. This raises the question whether a single electoral committee should be established for the entire Caribbean, or one for each island. The latter option was chosen. The Electoral Council agreed to this proposal, but recommended that the Constitution be amended in such a way that the second option is left open.

Follow-up to the recommendation

The part of the recommendation detailed above was followed up on.

6. Recommendation on the study on penal provisions in the electoral process (12 June 2015)

The Electoral Council ordered a study on the operation of the penal provisions in the electoral process. Based on this study, the council made a spontaneous recommendation in which the Minister of the Interior and Kingdom Relations was advised to consult his counterpart at the Ministry of Security and Justice about a new description of the offence of procuring powers of attorney. The current description of the offence does not penalize solicitation and does not give the Public Prosecution Service enough powers to take action against the procurement of powers of attorney during elections. The council has also proposed to expand the grounds for the exclusion from the right to vote so that Courts can temporarily deprive offenders of their right to vote (as an added punishment) when they commit certain elections-related offences.

Follow-up to the recommendation

The recommendation has been submitted to the minister. The Electoral Council is waiting for a reaction.²⁰

7. Recommendation on the allocation of residual seats in case of the abolition of combined lists (22 June 2015)

At the request of the Minister of the Interior and Kingdom Relations, the Electoral Council has made a recommendation on a modification of the system of allocating residual seats. In this recommendation, the Electoral Council explained that both small and large parties can benefit from the use of combined lists, and that the combined list was not introduced on behalf of small parties. However, the fact remains that small parties actually made the greatest use of the possibility to form combined lists over the past decades. The Electoral Council believes that the political establishment should decide on the question whether the abolition of combined lists should go hand in hand with a change in the formula for allocating residual seats.

Follow-up to the recommendation

See recommendation No. 8.

8. Recommendation on the draft legislative proposal in connection with the abolition of combined lists (22 July 2015)

By passing the Taverne motion, the House of Representatives asked the Minister of the Interior and Kingdom Relations for a legislative proposal which will ensure that political parties can no longer form combined lists. In its recommendation, the Electoral Council indicated that the question whether the abolition of combined lists is a good measure calls for a political assessment. He therefore limited his recommendation to a few legal-technical consequences of an abolition.

²⁰ <https://zoek.officielebekendmakingen.nl/kst-34300-VII-2.html>.

Follow-up to the recommendation

Based on the Electoral Council's recommendations (see also No. 7), the minister concluded that an abolition of the system of combined lists does not have to go hand in hand with a change in the system of allocating residual seats since the option of forming combined lists was not introduced to compensate small political parties for the manner in which residual seats are allocated in the current system.

9. Assessment of the election of members of the Senate of the States General on 26 May 2015 (6 July 2015)

Following the elections to the Senate of 26 May 2015, the Electoral Council made a few spontaneous recommendations, such as providing for the possibility of issuing one single new ballot paper to provincial council members who made a mistake filling in their ballot paper for the elections to the Senate in the Elections Act. The council also recommended that more official reports be issued by electronic means, since this would make the electoral process more transparent and verifiable.

Follow-up to the recommendation

In his reaction, the Minister of the Interior and Kingdom Relations promised to arrange, by means of a new legislative proposal, for another ballot paper to be issued to provincial council members for elections to the Senate. He also indicated that he would meet with the Association of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten, VNG) and the Dutch Association for Civil Affairs (Nederlandse Vereniging voor Burgerzaken, NVVB) to discuss how the electronic distribution of official reports can be expanded.

10. Recommendation on a motion by the island council of Bonaire (22 July 2015)

On 28 May 2015 the island council of Bonaire unanimously passed a motion in which the Electoral Council was called upon to investigate the alleged procurement of non-notarized powers of attorney during the island council elections in Bonaire on 18 March. Following this motion, the Electoral Council made a recommendation to the Minister of the Interior and Kingdom Relations in which it stated that it could not comply with the request of the island council since it did not have any supervisory duties and investigative power with regard to alleged irregularities during elections. The island council also argued for the abolition of what is referred to as a 'non-notarized power of attorney' in the motion. The Electoral Council did not see sufficient reason for this.

Follow-up to the recommendation

In a reaction directed at the island council, the Minister of the Interior and Kingdom Relations confirmed that the Electoral Council is not in a position to investigate the alleged procurement of powers of attorney in Bonaire. Like the Electoral Council, the minister saw no reason to allow powers of attorney solely in Bonaire.

11. Recommendation on the permanent registration of non-residents (17 August 2015)

The minister asked the Electoral Council for advice regarding a legislative proposal which provides for the permanent registration of voters abroad. The idea behind the permanent registration of voters is: to simplify and facilitate the electoral process for Dutch voters abroad. The Electoral Council advised the minister to make it possible to vote in person at embassies and consulates in countries where large numbers of Dutch voters reside once a permanent register had been established.

Follow-up to the recommendation

The recommendation has been submitted to the minister. The Electoral Council is waiting for a reaction.

12. Recommendation on the Draft Decision to amend the Temporary Ballot Papers and Central Counting Experiments Act in connection with experiments with a new ballot paper in the polling station (12 October 2015)

The Electoral Council agreed with the initiative of the Minister of the Interior and Kingdom Relations to conduct experiments with a new ballot paper in the polling station. The council advised the minister to experiment with the new ballot paper and centrally-counted votes in a few municipalities simultaneously.

Follow-up to the recommendation

The recommendation has been submitted to the Minister of the Interior and Kingdom Relations. The Electoral Council is waiting for a reaction.

13. Recommendation on a private member's bill to amend the Elections Act and the Advisory Referendum Act in order to abolish electoral districts (16 November 2015)

In 2011 the Electoral Council argued for the abolition of electoral districts²¹. It therefore welcomed MP Klein's private member's bill to this effect since scarcely any use is still made in practice of the possibility to submit a different list of candidates per electoral district. The Electoral Council believed that, as long as the results per municipality have to be transferred to the Electoral Council in person, the involvement of the principal electoral committees in determining the results remains desirable.

Follow-up to the recommendation

The legislative proposal has been submitted to the House of Representatives. The private member's bill proposes that principal electoral committees continue to play a role in calculating election results. However, there are (12) provincial principal electoral committees.

14. Recommendation on a private member's bill to amend the Elections Act in order to be able to submit lists of candidates or corresponding documents by electronic means (16 November 2015)

The second private member's bill on which the Electoral Council has made a recommendation this year was also submitted by MP Klein. The Electoral Council stated that it is receptive to his proposal to make it possible to (also) submit the documents for a nomination by electronic means, but concluded that some points need to be worked out in greater detail. For the sake of the transparency, verifiability and integrity of the electoral process, the council also considers it advisable to provide more clarity about the requirements which the IT applications to be used for a nomination have to satisfy.

Follow-up to the recommendation

The legislative proposal has been submitted to the House of Representatives.

²¹ https://www.kiesraad.nl/sites/default/files/Adviezen_2011-Advies_passief_kiesrecht.pdf.



5. Appellations and appointments

The Electoral Council registers the names (appellations) and logos of political parties that wish to take part in the elections to the House of Representatives, the Senate and the European Parliament.

Applications for registration

In 2015 the Electoral Council received eleven requests from political parties to register their name (appellation) in the register for the election of the members of the House of Representatives or Senate. The Electoral Council also received one request to change an appellation in the former register. The Electoral Council received a request from one group to register a logo in the register for the election of the members of the House of Representatives and in the register of the European Parliament.

Register for the Senate

In 2015, the Electoral Council registered three new appellations in the register for the election of the members of the Senate, namely: VRIJ MANDAAT, PSP'92 and Lokaal Brabant. When the new appellations were registered, the register contained a total of four appellations. The three new appellations were removed from the register later on in the year since the political parties concerned had not submitted a list of candidates for the elections to the Senate which were held in May.

Register for the House of Representatives

The register for the elections to the House of Representatives was expanded in 2015 with eight appellations: Onafhankelijk Liberaal, Beweging voor Burger- en Mensenrechten, Ouderen Partij Nederland, DENK, POKER, Klimaatpartij, "van de mensen" and Vrije Democratische Partij (VDP). The appellation Groen Liberaal was changed into GLP at the request of this political party. The Electoral Council registered a logo for one appellation (Beweging voor Burger- en Mensenrechten) in 2015. No appellations or logos were removed from the register for the election of the members of the House of Representatives. At the end of 2015, the register for the elections to the House of Representatives contained a total of 53 appellations.

Register for the European Parliament

The Electoral Council received a request to register an appellation in the register for the elections to the European Parliament. The Electoral Council rejected one request to register a logo in the register because the appellation of the party concerned had not been registered also for these elections, which is a requirement. No appellations or logos were removed from the register for the election of the members of the European Parliament. At the end of 2015, the register for the elections to the European Parliament contained a total of 19 appellations.

Appointments

The Electoral Council appoints new members to fill vacancies in the House of Representatives, Senate and the European Parliament. After all the new members of the Senate had been appointed, one member was appointed to fill an interim vacancy and one members was appointed to fill a temporary vacancy in connection with illness or maternity leave in this chamber. Fifteen members were appointed to the House of Representatives in the reporting year, four of whom to fill temporary vacancies. Two members were appointed to fill in an interim vacancy in the European Parliament since the first appointment had not been accepted.

Number of members appointed to fill vacancies

	2015	2014	2013	2012	2011	2010	2009	2008
House of Representatives	15	12	15	18	8	19	8	8
Senate	2	3	4	3	0	3	4	0
European Parliament	2	1	0	1	1	2	1	1



6. Lawsuits

In 2015 four appeals were lodged against decisions by the Electoral Council in its capacity as a central electoral committee. The council therefore acted as a respondent in four lawsuits. It also acted as an expert in three other lawsuits. The council provided information at the request of the Administrative Jurisdiction Department of the Council of State (hereinafter referred to as “the Department”).

The Electoral Council acting as a respondent

IQ, the Rights-Duties-Party (Rechten- Plichten-Partij)

The IQ, the Rights-Duties-Party (Rechten- Plichten-Partij) had paid a deposit in order to be able to take part in the election of the Dutch members of the European Parliament. This deposit would be refunded if the total number of votes for candidates on the list exceeded 75 per cent of the electoral quota. However, the party only obtained 1,705 votes; about 0.93 per cent of the electoral quota. The Electoral Council therefore decided that the deposit would not be refunded but would forfeit to the State of the Netherlands. The Rechten-Plichten-Partij appealed against this decision by the Electoral Council.

In its appeal to the District Court of The Hague, IQ, the Rights-Duties-Party (Rechten- Plichten-Partij) argued that the Electoral Council should have departed from the rules since the elections were deemed to have been unfair. The Court ruled that the Electoral Council had been right to take the position that the Elections Act does not provide for the possibility to decide on refunding deposits on grounds other than those referred to in Section H 12 of this Act.²²

Invalidation of a blank list

In the run-up to the elections to the Senate of 26 May, the Electoral Council declared a blank list invalid since submitter had failed to enclose written declarations of support. The Elections Act stipulates that at least one written declaration of support from a provincial council members must be submitted for each province for which the list is submitted. The person who submitted the list lodged an appeal with the Department against the Electoral Council’s decision. The Department decided in the Electoral Council’s favour and dismissed the appeal.²³

Decision to hold a referendum

A citizen lodged an appeal with the Department against the Electoral Council’s decision of 12 October to admit the final request to hold an advisory referendum on the Act approving the EU-Ukraine Association Agreement and the European Atomic Energy Community and its member states on the one hand and, on the other, the Ukraine. He argued that the decision was unfair since many of the request forms had been filled in and signed by electronic means, had been printed in a central location and had then be bundled and submitted to the Electoral Council. The claimant thought such final requests should have been declared invalid since the digital signatures on the forms were in conflict with the law. The Department did not form a substantive opinion on this point of law since it felt that the claimant had no case. In its decision, the Department pointed out that only interested parties can appeal against a decision to admit a final request. According to the Department, the claimant was not an interested party since he did not have a sufficiently objective, current and personal interest which set him sufficiently apart from others and which was directly affected by the decision.²⁴

PSP’92

On 11 March 2015 the Electoral Council, as the central electoral committee for the elections to the Senate, registered the appellation PSP’92. Since this political party did not submit a valid list of candidates to the Senate for the most recent elections, its appellation was removed on 8 June 2015. The appeal which PSP’92 lodged against this was still before the Administrative Jurisdiction Department of the Council of State at the time of writing.

²² District Court of The Hague, 25 February 2015, Case No. SGR 14/8938.

²³ Administrative Jurisdiction Division, 7 May 2015, Case No. 201503540/1/A2.

²⁴ Administrative Jurisdiction Division, 26 October 2015, Case No. 201507896/1/A2.

The Electoral Council in an advisory capacity

Water Board Rijn en IJssel elections

The central electoral committee for the election of the members of the governing board of Water Board Rijn en IJssel declared a list of candidates invalid since an insufficient number of declarations of support had been submitted for this list. The person who submitted the list lodged an appeal against this decision with the Department but did not pay the required court fee. The appeal was therefore declared inadmissible.²⁵

Provincial Council elections in Gelderland

The central electoral committee for the election of the members of the Provincial Council of Gelderland declared a list of candidates invalid since no proof had been submitted with the list showing that the deposit had been paid. The person submitting the list lodged an appeal against this decision with the Department. He argued that the requirement to pay a deposit constituted an excessively high threshold for new political parties and individual candidates. However, like the Electoral Council, the Department was of the opinion that, under the Elections Act, the central electoral committee had no other option and dismissed the appeal.²⁶

Water Authority Rivierenland elections

The central electoral committee for the election of the members of the governing board of Water Authority Rivierenland declared a list of candidates invalid because it had not been submitted by a voter residing in that water board district. The submitter appealed against this decision. The Electoral Council agreed with the decision of the central electoral committee. Accordingly, the Department dismissed the appeal. According to the Department, it follows from Section B 2a, subsection 1 of the Elections Act, read in conjunction with Section H 3, subsection 1 of this Act, that a list of candidates for a Water Board election can only be validly submitted by a resident of that water board district.²⁷

²⁵ Administrative Jurisdiction Division, 16 February 2015, Case No. 201501177/1/A2.

²⁶ Administrative Jurisdiction Division, 16 February 2015, Case No. 201501172/1/A2.

²⁷ Administrative Jurisdiction Division, 16 February 2015, Case No. 201501175/1/A2.



7. Expertise and communication

With a view to the redivision elections in November 2014 and the elections for provincial councils, water boards, island councils and the Senate, the Elections Information Centre was set up in October 2014. This Information Centre was active until June 2015. 2,342 questions were submitted in this period, with a peak in March, at the time of the combined election day. This number was considerably less than for the previous Information Centre, which had been set up for the 2014 municipal elections. However, in view of the different nature of these elections, this was to be expected. Once again, most of the questions were submitted by municipalities (41%). There were also many questions from citizens (26%) and political parties (15%).

Website

The rising trend in the number of visitors to the website over the years continues. A total of 393,803 visitors accessed the website in 2015 (peak: 18 March with 58,264 visitors). In 2014 this was 308,516. The website was expanded with content on advisory referenda and Water Board elections, since these have been brought under the Elections Act. Furthermore, in view of the continuing interest in the subject of proxy voting, an informative video on this subject was made and posted on the website. The number of visitors to the 'Elections Act Explained' section on the website was 9,200 in 2015.

As a result of the Electoral Council's new role under the Advisory Referendum Act, request forms for referendable Acts can now be downloaded on www.referendumovereenwet.nl. The number of visitors to this Electoral Council website, which went live on 1 July 2015, came to 67,468. over the second half of the year. From October, there was a significant decrease in the number of visitors, possibly as a result of the *app* developed by Geen Peil which enabled people to fill in and digitally sign request forms that way.

Press

The recommendation of the Electoral Council on penal provisions in the electoral process and the corresponding publication generated a lot of media interest. For instance, an article on this subject appeared in the *de Volkskrant* and an extensive interview was broadcast on the radio programme *De Ochtend* on the day of the Electoral Council's symposium on 'the procurement of proxy votes and deprivation of the right to vote'.

Media coverage peaked in the run-up to the announcement of the results of the final request stage for holding a referendum on the Association Agreement with the Ukraine. The announcement was *streamed* live and the session was attended by Dutch and foreign press.

There was quite a commotion in the media about an initiative called 'Youth Vote Exchange' in the run-up to the municipal elections, whereby voters were asked to exchange votes (read poll cards) for articles. This is prohibited. After the Electoral Council had issued a few warnings, this initiative was dropped and the initiators in any case revealed that it was a playful protest to interest young voters in the Provincial Council elections.

Social media

The number of people who follow the Electoral Council on Twitter has increased to over 900. The Electoral Council posted 90 tweets throughout the year – in 2014 there were 104. The tweets are largely used to generate interest in news items. In case of requests for information, people are referred to the Information Centre or their tweets are responded to, usually by directing tweeters to content on the website. The number of tweets to and about the Electoral Council increased in the wake of Geen Peil's campaign for a referendum on the Association Agreement with the Ukraine.

News items and other content can be shared on the website via Twitter or Facebook or by mail. This appeared to fill a need – a great deal of use had been made of this.

Election results database

The database contains election results starting from the year 1848. In 2015 the Database was enlarged with the results of the elections for provincial councils and the Senate. The results of the municipal redivision elections of 18 November were also added. A number of older results were also entered.

Open data

To provide as much information as possible as 'open data' (in the sense of: freely available for reuse), the Electoral Council made the following election results available in so-called 'EML (Election Markup Language) files': House of Representatives (2012), Municipal Council (2014), European Parliament (2014), Provincial Council (2015), Water Boards (2015) and Senate (2011, 2015). These EML files can be downloaded on www.data.overheid.nl.

Publications and studies

In 2015 a study was carried out into the role and functioning of penal provisions in electoral law. This resulted in the publication 'Penal provisions in the electoral process - origin, functioning and future', which was edited by Ron de Jong and to which Jennifer Alspeer, Sekandar Atmar, Melle Bakker, Edward Brühem and Ron de Jong contributed. This publication gives a description of the background, meaning and effect of a number of penal provisions relevant for the electoral process. It also deals extensively with the grounds for exclusion from the right to vote under criminal law. The Electoral Council made a recommendation to the Minister of the Interior and Kingdom Relations on the basis of this study.

In 2015 Sanne Riezebos, a student trainee from Radboud University (Nijmegen), carried out an investigation commissioned by the Electoral Council. This trainee compared the website of the Electoral Council's Election Results Database with databases in other countries.

Scientific Advisory Council

The Electoral Council has had a Scientific Advisory Council in place since 2008. This council consists of internal and external experts in the areas of elections and electoral law. The Scientific Advisory Council is responsible for supervising and assessing the Electoral Council's studies. 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,
Senior 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,
Researcher with the Electoral Council

The Scientific Council met once in 2015 to discuss all ongoing research activities.

Government Information (Public Access) Act

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

A 2014 request under the Government Information (Public Access) Act regarding the amount spent annually on state advocates was withdrawn in 2015.

In 2015 the Electoral Council dealt with two requests under the Government Information (Public Access) Act:

- A citizen submitted requests for information on previous requests under the Government Information (Public Access) Act, lawsuits, expense claims, IT projects (incl. costs and expenditure), media policy, financial statements, annual reports and applicable laws and regulations (and on where all this information could be found). This request was not dealt with since the person making the request had not responded to a call to explain his/her request in greater detail.
- citizen asked for information on the number of unique visitors to the websites managed by the Electoral Council and on the expenditure on the development and maintenance of these websites, on the domain name, on search engines and on software and hardware, including the associated installation and development costs. The Electoral Council provided relevant overviews.



8. Network - National and International

Attention was paid to building and maintaining national and international relations in 2015.

National

Ministry of the Interior and Kingdom Relations

As in previous years, the Electoral Council regularly held consultations with administrative and official representatives of the Ministry of the Interior and Kingdom Relations on policy, legislative and administrative matters in 2015.

House of Representatives and Senate

On 9 February 2015 the Electoral Council took part in round-table talks in the House of Representatives on the proposal for an Act approving the Convention on the Rights of Persons with Disabilities, which came into effect in New York on 13 December 2006. On 14 April the council also consulted the Standing Committee on Home Affairs of the House of Representatives on voting by electronic means.

Association of Netherlands Municipalities and Dutch Association for Civil Affairs

There is regular contact with the Association of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten, VNG) and the Dutch Association for Civil Affairs (Nederlandse Vereniging voor Burgerzaken, NVVB), for example in connection with the Elections Committee.

Political parties, municipalities, provinces and water boards

Political parties, provinces and water boards were briefed several times on the use of Supporting Software for Elections (Ondersteunende Software Verkiezingen, OSV) in the run-up to the first combined Provincial Council and Water Board elections. The Electoral Council also used the input provided by representatives of provinces and water boards during consultations to prepare its evaluation recommendation on these elections.

(Guest) lectures

Staff members of the Secretariat gave a few (guest) lectures in 2015 (e.g. at Radboud University (Nijmegen) and the University of Groningen).

International

Foreign delegations

The Electoral Council received a delegation from Bhutan in 2015. The Electoral Council also met a delegation from Bonaire to discuss the workings of the proxy voting scheme in the Caribbean part of the Kingdom of the Netherlands.

Working visit

On 19 and 20 October a delegation from the Electoral Council took part in a workshop on the codification of electoral law in Romania. The workshop was held in Bucharest and was organized by the permanent central election authority in Romania to mark the preparations for/entry into force of a new Romanian Elections Act. Furthermore, a delegation from the Electoral Council paid a working visit to IVU in Berlin on 5 and 6 November, where a presentation was given on the IVU.elect software. IVU.elect is similar to Supporting Software for Elections, which is used in the Netherlands.

Conferences

The Venice Commission (an advisory body of the Council of Europe) organizes a conference for European EMBs (Electoral Management Bodies) every year. On 30 and 31 March a delegation from the Electoral Council took part in the 12th European Conference, which took place in Brussels (Belgium). The overarching theme was: "ensuring neutrality, impartiality and transparency during elections: the role of electoral management organizations." The Chairman of the Electoral Council gave a presentation on the relationship between the media and EMBs during this conference.

From 9 - 11 September a delegation from the Electoral Council took part in the annual conference of the ACEEEO (Association of European Election Officials). This conference was held in Chişinău (Moldavia) in 2015. The training of all those involved in the organization of the electoral process and the equality of voters was discussed during this conference.



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 the overhead expenses of the Ministry of the Interior and Kingdom Relations are combined in the budget. The Electoral Council’s overhead expenses are also placed here. The council’s programme budget, however, is shown separately in the National Budget.

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

Expendable budget

In 2015 the expendable budget of the Electoral Council amounted to €4,803,000 - €4,083,603 of which has been spent. €379,000 was booked as end-of-year margin in the 2015 Autumn Memorandum.

Remuneration for the Electoral Council chairman and members

In 2015 the Electoral Council members received a remuneration for their efforts. In accordance with the Civil Servants’ Pay Decree (Bezoldigingsbesluit Burgerlijke Rijksambtenaren, BBRA), the remuneration for the Chairman amounted to 0.3 FTE in scale 18. Electoral Council members received a remuneration of €235 per meeting plus travel allowance.

As a result of the implementation of the Senior Officials in the Public and Semi-Public Sector (Standards for Remuneration) Act (Wet Normering bezoldiging topfunctionarissen public and semi-public sector, WNT), the reporting obligation under this Act applies to the positions of the Chairman and Electoral Council members.²⁸ These standards also apply to all official staff members.

Deposits

In 2015 the Electoral Council received deposits from political parties for the registration of names (“appellations”) and logos and for nominations. These deposits are refunded if the parties satisfy the relevant legal requirements. If this is not the case, the deposits are forfeited to the State.

²⁸ See 2015 Annual Report of the Ministry of the Interior and Kingdom Relations.

