



Annual Report 2018 Dutch Electoral Council



Publication

Electoral Council

Photos

The photos included in this annual report revolve around the theme of the appointment and swearing-in of the members of the representative bodies elections are held for in the Netherlands: the House of Representatives, the Senate, the provincial council, the municipal council, the governing board of a water authority, and the European Parliament. In 2018, the Electoral Council, acting in its capacity of Central Electoral Committee, has appointed members to the Senate and the House of Representatives to fill seats that had become vacant in the interim. In addition, the municipal central electoral committees have appointed members to the municipal councils following the elections held in March.

ANP photo, Hans Kouwenhoven, Phil Nijhuis.

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Preface

Looking back at 2018, there are a few things that stand out. First, while it was a year with many referenda, it was also the year when the Advisory Referendum Act was repealed.

Municipal council elections were held in 2018. The evaluation of these elections provided additional cause to debate matters like the accessibility of the polling stations, the assistance provided to voters with a mental handicap, the closing times of the polling stations, whether or not to limit the number of votes by proxy, and, last but not least, the need for a more manageable ballot paper, preferably one that can be counted electronically.

In particular, I wish to use this preface to provide attention to the - as yet limited - digital component of the election process. For some years now, the Electoral Council has been pleading for a modernisation of ESS, the software used for the nomination process and the determination of the results. This is not just an IT matter. It is equally essential that the Electoral Act makes it crystal clear which body within the election chain is responsible for what aspect and what powers these bodies should possess in this connection. The Minister of the Interior and Kingdom Relations has announced she was striving to implement a new process of determining the results and to obtain the related necessary equipment by 2021. While noting that the Electoral Council would have preferred for the new equipment to have been in use before that date, it believes it to be of premier importance to take the required steps as quickly as possible. The Electoral Council cannot do this alone. This opinion is shared by the House of Representatives, which on 21 June 2017 unanimously passed the Bruins Slot/van Engelshoven motion requesting the government to work together with the Electoral Council to review, each on the basis of its own expertise, whether the ESS is sufficiently reliable and safe in the long term or whether alternatives need to be developed.

This annual report is centred around the theme of appointments. Pursuant to the Electoral Act, the chairman of the central electoral committee after the elections informs the new appointee of their appointment in writing. At the national level, this is the chairman of the Electoral Council. What was striking about 2018 is that quite a few members, both of the Senate and of the House of Representatives, were appointed in the interim - and sometimes only temporarily. In all, 27 persons were appointed members of Parliament in the last year. Is this problematic? Not in itself, of course. Is this a substantial figure? Yes, the "turnover rate" of members of Parliament has indisputably gone up.

Three Electoral Council members left and were succeeded in 2018, as well. The members of the Electoral Council are appointed by Royal Decree, and therefore through the intermediary of the cabinet. In practice, the Electoral Council plays an important role. This does not hold true in all cases. Some appointments are made by Parliament and some by the government, such on the basis of the advice rendered by the High Councils of State. Within our Kingdom, the appointment of the members of the central electoral committee of the country of Sint Maarten, for instance,

*Max Aardema sworn in as a member of the Senate.
Photo: Phil Nijhuis.*



is conducted by the Governor by National Decree following nomination by a committee comprised of the president of the Joint Court of Justice, the vice chairman of the Advisory Council and the chairman of the General Audit Chamber. This is a solid arrangement that does justice to the desired independence of the central electoral committee - an independence that is also emphasised in the so-called international electoral standards.

Whenever we discuss appointments in the context of the electoral process, we should, of course, also discuss the appointment of the tens of thousands of polling station officials by the Municipal Executives. It is with pleasure that we find that the municipal authorities have, over the years, started providing ever more attention to instructing the polling station officials. For their work forms the basis of the final election results. If they fail to properly perform their duties, this may cause the election results to be questioned.

And finally. 2019 will witness a fair number of elections: elections for the provincial councils, the Water Authorities, the Island Councils of Bonaire and Saba and the electoral college for the Senate on Bonaire, Saba and Sint Eustatius, as well as the Senate and European Parliamentary elections. In addition, the prospect of proposals for the amendment of the Electoral Act being submitted is held out - such possibly in connection with the final report of the Parliamentary Government Review Committee. In short: when it comes to the field of electoral law and elections, 2019 is bound to be an exciting year!

J.G.C. Wiebenga
Chairman of the Electoral Council

1. Double interview with the chairman and secretary director

Double interview with chairman Jan Kees Wiebenga and secretary director Melle Bakker

Municipal redivision elections took place in 37 municipalities last autumn. What is the Electoral Council's role in these elections?

Melle Bakker: The Electoral Council has no direct role to play in these elections, as it does not determine the results nor register the names of political parties. We do operate an Elections Information Centre, which is there to answer questions about the election process during election times. The municipalities that were parties to the redivision did have questions of their own and, of course, we provided them with due assistance. For instance, when municipalities are merged, the numbering of the lists of candidates is always an issue. In elections involving only one municipality, numbering the parties is easy: the largest party receives number 1, and so on, but this raises questions where multiple municipalities are involved. In such cases, one municipality is designated as the "organising municipality", and the situation within that municipality is decisive.

In the run-up to the municipal council elections, the question of whether voters with a mental handicap should receive assistance with casting their vote came to the fore. The cabinet believes that early voting may be a solution for this group of voters. What is the position of the Electoral Council on this matter?

Jan Kees Wiebenga: The early voting concept has not been elaborated in detail, while electoral law is mainly about how matters are arranged exactly. For instance, it provides that a red pencil must be used to cast the vote. The Electoral Council therefore first wishes to be informed of what type of early voting can be implemented before arriving at its position. We do find there is a possible positive connection between early voting and voting by proxy. If people could cast their votes early, this could result in a decreasing need for voting by private proxy. This in turn is in line with the proposal made by the Electoral Council in its evaluation of the municipal council elections to reduce the number of proxy votes that may be cast from two to one per person.

Melle Bakker: As far as I'm concerned, linking persons with a mental handicap to early voting is not a foregone conclusion. The Electoral Council approves of polling station officials providing assistance to voters with a mental handicap in the polling booth. According to the cabinet, the benefit of having voters with a mental handicap cast their vote earlier is that they can cast their vote at a time when it is more quiet than on election day. As a result, persons with a mental handicap might even be able to cast their vote without any assistance being required. That is an assumption that first needs to be proven.

The social attention paid to data hacks meant that there was a debate about the reliability of the election results in this year, as well. The legislator, too, has since decided that the municipal authorities must publish the official reports containing the results on their website. What is the position of the Electoral Council on this measure?

Jan Kees Wiebenga: The Electoral Council is in favour of having official reports be made public. All elections are built on trust, and this is fostered by such publication. It allows everyone to personally verify the correctness of the results in the polling stations' official reports.

This year featured the last advisory referendum, as the Senate approved the repeal of the Advisory Referendum Act on 10 July. What are your views on this?

Jan Kees Wiebenga: When considering 2018, some may believe that the referendum has left the public debate. But that's not true. Late 2018 witnessed the publication of the Parliamentary Government Review Committee report, which once more discussed the referendum. While the repeal of the Act means that no referendum will be held in this advisory form any more, the debate about the referendum has entered a new phase.

Melle Bakker: I am still proud about the Electoral Council's success in properly implementing the Advisory Referendum Act. Such with the help of the equipment and the expertise of the Tax and Customs Administration. While the Act certainly left room for improvement in various aspects, such as with respect to the fact that the entire exercise took place on paper, we were not given the time to improve on things. Repealing the Act was, in the end, a political choice. A Chinese saying goes that "prediction is very difficult, especially about the future". This holds true in this context as well. But the last word hasn't been said about the referendum.

In the context of the celebrations of a century of universal suffrage, the Electoral Council in 2018 organised an essay competition and a symposium entitled "The Election of the Future". Which of the subjects considered by the students in their essays was most appealing to you?

Melle Bakker: What struck me the most was enormous variety of suggestions offered in the essays. I am personally in favour of some of the propositions made, like decreasing the voting age to 16. Some other ideas made me wonder how they came up with them. Like the one about reliving Roman times.

Jan Kees Wiebenga: I actually thought that was an original and fun idea, this introduction of plebeian tribunes. During Roman times, the people had no right of participation in politics. But then the office of plebeian tribune was created, to state what really mattered to the people. Such an office would be inconceivable in the modern Netherlands, as suffrage is universal.

Three of the Electoral Council's seven members left in 2018, two of whom had served for twelve years. Does this have any consequences for the relations within the Electoral Council?

Jan Kees Wiebenga: Membership of the Electoral Council is always of a temporary nature, but replacing three out of seven persons of course makes quite an impression. The Electoral Council members are selected on various profiles, as it's good for the Electoral Council to be comprised both of academics and of persons who have knowledge of and experience with, for instance, devolved government bodies. This mixture of persons and profiles also results in interesting discussions.

Melle Bakker: It's always exciting when half the Electoral Council is replaced. I think it's important for the Electoral Council to be consistent in its opinion. That does not mean it may not alter its opinion, and it certainly has done so in the past. For example, even some years ago, the Electoral Council was not in favour of publishing the polling stations' official reports, as it feared that this would result in all sorts of mistakes and errors becoming public knowledge, which in turn would have an adverse impact on public trust in the election process. The Electoral Council a few years ago also stated not to be in favour of providing assistance to voters with a handicap. The Electoral Council is currently in favour of both propositions, so our opinions do change. However, this does not alter the fact that consistency in coming to a position and in the advice we render is, and will continue to be, of major importance.

A great many members were appointed to the Senate and House of Representatives in the interim in the past year. For the Senate, this concerned the highest figure in over a decade. How much work do they these appointments entail for the Electoral Council?

Melle Bakker: The Electoral Council considers who is eligible for being appointed a member of Parliament on the basis of a non-discretionary decision. This means that the chairman of the Electoral Council, as the person responsible for signing the appointment decision, cannot simply pick someone from the list of candidates. The process of determining the election results allows us to know exactly who is eligible to be appointed, such on the basis of the order of the list of candidates and taking account of candidates who reached the preference threshold. If the process simply consists of appointing the top candidate on the list, the Electoral Council can conclude their appointment within the day. It is only when someone declines to be appointed that the next candidate on the list is up for appointment. The House of Parliament concerned may at times exert some pressure on the process, as it wishes to appoint and admit a replacement as soon as possible after someone has left.

Jan Kees Wiebenga: There was this one time that someone needed to be appointed, but the candidate concerned did not want to become a member of Parliament and happened to be in Africa at the time. That turned out to be problematic, as we are required to obtain a signed statement to the effect that the person concerned refuses the appointment, in the absence of which they are declared to be appointed. So, special cases do occur.

Chairman Jan Kees Wiebenga (left) and secretary director Melle Bakker (right). Photo: Phil Nijhuis.



By way of electoral colleges, the Dutch residents in the Caribbean Netherlands will also come to have an influence on the Senate. What are electoral colleges? And how do the residents of Bonaire, Sint Eustatius and Saba feel about being allowed to vote for the members of the electoral colleges? Is it important to them?

Melle Bakker: I rather doubt that the residents of Bonaire, Sint Eustatius and Saba are aware of this right they have. The chairman and I visited the Caribbean Netherlands quite recently and found that there is little awareness of the electoral colleges. The Ministry of the Interior and Kingdom Relations will start up an information campaign that will target the voters on the isles.

Jan Kees Wiebenga: In March, elections for the island councils and the electoral colleges will be held in the Caribbean Netherlands. No island council elections will be held on Sint Eustatius, as the island is currently governed by a government commissioner, but there will be elections for the electoral colleges. Combined elections will be held on Bonaire and Saba. As a result, the elections on Sint Eustatius will be different from those on the other two islands. It will be interesting to see what the effects thereof will be, for example as concerns the voter turnout. Incidentally, it might be that an electoral college for Dutch nationals abroad will be established. The coalition agreement states that Dutch nationals abroad will come to have an influence on the composition of the Senate. However, no legislative proposal to this effect has been submitted yet.

Late in this year, the Secretariat of the Electoral Council will again receive a temporary addition to its workforce in the form of the Elections Information Centre. Three legal assistants of the Elections Information Centre will be present to help answer questions about electoral law and the election process during election time. What is it like to work with these newly graduated legal experts for a few months?

Jan Kees Wiebenga: I feel that it is a very positive development for the newly graduated to be interested in working for the Central Government.

Melle Bakker: Moreover, it's very fun to teach people who have had limited exposure to electoral law more about the elections, for instance by having them take some specialist classes. It's great to experience how these three people come to possess above-average knowledge about the electoral process in the span of six months. I always find myself hoping that they become member or even chairman of a polling station.

2. Organisation

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

- The Council acts as central electoral committee during elections for the Senate and House of Representatives and for the (26) Dutch members of the European Parliament. In this context, the Electoral Council's tasks are:
 - registering political parties' appellations and logos
 - evaluating and numbering the lists of candidates submitted
 - determining the official election results
 - appointing new members to open positions in the Senate, the House of Representatives and the European Parliament
- The Council advises the government and Parliament about issues involving technical execution in the area of voting rights and elections. This primarily concerns draft legislative proposals for changes to electoral legislation. On a few occasions, the Electoral Council provides unsolicited recommendations – in the form of evaluations after the conclusion of elections, for example.

Repeal of the Advisory Referendum Act

On 12 July the Advisory Referendum Act was repealed. The repeal had retroactive force to 10 July. This repeal brought an end to the Electoral Council's tasks and duties as the Central Electoral Committee for conducting advisory referenda.

Other Electoral Council tasks

Throughout the year, the Electoral Council acts as a knowledge and information source about suffrage and elections for municipalities, provincial court offices, political parties, voters and the media. At election time, an Elections Information Centre is set up in cooperation with the Ministry of the Interior and Kingdom Relations. An Elections Information Centre has been available since mid-October in connection with the municipal redivision elections of 21 November 2018 and the combined provincial council and water authority elections of 20 March 2019. It will remain active until mid-June 2019.

Finally, the Electoral Council advises the Council of State's Judicial Division concerning voting right disputes to which the Electoral Council is itself not a party.

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

As a central electoral committee, the Electoral Council is subject to the framework legislation for independent administrative bodies. Some sections of this Act do not apply to it.¹ Moreover, part² of the Advisory Boards Framework Act does apply to the Electoral Council, and part³ does not. The Electoral Council believes its position in both Framework Acts to be less than optimal and is preparing the submission of improvement proposals to do better justice to its special – independent – position in our constitutional system.

Relationship with the Ministry of the Interior and Kingdom Relations

The Ministry of the Interior and Kingdom Relations supervises all independent administrative bodies that perform tasks for which the minister is politically responsible. The Electoral Council's special position and the correlated and necessary independence affect this supervisory relationship. As from 1 January 2018, the Electoral Council is no longer included in budget chapter VII (Interior and Kingdom Relations) of the national budget. Instead, the management regime for High Councils of State applies.

¹ Non-departmental Public Bodies Framework Act, Sections 12, 21 and 22.

² Advisory Boards Framework Act, Section 15(1), (3), (4) and (5) and Section 16.

³ Advisory Boards Framework Act, Sections 21 and 29.

From left to right: Ronald Prins, Jacobine van den Brink, Jan Kees Wiebenga, Hestia Reukema-Gevers, Rudy Andeweg, Aat de Jonge and Peter Castenmiller.
Photo: Phil Nijhuis.



Electoral 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 policy areas related or relevant to it. Social knowledge and experience also play a role in appointing members.

In early 2018, the Electoral Council was comprised as follows:

J.G.C. Wiebenga, LL.M. Chairman. Appointed in 2017. From 2001 through 2016, Jan Kees Wiebenga was a member of the Council of State and (for a number of years) was its acting vice president.

G.M.M. Blokdijk, LL.M. Vice chairman. Appointed as a member in 2006. Trudy Blokdijk advises and evaluates supervisory boards and boards of directors, is associated with a number of faculties as a (guest) lecturer in the area of governance and supervision, performs various supervisory and management functions and acts as a speaker and chairperson.

W.M.B. Stoker, LL.M. Appointed as a member in 2006. From 2000 through 2015, Willem Stoker worked as a senior adviser and head of elections in the Public Affairs department of the municipality of Utrecht.

Prof. Dr R.B. Andeweg. Appointed as a member in 2017. Rudy Andeweg was professor of Empirical Political Science at Leiden University until 18 May.

Dr P. Castenmiller. Appointed as a member in 2013. Peter Castenmiller is employed with PBLQ, the Dutch Institute for Public Administration.

Prof. R. Nehmelman, LL.M. Appointed as a member in 2015. Remco Nehmelman was professor of Public Institutional Law at the University of Utrecht until 1 October.

Prof. J.E. van den Brink, LL.M. Appointed as a member in 2017. Jacobine van den Brink was professor of European and National Administrative Law at Maastricht University until 1 November and has been serving as professor of Administrative Law at the University of Amsterdam since.

The composition of the Council has changed over the course of the year.

Due to Ms Blokdijk, Mr Stoker and Mr Nehmelman stepping down, three openings arose on 1 October. On that same date, the former two members were replaced by:

R. Prins, MSc. Ronald Prins is a member of the Review Board for the Use of Powers of the Intelligence and Security Services in his capacity as a cyber security expert. In addition, he is a member by special appointment of the Dutch Security Board.

H.E. Reukema-Gevers. Hestia Reukema-Gevers serves as the services director of the municipality of Rotterdam. Her portfolio consists of Areas, Elections, Participation and City Archive.

As per 1 January 2019, Mr Nehmelman is replaced by:

A.B.L. de Jonge, LL.M. Aat de Jonge has been serving as a mayor of various municipalities for over thirty years now. Most recently, from 2004 until last November, he served as mayor of Dronten.

Photo: Phil Nijhuis.



Electoral Council 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. As of 1 January 2018, the Electoral Council has been responsible for the entirety of its staff, since the chairman of the Electoral Council was appointed as chief of staff within the meaning of Article 4(1)(b) of the General Civil Service Regulations by the Minister of the Interior and Kingdom Relations.

At the end of 2018, seventeen staff members worked at the secretariat in the following positions⁴:

Melle Bakker, Secretary director

Pamela Young, deputy Secretary director and coordinator of Legal Affairs and Information Policy

Heleen Hörmann, Coordinator of Communication, Research and Support and senior communications adviser

Roderick Al, Legal adviser

Senior legal adviser⁴

Management adviser⁴

Ronald Jansen, Senior management adviser

IT adviser⁴

Cynthia Henskens, Senior information policy adviser

Maaïke van Hoboken, Administrative employee

⁴ The names of three members of staff have been withheld under application of the General Data Protection Regulation.

Ron de Jong, Scientific researcher
Petra Kingma, Senior legal adviser
Karina de Klerk Wolters, Office manager
Myrna Pleij-Lindeboom, Legal administrative employee
Marco Segers, Legal adviser
Ellen Voogd, Administrative employee
Marjolein Walsmit-Brouwer, Communications adviser

The following staff members were employed at the Elections Information Centre in 2018:
Nynke Veenstra, Anne Albers and Adnan Karic (until April) and Kyra Wigard and Garvin Molleman (from mid-October).

3. Elections and referenda

Municipal council elections and advisory referendum on the Intelligence and Security Services Act

On Wednesday, 21 March 2018, municipal council elections in combination with an advisory referendum on the Intelligence and Security Services Act 2017 were held in 335 municipalities. In the remaining 45 municipalities, only the advisory referendum was held. This concerned municipalities that would be redivided as per 1 January 2019 or that had been redivided on 1 January 2018. The referendum of 21 March was the second and last referendum held under the Advisory Referendum Act. At the time the referendum was held, the cabinet had already announced its intent to repeal the Act.

Advisory referenda under the Advisory Referendum Act

On Tuesday, 10 July 2018, the Senate approved the repeal of the Advisory Referendum Act.⁵ Since 1 July 2015, voters could submit requests to hold an advisory referendum about a treaty or Act of Parliament that had been approved or adopted, but had not yet entered into force. During the period between 1 July 2015 and 10 July 2018, a total of 323 Acts qualified for a referendum. During the time the Advisory Referendum Act was in force, two referenda were held: a referendum on the Approval Act of the Association Agreement between the European Union and Ukraine in April 2016 and a referendum on the Intelligence and Security Services Act 2017 in March 2018.

In the period from 2015 through 2018, there were two Acts that reached the threshold of more than 10,000 valid requests in the preliminary phase, but failed to reach the threshold of 300,000 submitted valid requests in the final phase. These Acts were the amendment to the Income Tax Act 2001 on gradually phasing out the deduction due to little or no home acquisition debt (also called the Hillen Act) in March 2018 and the amendment to the Organ Donation Act in July 2018.

Elections Information Centre

Even though the Electoral Council in 2018 only acted as the central electoral committee for the referendum of 21 March, the municipal council elections, too, required the Council (and its secretariat) to be active. In the run-up to these elections, citizens, municipalities, political parties and the media frequently called on the Electoral Council in its capacity as expertise and information centre. An Elections Information Centre was set up for this purpose in the run-up to the elections and the referendum. Naturally, the Information Centre was also available for questions about the referendum or the consequences of the combined elections.

⁵ Bulletin of Acts and Decrees 2018, nr 214.

Consequences of the combined elections

Combining elections is exceptional in the Netherlands. The combination of the provincial council elections and water authority elections, first held in 2015, forms one example. There are definite benefits to combining elections, especially in practical and organisational terms, but also financially. However, combining elections may also cause (unintended) side-effects. For a referendum under the Advisory Referendum Act to produce a valid advisory opinion on a treaty or Act of Parliament, a turnout percentage of at least 30 percent of the total number of persons eligible to vote was required. This percentage – the threshold for producing a valid referendum outcome – was easily achieved in the referendum on the Intelligence and Security Services Act, most likely in part because it was combined with the municipal council elections.

The combined elections of 21 March also produced another effect: the delayed presentation of both results. While having to manually count the ballot papers (sometimes two or more times, even) and subsequently complete the official report in practice already often leads to the results being presented late in the case of a single election, all this work now needed to be performed for two elections. As a result, in many cases, the work could not be finished before midnight.

Registration of appellations

Political parties that had registered their appellations with the Electoral Council for participation in the elections to the House of Representatives were not required to have themselves registered once again with the various municipalities when participating in the municipal council elections. Their registration with the Electoral Council carried over to participation in those elections. For ease of reference, the Government Gazette in the run-up to the municipal council elections published an item listing all political parties that had their appellations registered with the Electoral Council.⁶

Observation missions

Two observation missions were present for the municipal council elections and the advisory referendum. It concerned delegations from the Congress of Local and Regional Authorities of the Council of Europe and from Democracy Volunteers, an organisation based in the United Kingdom that is active in the field of, inter alia, the observation of elections. The Electoral Council is in favour of observation missions being present and a delegation of the Council had contact with both delegations. In addition, representatives of sister organisations in Aruba, Curaçao and Sint Maarten were present around the time of the elections on the invitation of the Council, such for the purpose of exchanging knowledge and experience with respect to elections.

⁶ Government Gazette 2017, nr 75394.

Promoting voter turnout

Activities to promote voter turnout were performed in many municipalities in the run-up to the elections of 21 March. In some cases, it concerned initiatives by the municipal authorities concerned, but more often they were organised by political parties and, in isolated cases, by third parties. Promoting voter turnout for elections is a positive activity, even though voting is a right and not an obligation. Disproportionately favouring voters compared to non-voters, however, is undesirable. Incidents of political parties organising raffles - in some cases with major prizes to be won - under voters raised questions, especially when they required voters to provide proof of having voted, such as a “stemfie”: a photo showing the voter, but also their vote. In its *evaluation recommendation on the elections concerned* the Electoral Council asked that attention be paid to the matter.

Assistance to voters with a mental handicap

In the run-up to 21 March, the mayor of Woerden made headlines by his statement that he believed that with the adoption of the UN Convention on the Rights of Persons with Disabilities, the Electoral Act must be considered to be outdated as concerns the provision of assistance to voters with a mental handicap. He for this reason made agreements with a care organisation active in his municipality to enable voters with a mental handicap to be provided with assistance in the polling booth. After the Electoral Council - and, at a later point, the Minister of the Interior and Kingdom Relations - had informed the mayor of the applicable statutory regulations, he annulled these agreements.

The Electoral Council identified this view of the mayor, and of many organisations working to promote the interests of persons with a mental handicap⁷, as a signal requiring serious consideration. The Electoral Council in this connection came to the conclusion that voters with a mental handicap should be provided with assistance when casting their vote in the polling booth. However, the Council does wish to make this conditional on the said assistance being provided by polling station officials. The Council believes this to provide a safeguard against manipulation. In its *evaluation recommendation on the elections concerned* the Electoral Council asked that attention be paid to the matter.

⁷ Including the leder(in) umbrella organisation, the MEE NL association, which is active in promoting an inclusive society, Vereniging Gehandicaptenzorg Nederland, the Sien interest group for persons with a mental handicap, and the national interest group LFB, by and for persons with a mental handicap.

Recounts

As was the case in 2014, in the municipal council elections of 21 March a *recount of the votes was required in some 25 cases*.⁸ The recount was ordered following a decision by the central electoral committee in some cases and by the municipal council in others. The Electoral Council was in close contact with some of these municipalities during the preparations for these recounts.

In the context of the advisory referendum no recount of the votes in one or more polling stations/municipalities occurred. The sole body having the legal authority to conduct such is the Electoral Council in its capacity as central electoral committee for the advisory referendum. Even though some official reports submitted by the polling stations contained figures that, at the very least, gave rise to questions, the Council decided not to order the polling stations concerned to recount the votes. Its primary consideration in this respect was: the lack of an objective criterion in the Advisory Referendum Act (comparable to Section P 21 of the Electoral Act, for instance) allowing the Electoral Council to decide whether or not to order a recount.

To the extent the Electoral Council could verify this, the recounts of the votes in the municipal council elections were generally performed properly in the practical and organisational sense. A representative of the Electoral Council was present during nearly all the recounts. Due to the elections being combined elections, this was a legal requirement.⁹ The representatives were to verify that any ballot papers for the referendum discovered during the recount were processed with care.

Experiments with the central counting of votes

Twenty-two municipalities chose to perform an official count of the votes in the municipal council elections at a central location within the municipality on the day after the elections. On election day itself, the polling station officials in those municipalities were only required to count the votes at the party level for a first, preliminary result. The central counting of votes was made possible in specific experiment legislation.¹⁰

Result

Following the municipal council elections and the referendum, the Electoral Council entered all election results in *the election results database*.

⁸ The Municipalities of Amersfoort, Almelo, Beek, Bergen op Zoom, Bernheze, Berkelland, Dalfsen, Deurne, Hoogeveen, Loon op Zand, Maastricht, Medemblik, Oost Gelre, Ouder Amstel, Rijswijk, Stein, Veenendaal, Venray, Velsen, Wageningen, Westvoorne, Zaanstad, Zaltbommel, Zeewolde and Zoeterwoude.

⁹ Section 17 of the Advisory Referendum Decree.

¹⁰ Temporary (Ballot Papers and Central Counting) Experiments Act (Act of 19 June 2013, Bulletin of Acts and Decrees 240) and Temporary (Ballot Papers and Central Counting) Experiments Decree (Decree of 23 September 2013, Bulletin of Acts and Decrees 368).

Municipal redivision elections

Last autumn, on Wednesday, 21 November 2018, redivision elections were held in 37 municipalities. It concerned the following (new) municipalities: Groningen (formed out of the current Groningen, Haren and Ten Boer), Hoeksche Waard (currently Binnenmaas, Cromstrijen, Korendijk, Oud-Beijerland and Strijen), Vijfheerenlanden (currently Leerdam, Vianen and Zederik), Altena (currently Aalburg, Werkendam and Woudrichem), Beekdaelen (currently Nuth, Onderbanken and Schinnen), Haarlemmermeer (currently Haarlemmerliede en Spaarnwoude and Haarlemmermeer), Het Hogeland (currently Bedum, de Marne, Eemsum and Winsum), Westerkwartier (currently Grootegast, Leek, Marum, Zuidhorn and part of Winsum), Molenlanden (currently Giessenlanden and Molenwaard), Noardeast-Fryslân (currently Dongeradeel, Ferwerderadiel, Kollumerland and Nieuwkruisland), Noordwijk (currently Noordwijk and Noordwijkerhout) and West Betuwe (currently Geldermalsen, Lingewaal and Neerijnen). These redivisions entered into force on 1 January 2019. As was indicated in the above, the regular municipal council elections in March 2018 were not held in those municipalities that held redivision elections on 21 November 2018. Formally, the Electoral Council does not play a role in the redivision elections, but the Elections Information Centre was available for questions by the municipalities concerned on the election process and the ESS. Following the conclusion of the redivision elections, the Electoral Council included the results of these elections in the [Election Results Database](#).

Count and recount

A number of municipalities that held redivision elections decided to participate in the experiment with the central counting of votes and chose to have the votes counted the day after the election, in a central location in the municipality. On election day itself, the polling station officials in those municipalities were only required to count the votes at the party level for a first, preliminary result. The municipal council of Leerdam decided to perform a recount in two polling stations after the votes were counted centrally. Two candidates did not receive any votes at these polling stations, even though they had indicated to have voted for themselves.

Election software

During elections, political parties, municipalities and principal and central election committees can use Electoral Support Software (ESS). In the run-up to the elections and the referendum of 21 March, Software Quality Systems (SQS) tested the ESS programs 4 and 5, which support the determination of the results and the allocation of seats. The [test report](#) was submitted in late January and is made available on the website of the Electoral Council. The ESS programs were provided to political parties and municipalities for both the referendum and the municipal council elections. In addition to providing the statutorily required documents for, inter alia, the nomination and results, the ESS generated files allowing for the results to be reused. The municipalities have submitted these data

Chris Stoffer sworn in as a member of the House of Representatives. Photo: © ANP FOTO 2018/Bart Maat.



files to the Electoral Council. The Electoral Council used these files to enter the results of the municipal council elections and the referendum in the *Election Results Database*. In addition, the Electoral Council stored the collected data files as a dataset on data.overheid.nl.

Software updates and replacement

The ESS programs 4 and 5 received technical updates in 2018 to improve their security. Nevertheless, it was found, also in connection with improved insights into the influence on the elections exerted by state actors, that the ESS software needs to be replaced. This software has now been used in the election process for over nine years: it first saw use in the context of the elections to the European Parliament of 4 June 2009. The security and software concepts the ESS is based on is therefore in need of revision. The Electoral Council and the Minister of the Interior and Kingdom Relations are consulting on the subject.

4. Recommendations

In 2018, the Electoral Council issued the following recommendations:

- 1. Recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal*
- 2. Recommendation on an amendment of the Electoral Act to simplify casting a vote from abroad*
- 3. Recommendation on the GDPR (Amendment) Decree*
- 4. Recommendation on the BES Islands Electoral Colleges Implementing Decree draft decree*
- 5. Evaluation recommendation with respect to the municipal council elections and the advisory referendum of 21 March 2018*
- 6. Recommendation on the legislative proposal on the allocation of additional Dutch seats in the European Parliament*
- 7. Recommendation on the amendment of the Electoral and Referendum Regulation in connection with the introduction of the electoral colleges on the BES islands*
- 8. Recommendation on the amendment to the Electoral Decree and the Temporary Experiments Decree in connection with the simplification of casting votes from abroad*
- 9. Recommendation on the amendment to the Electoral and Referendum Regulation and other legislation in connection with the repeal of the Advisory Referendum Act*
- 10. Recommendation on the amendment of the Electoral Regulation and the Temporary (Central Counting) Experiments Regulation in connection with the simplification of casting votes from abroad and the electronic publication of official reports*

Almost all recommendations were issued on the request of and were submitted to the Minister of the Interior and Kingdom Relations. The Electoral Council issued the Evaluation recommendation with respect to the municipal council elections and the advisory referendum of 21 March 2018 on its own initiative.

1. Recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal (1 February 2018)

The Electoral Council issued a recommendation on a draft legislative proposal containing a new procedure to determine the election results. The Council is a proponent of a more modern and more transparent procedure and approves of the new municipal polling stations and the abolition of the principal electoral committees - subject to certain conditions. The proposal did, however, raise some questions, in particular with respect to the practical feasibility of the proposed procedure.

The deliberations on a new procedure to determine election results have not been concluded yet. The Minister is expected to submit a revised draft legislative proposal to the Electoral Council for its consideration in early 2019. One component of the draft legislative proposal has been removed from the proposal and already turned into law:¹¹ the proposal to in the future always make the official reports of the polling stations and the mayors' records digitally accessible.

2. Recommendation on an amendment of the Electoral Act to simplify casting a vote from abroad (5 February 2018)

The Electoral Council issued a recommendation on a draft legislative proposal finalising a new model of ballot paper for Dutch voters abroad. The Council approved of this new ballot paper and expressed its hope that the ballot paper can in the short term be introduced for voters in the Netherlands, as well. Preferably, this ballot paper should allow for being counted electronically. The Council did have some reservations with respect to the proposal that if the voter fails to cast their vote for a specific candidate, the ballot paper will not be considered to be invalid, the vote instead being deemed to have been cast for the top candidate of the political party selected.

The legislative proposal submitted to the House of Representatives by the Minister contained a number of measures to prevent votes cast outside the Netherlands from not being counted and initiated an extension of the Temporary Experiments Act. This legislative proposal has since been adopted into law.¹² The new model of ballot paper for voters outside the Netherlands has not been finalised, because the Minister wishes to gain more experience with its use first.¹³

¹¹ Act of 5 December 2018 amending the Electoral Act, providing measures for the electronic publication of the official reports of the polling stations and of the records of the number of votes cast in the municipalities submitted by the mayors (Bulletin of Acts and Decrees 2018, 470).

¹² Act of 5 December 2018 amending the Electoral Act and the Temporary (Ballot Paper and Central Counting) Experiments Act to simplify the casting of votes from abroad and extend the term for conducting experiments (Bulletin of Acts and Decrees 2018, 483).

¹³ Parliamentary Papers II 2017/18, 35 012, nr 3, p. 6.

3. Recommendation on the GDPR (Amendment) Decree (12 February 2018)

On 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) entered into force. Its introduction required the amendment of multiple government Decrees, including the Electoral Decree. The amendment of the Electoral Decree is limited to Section D 9. The Electoral Council had no comments on the proposed amendment.

The Electoral Decree was amended on 28 July 2018, the amendment having retroactive force to 25 May 2018.¹⁴

4. Recommendation on the BES islands Electoral Colleges Implementing Decree draft decree (16 April 2018)

The Constitution has been amended so as to allow Dutch residents of the Caribbean Netherlands to have a direct influence on the composition of the Senate.¹⁵ The Electoral Act¹⁶ and the Electoral Decree¹⁷, too, have been amended. The Electoral Council in its recommendation endorsed the core principle of having the members of the electoral colleges elect the members of the Senate in a way that is as similar as possible to that of the members of the provincial councils. However, the Council in its recommendation did request that attention be paid to the appellations on the list of candidates being provided in other languages.

The BES Islands Electoral College Implementing Decree entered into force on 1 August 2018.¹⁸

5. Evaluation recommendation with respect to the municipal council elections and the advisory referendum of 21 March 2018 (17 May 2018)

Voters with a mental handicap, too, must be able to receive assistance with casting their votes. This was one of the proposals made by the Electoral Council in its evaluation recommendation on the combined municipal council elections and the referendum on the Intelligence and Security

¹⁴ Decree of 11 July 2018 amending the Decrees implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJEU 2016, L 119) and the General Data Protection Regulation Implementation Act (Bulletin of Acts and Decrees 2018, 249).

¹⁵ Act of 1 November 2017 amending the Constitution by including a constitutional basis for Caribbean public bodies and establishing an electoral college for the Senate (Bulletin of Acts and Decrees 2017, 426).

¹⁶ Act of 14 February 2018 amending the Bonaire, Sint Eustatius en Saba (Public Bodies) Act and the Electoral Act in connection with the introduction of electoral colleges for the Senate in the Caribbean public bodies for the purpose of electing the members of the Senate (Bulletin of Acts and Decrees 2018, 58).

¹⁷ Decree of 28 June 2018, nr 2018000988, amending the Electoral Decree and the Legal Status (BES Political Authorities) Decree in connection with the introduction of electoral colleges for the Senate in the Caribbean public bodies for the purpose of electing the members of the Senate (Bulletin of Acts and Decrees 2018, 215).

¹⁸ Decree of 28 June 2018, nr 2018000988, amending the Electoral Decree and the Legal Status (BES Political Authorities) Decree in connection with the introduction of electoral colleges for the Senate in the Caribbean public bodies for the purpose of electing the members of the Senate (Bulletin of Acts and Decrees 2018, 215).

Services Act 2017 of 21 March 2018. In addition, the Council recommended, inter alia, that the closing time of the polling stations be reduced from 21:00 to 20:00 as long as counting still is performed by hand in the polling station.

The Minister of the Interior and Kingdom Relations and the Minister of Health, Welfare and Sport agreed with the Electoral Council that voters with a mental handicap must be able to receive assistance with casting their votes. What type of assistance can best be provided and how best to provide it is still subject of an investigation. The cabinet believes that early voting may be a solution for this issue and wishes to experiment with this possibility in the 2021 elections.¹⁹

6. Recommendation on the legislative proposal on the allocation of additional Dutch seats in the European Parliament (3 July 2018)

As a consequence of the expected withdrawal of the United Kingdom from the European Union - the "Brexit" - the Netherlands will receive three additional seats in the European Parliament and will come to hold 29 instead of 26 seats. The Minister of the Interior and Kingdom Relations requested the Electoral Council to issue a recommendation on a draft legislative proposal concerning the allocation of those three additional seats. In its recommendation, the Electoral Council indicated it agreed with the proposal.

The Senate and House of Representatives have adopted the legislative proposal.²⁰

7. Recommendation on the amendment of the Electoral and Referendum Regulation in connection with the introduction of the electoral colleges on the BES islands (9 July 2018)

The Electoral Council agreed with the proposal to amend the Electoral and Referendum Regulation in connection with the introduction of electoral colleges in the Caribbean Netherlands. Various forms needed to be adapted, including the forms to register a party name, to submit the lists of candidates, for the ballot paper, to determine the number of votes, and to appoint new members of an electoral college.

The Electoral and Referendum Regulation has been amended.²¹

¹⁹ Parliamentary Papers II 2018-19, 31 142, nr 87, p. 2.

²⁰ Parliamentary File 35 016.

²¹ Regulation of the Minister of the Interior and Kingdom Relations of 27 August 2018, nr 20180000668055, amending the Electoral and Referendum Regulation, including in connection with the introduction of electoral colleges for the Senate in the Caribbean public bodies for the purpose of electing the members of the Senate, and of the Legal Status (BES Political Authorities) Decree, in connection with the formalisation of the Caribbean Netherlands 2018-2020 CLA (Government Gazette 2018, 47467).

Inauguration of new aldermen of the municipality of The Hague. Photo: © ANP FOTO 2018/Martijn Beekman.



8. Recommendation on the amendment to the Electoral Decree and the Temporary Experiments Decree in connection with the simplification of casting votes from abroad (20 September 2018)

The Electoral Council approved of the draft decree to amend the Electoral Decree and the Temporary (Ballot Paper and Central Counting) Experiments Decree to simplify the casting of votes from abroad. However, it also recommended that the Electoral Decree clarify that the copy of the identity document to be included with the postal vote by the voter must be valid on the day of nomination, and not necessarily on the day of the vote as well.

The proposed amendment of the Electoral Decree has not yet been performed.

9. Recommendation on the amendment to the Electoral and Referendum Regulation in connection with the repeal of the Advisory Referendum Act (26 November 2018)

The Electoral Council agreed with the proposal to rename the Electoral and Referendum Regulation into the Electoral Regulation, given that the Advisory Referendum Act has been repealed. The Council also agreed with the desire to draw up the voting documents in such a way that they only require an update in the future, should such be required by a legislative amendment. The recommendation also contained a number of suggestions, including the proposal to clarify the form used by persons eligible to vote to grant a private proxy to another voter. In addition, the Council requested that attention be paid to the background colour and to other characteristic differences between the finalised voting documents for various elections, as well as to a potential source of misunderstanding in the model for the official report by a postal voting station.

10. Recommendation on the amendment of the Electoral Regulation and the Temporary (Central Counting) Experiments Regulation in connection with the simplification of casting votes from abroad and the electronic publication of official reports (10 December 2018)

The Electoral Council in this recommendation requested that attention be paid to the uniform and timely finalisation of the models used for elections, as this is required to be able to implement and test the models in the Election Supporting Software (ESS) with all due care. This process has come under pressure due to the late finalisation date, which increases the risk of errors. The Electoral Council in this recommendation also requested that attention be paid to the way persons eligible to vote can obtain access to the official reports of the (municipal) polling stations. Finally, the recommendation covered the anonymous listing of objections made by persons eligible to vote in the official reports.

The proposed amendment of the Electoral Regulation has not yet been performed.

5. Appellations and appointments

The Electoral Council registers the appellations and logos of political parties that want to participate in the elections to the House of Representatives, the Senate and the European Parliament. In addition, as the central electoral committee, the Electoral Council appoints members to openings that arise in the House of Representatives, the Senate and the European Parliament.

Registration of appellations

In 2018, the Electoral Council received five requests to register a party name (appellation). Three related to the register for the elections to the House of Representatives and two to that for the elections to the European Parliament. The register for the elections to the Senate remained unaltered. No appellation was changed in or deleted from any of the said registers. The Electoral Council also received a number of requests for registration of a logo²² in the register for the election of members of the House of Representatives and for the election of European Parliament members.

Register for the House of Representatives

The following three appellations were added to the register for the elections to the House of Representatives: “SAMEN Alle Mensen Één Nederland (SAMEN)”, “KRUIS 33” and “Code Oranje”. By the end of 2018, the register of appellations contained 42 appellations. One logo was added to this register: that of “LP (Libertarische Partij)”. By the end of 2018, fourteen political parties had a registered logo.

Register for the European Parliament

The Electoral Council received two requests to register an appellation in the register for the elections to the European Parliament, namely the registration for the appellations “Forum voor Democratie” and “Volt Nederland”. By the end of 2018, the register for the elections to the European Parliament contained a total of 22 appellations. In addition, concurrently with the registration of the appellation “Forum voor Democratie”, a logo was entered into the register on the request of that group. By the end of 2018, sixteen political parties had a registered logo.

²² The logos are registered on the basis of the Temporary (Ballot Papers and Central Counting of Votes) Experiments Decree. The logos are reproduced on the ballot paper used by voters outside of the Netherlands.

Thierry Aartsen sworn in as a member of the House of Representatives. Photo: © ANP FOTO 2018/Bart Maat.



Appointments

The Electoral Council appoints new members to open positions in the Senate, the House of Representatives and the European Parliament. Sixteen members of the House of Representatives were appointed in 2018, three of whom filled seats temporarily vacated due to illness or pregnancy. Eleven members were appointed to the Senate in 2018, two of whom filled temporary vacant seats. Incidentally, the total number of openings in both Houses was slightly less than the number presented in the above: in two cases, the candidate refused the appointment and a new representative was appointed to fill the same opening. There were no vacant Dutch seats in the European Parliament in 2018.

Number of appointments in openings in the period 2014 – 2018

	2014	2015	2016	2017	2018
House of Representatives	12	15	13	15	16
Senate	3	2	4	9	11
European Parliament	1	2	0	3	0

6. Lawsuits

In 2018, six appeals were lodged against a decision/notional refusal²³ made by the Electoral Council in its function of central electoral committee. The Council acted as the defendant in these suits. In addition, the Electoral Council acted as an external expert in 26 other court cases, providing information to the Judicial Division of the Council of State (hereinafter: the Division) at the Division's request. The appellants withdrew their appeal during the proceedings in seven cases, causing the Division to not render a decision.²⁴

The Electoral Council acting as defendant

Mr van K.

On 11 December 2017, the Electoral Council decided to enter the appellation "De Groenen" in the register of appellations for the elections to the House of Representatives at the request of the De Groenen association. Mr van K. appealed against this decision. He stated that the request for registration was not submitted by the board of the association competent to do so. The Division declared the appeal to be unfounded. According to the Division, the fact that an authenticated extract provided by the Chamber of Commerce contains the statement "File under investigation under Section 38 in conjunction with 33 through 36 of the Commercial Register Act" does not preclude the Electoral Council from acting on the basis of the data as provided in that extract.²⁵

Mr B. / Mr E. / Mr R. / Mr de W.

A national advisory referendum on the Intelligence and Security Services Act 2017 was held on 21 March 2018. In determining the results thereof, the Electoral Council counted the blank votes to determine the turnout percentage but did not do so to determine whether the votes in favour of the Act outnumbered the votes against it. The aforementioned appellants believed this procedure to be incorrect. They therefore independently appealed against the results as determined by the Electoral Council. The Division declared the appeal to be inadmissible in all four cases, as they were not lodged by an interested party as referred to in Section 1:2 of the General Administrative Law Act.²⁶

²³ Should an administrative body fail to come to a decision, or to do so in time, while such is mandatory, this failure is deemed to constitute a notional refusal.

²⁴ One withdrawn appeal related to the registration of a person eligible to vote outside of the Netherlands (Ms P.W. versus Mayor of The Hague). Three cases concerned an appeal against a decision to register an appellation for the municipal council election (Ameland'82 versus Ameland CEC, SP Oirschot versus Oirschot CEC and TROTS LIBERAAL LAND VAN CUIJK versus Grave CEC). In two other cases, the appeal was lodged against the decision made on the validity of the lists of candidates submitted for the municipal council election (Mr C. versus Amersfoort CEC and Burger Vertegenwoordiging Heuvelrug versus Utrechtse Heuvelrug CEC).

²⁵ Judicial Division of the Council of State 26 January 2018, ECLI:NL:RVS:2018:266.

²⁶ Judicial Division of the Council of State 25 April 2018, ECLI:NL:RVS:2018:1382, ECLI:NL:RVS:2018:1383, NL:RVS:2018:1376 and ECLI:NL:RVS:2018:1381.

Mr T.

As he did not receive a response to his request under the Government Information (Public Access) Act, Mr T. appealed to the Hague District Court against the Electoral Council's failure to decide on his request in time. It became apparent during the proceedings that the Electoral Council had not received the request, as it was sent to the Council's old street address. The Electoral Council as yet decided on the request, causing Mr T. to withdraw his appeal. He did request the District Court to order the Electoral Council to compensate him for the costs of postage, amounting to €1.66, incurred by him in connection with the lawsuit. The District Court dismissed this request as being "manifestly unfounded".²⁷

The Electoral Council acting as external expert

Democratische Liberalen Wassenaar versus the Wassenaar central electoral committee

The Wassenaar central electoral committee at the request of the Lokaal Wassenaar! association registered the appellation "Lokaal Wassenaar!". It previously had registered the appellation "Democratische Liberalen Wassenaar" for the political party of the same name. The latter party lodged an appeal. It believed the appellation "Lokaal Wassenaar!" to be misleading. In agreement with the recommendation by the Electoral Council, the Division did not concur with that assessment. According to the Division, the word "Lokaal" in the appellation was insufficient to assume that voters would be under the impression that the "Lokaal Wassenaar!" political party was part of or related to "Democratische Liberalen Wassenaar".²⁸ The appeal was declared to be unfounded.

Hart voor Haarlem versus the Haarlem central electoral committee

The Haarlem central electoral committee had initially refused the request to register the appellation "Hart voor Haarlem". When the Hart voor Haarlem political party appealed against this decision, the municipal central electoral committee went back on its earlier decision and as yet complied with the request for registration. As a result, the political party concerned no longer had a real and actual interest in the proceedings. The Division therefore declared the appeal to be inadmissible. The Division did order the municipal electoral committee to pay for the court fees incurred by the appellant.²⁹

²⁷ The Hague District Court 21 Juli 2018, case nr SGR 18/2511.

²⁸ Judicial Division of the Council of State 10 January 2018, ECLI:NL:RVS:2018:89.

²⁹ Judicial Division of the Council of State 10 January 2018, ECLI:NL:RVS:2018:88.

Margo Andriessen sworn in as a member of the Senate. Photo: Hans Kouwenhoven.



Forum voor Den Haag versus the The Hague central electoral committee

The Forum voor Den Haag association appealed against the refusal by the The Hague municipal central electoral committee to register the appellation “Forum voor Den Haag”. The Division declared the appeal to be unfounded. According to the Division, the desired appellation could lead to the impression that it concerned a political party related to Forum voor Democratie, which is not the case. The The Hague municipal central electoral committee had therefore rightfully decided that the appellation was otherwise misleading.³⁰

Heerenveen Lokaal versus the Heerenveen central electoral committee

The Heerenveen municipal central electoral committee had disregarded the request by the association Heerenveen Lokaal to have its appellation registered, because one of the required appendices, the proof of registration of the association in the commercial register of the Chamber of Commerce, was submitted a day late. The appellant appealed against this decision. The Division declared the appeal to be unfounded. The Division found that the central electoral committee had rightfully assessed the request for registration on the basis of the documents available to the central electoral committee on the final day by which a request for registration could be submitted.³¹

³⁰ Judicial Division of the Council of State 17 January 2018, ECLI:NL:RVS:2018:147.

³¹ Judicial Division of the Council of State 22 January 2018, ECLI:NL:RVS:2018:181.

Ms S. from Baarn versus the Baarn central electoral committee

Ms S. lodged an appeal with the Division. She was of the opinion that the central electoral committee should have deleted three candidates for the Baarn municipal council elections from the list of candidates submitted by “VoorBaarn” as these candidates had, according to her, committed slander and defamation. However, the grounds for deleting a candidate are listed in full in the Electoral Act. In agreement with the recommendation of the Electoral Council, the Division found that none of the grounds listed in the Electoral Act applied in this case and declared the appeal to be unfounded.³²

Mr V. versus the Landgraaf central electoral committee

Mr V. appealed against the failure to declare three lists of candidates submitted for participation in the Landgraaf municipal council elections to be unfounded. Succinctly put, the appellant argued that the local political group GBBL (Gezamenlijke BurgerBelangen Landgraaf) was behind all three the lists of candidates and was of the opinion that this was contrary to the equality of arms principle as laid down in the Code of Good Practice on Electoral Matters of the Council of Europe’s Venice Commission. The Division, conforming to the information provided by the Electoral Council, found that this document does not oblige the central electoral committee to test lists of candidates submitted against requirements other than the exhaustive list of grounds laid down in the Electoral Act. The appeal was declared to be unfounded.³³

Mr S. versus the Heerlen central electoral committee

Mr S. appealed against the decision not to declare the list of candidates under the appellation “SP (Socialistische Partij)” to be invalid. According to him, the central electoral committee should have deleted all candidates from this list. For all candidates on this list had agreed to the SP’s surrender regulation and would, should they be sworn in as members of the municipal council, be committing a criminal offence, or so alleged the appellant. The Division declared the appeal to be unfounded. In accordance with the recommendation by the Electoral Council, the Division found that the grounds for deleting a candidate are listed in full in the Electoral Act. None of these grounds applied in this case.³⁴

³² Judicial Division of the Council of State 14 February 2018, ECLI:NL:RVS:2018:532.

³³ Judicial Division of the Council of State 14 February 2018, ECLI:NL:RVS:2018:531.

³⁴ Judicial Division of the Council of State 16 February 2018, ECLI:NL:RVS:2018:542.

Mr T. versus the Pijnacker-Nootdorp municipal council

The appellant was warned in October that he no longer met all the requirements for being a member of the municipal council of Pijnacker-Nootdorp: he was alleged to live in Voorburg instead of in Pijnacker-Nootdorp. The Personal Records Database, however, listed the appellant as being resident in Pijnacker-Nootdorp. According to the Division, the municipal council possessed insufficient proof to substantiate its view that the appellant did not have his actual place of residence within the Municipality of Pijnacker-Nootdorp. The appeal was therefore declared to be well-founded.³⁵

Mr P. versus the The Hague Municipal Executive

As the appellant was registered as being resident in the Municipality of Haaksbergen, the Municipal Executive had deleted him from the permanent register of voters outside of the Netherlands. The appellant appealed against this decision. The Division did not find a substantive judgment. The appeal was declared inadmissible, as the pertinent court fees had not been paid.³⁶

Ms M. versus the Enkhuizen central electoral committee

On 18 January 2018, the central electoral committee entered the appellation “Voor Enkhuizen” in the register for the elections of the members of the Enkhuizen municipal council at the request of the political group Voor Enkhuizen. Ms M., president of the Nieuw-Enkhuizen party appealed against this decision, alleging that the name was too similar to that of Nieuw-Enkhuizen. In accordance with the recommendation of the Electoral Council, the Division found that the component “Enkhuizen” was not of an exclusive nature and that the components taken together would not cause confusion to the voter.³⁷

³⁵ Judicial Division of the Council of State 21 February 2018, ECLI:NL:RVS:2018:601.

³⁶ Judicial Division of the Council of State 27 February 2018, ECLI:NL:RVS:2018:642.

³⁷ Judicial Division of the Council of State 1 February 2018, 201 800849/1/A2.

Mr S. versus the Arnhem central electoral committee

Mr S. appealed against the list of candidates under the appellation “Arnhem Centraal” being declared valid. The appellant stated that his name as reproduced on the list of candidates was the one established by the general meeting of Vereniging Arnhem Centraal. Nevertheless, the name as reproduced was not that as submitted to the central electoral committee on the date of nomination (Monday, 5 February 2018). The appellant was therefore of the opinion that the list had been drawn up in an illegal manner. In its oral judgment of 16 February 2018 in the case with number 201801 326/1/A2, the Division, in agreement with the opinion of the Electoral Council, declared the appeal by the appellant to be unfounded and rejected the claim for damages. The request for a revision of the judgment was also declared to be unfounded.³⁸

Ms R. versus the Amsterdam central electoral committee

Ms R. appealed against the invalidation of the blank list of candidates that listed her as the top candidate. Succinctly put, the appellant argued that it was impossible for her to submit a sufficient number of declarations of support. The central electoral committee had not considered the reason for the lack of a sufficient number of declarations of support or any mitigating circumstances. According to the Division, it was Ms R.’s own fault she had not made optimum use of the period of fourteen days plus the remedy period of three days to obtain a sufficient number of declarations of support. Long queues at the city desk cannot be deemed a situation of force majeure allowing for the uniform application of the Electoral Act to be deviated from.³⁹

Mr S. versus the Diemen central electoral committee

The Partij van de Ouderen opposed the Diemen central electoral committee’s decision to approve the request to register the appellation “Ouderpartij Diemen”. The Electoral Council was of the opinion that the names might cause confusion, as the inclusion of the place name does not have a distinctive nature for voters within the municipality concerned, leaving only the components “ouderen” and “partij”. The Division’s judgment derogated from this opinion. According to established case law, a political group cannot claim the sole use of one or more general terms by the mere registration of an appellation. According to the Division, this included the term “ouderen”, irrespective of whether it was followed by a place name. The appeal was declared to be unfounded.⁴⁰

³⁸ Judicial Division of the Council of State 16 February 2018, 201801326/1/A2.

³⁹ Judicial Division of the Council of State 16 February 2018, 201801 327/1/A2.

⁴⁰ Judicial Division of the Council of State 10 January 2018, 201800057/1/A2.

Mr B. versus the Arnhem central electoral committee

The appellant opposed the decision by the Arnhem central electoral committee to declare the list of candidates under the appellation “PSP’92 Gelderland” to be invalid. The Electoral Council found that the appellant did not in his notice of appeal contest that an insufficient number of declarations of support had been submitted with the list. Instead, the appellant argued that deletion was nevertheless not allowable, as there was sufficient support for the participation. The Division did not fall a substantive judgment, as the appellant had failed to pay the required court fees prior to the hearing, and declared the appeal to be inadmissible.⁴¹

PSP’92 versus the Nijmegen central electoral committee

In its decision of 8 January 2018, the central electoral committee rejected a request to have the appellation “ONP/PSP’92” changed into “Onafhankelijke Nijmeegse Partij”. The party PSP’92 submitted a notice of objection against this decision with the central electoral committee. The central electoral committee forwarded the notice of objection to the Division for processing as a notice of appeal. The Division applied Section 8:57(1) of the General Administrative Law Act in its judgment, finding that PSP’92 had failed to pay the court fees within the set term of two weeks and declaring the appeal to be inadmissible.⁴²

Stichting Water Natuurlijk versus the Hollands Noorderkwartier Water authority central electoral committee

The appellant argued that the appellation “Natuurlijk BBW” registered by the Vereniging Boeren Burgers Waterbelang was too similar to its, previously registered, appellation “Water Natuurlijk”. The Electoral Council found that the appellation “Natuurlijk BBW” was not substantially similar to the appellation “Water Natuurlijk”. Even though both appellations contain the component “Natuurlijk”, this component can broadly be deemed to be a general term, the exclusive use of which cannot be claimed by a political group. Moreover, the remaining components of both appellations, “BBW” and “Water”, respectively, are completely dissimilar. In addition, the Electoral Council was of the opinion that the appellation “Natuurlijk BBW” was not otherwise misleading. The Division’s judgment was in accordance with the recommendation by the Electoral Council: the appeal was declared to be unfounded for the aforementioned reasons.⁴³

⁴¹ Judicial Division of the Council of State 15 February 2018, 201 801 294/1/A2.

⁴² Judicial Division of the Council of State 15 February 2018, 201800402/1/A2.

⁴³ Judicial Division of the Council of State 13 December 2018, 201809684/1/A2.

Arnhem centraal versus the Arnhem central electoral committee

The appeal was lodged against the decision of the central electoral committee to declare the list under the appellation “Arnhem Centraal”, which listed R.Q. G. as candidate number 4, to be valid. The central electoral committee only deletes a candidate from a list if one of the grounds exhaustively listed in the Electoral Act applies. The fact that both Arnhem Centraal and G. had agreed on the said deletion was not relevant in this connection. A written statement by G. declaring that he agreed to his nomination on this list had been submitted with the list of candidates. This statement, signed by G., could not be withdrawn. The Division therefore declared the appeal to be unfounded.⁴⁴

Mr I versus the Culemborg central electoral committee

Mr I. appealed against the deletion of the appellation “Culemborg Centraal” over the list of candidates submitted by Mr I., which listed “Mr I.” as the top candidate. On nomination day, Mr I. and Mr B. each, and independently, submitted a list of candidates for the municipal council elections that sported the appellation “Culemborg Centraal”. According to Mr I., Mr B. was not authorised to do so, as he had in the meantime been expelled as a member of Culemborg Centraal. The fact that Culemborg Centraal had on the day of nomination informed the central electoral committee by letter that Mr B.’s authorisation had been revoked and that Mr I. had been appointed the new authorised representative was of no avail to Culemborg Centraal, as this letter was signed only by Mr I., acting in his capacity as president of Culemborg Centraal, while the articles of association of the group provided that the two were jointly authorised and not that he possessed sole authorisation. The Division found that the central electoral committee had therefore rightly not assumed that the list featuring Mr B. as the top candidate had not been submitted on behalf of Culemborg Centraal. The central electoral committee had subsequently rightly decided to delete the appellation “Culemborg Centraal” over the list featuring Mr I. as the top candidate, as this appellation had been placed over more than one list of candidates. The Division declared the appeal to be unfounded.⁴⁵

⁴⁴ Judicial Division of the Council of State 15 February 2018, 201 801 279/1/A2.

⁴⁵ Judicial Division of the Council of State 19 February 2018, 201801 333/1/A2.

*Inauguration of new Council members and aldermen of the Municipality of Amsterdam.
Photo: © ANP FOTO 2018/Jerry Lampen.*



Wad'n partij Harlingen versus the Noardeast Fryslân central electoral committee

Wad'n partij Harlingen opposed the decision by the central electoral committee of the municipality of Dongeradeel to grant the request to register the appellation "Waddenpartij". However, the appellation "Wad'n Partij Harlingen" had not been registered in the register of the newly to be formed municipality of Noardeast-Fryslân. In addition, the Division did not deem it likely that the existence of Wad'n Partij Harlingen would result in the appellation "Waddenpartij" to be misleading to voters in the municipality of Noardeast-Fryslân. The Division declared the appeal to be unfounded.⁴⁶

⁴⁶ Judicial Division of the Council of State 27 September 2018, 201807472/1/A2.

7. Expertise and Communication

Elections Information Centre

In view of the combined municipal council elections and the referendum concerning the Intelligence and Security Services Act held on 21 March 2018, an Elections Information Centre was set up in November 2017. The Information Centre remained active until May 2018. Over 2018, the Information Centre processed 3,470 questions. The number of questions received peaked in January (1,413 questions), shortly before nomination day (5 February). Most of the questions were posed by the municipal authorities (2,226, 64%). Many of the remaining questions were posed by citizens (812, 23%).

Given that multiple elections will be held in the first half of 2019 - combined provincial council and water authority elections, island council elections, electoral college elections, elections to the Senate and the election of the Dutch members of the European Parliament - a new Elections Information Centre was set up in mid-October 2018. The Elections Information Centre will remain active until mid-June 2019. The Information Centre had processed 671 questions by the end of 2018, most of which had been posed by municipal authorities (271).

Website

The website was consulted 628,650 times in 2018. This was a severe reduction from the 1,186,599 visits made in 2017, which latter year featured the elections to the House of Representatives on 21 March. By far the most visits were made in March 2018, when 308,720 visitors consulted the site, the figure peaking on election day, when 89,702 visits were made.

In 2017, the number of visitors to the “Electoral Act in Brief” page (previously “Electoral Act Explained”), which included an accessible version of the Electoral Act, was 582. In 2016, this was 6,333. This part of the website was created in 2015, at the request of Minister Plasterk.

In 2018, there were 82 news items, which was an increase from the 69 in 2017 and the 75 in 2016. In addition, 3 news items were placed on the English-language portion of the website (as opposed to 9 in 2017).

Press

In 2018, the Electoral Council was approached by the press with questions 326 times. This concerned questions from national newspapers (NRC, Volkskrant, Telegraaf, Trouw, etc.), local newspapers (Limburgs Dagblad, Dagblad van het Noorden, etc.), periodicals/opinion magazines (Elsevier), radio and TV (NOS, Omroep Max, RTL, DWDD, PowNews, BNR, Radio 1, etc.). Some questions were also submitted by foreign media (Swiss radio, Politico Europe, The Guardian, The Post Online). The number of questions from the press was significantly less than the 677 received in 2017. The high figure for 2017 related to the elections to the House of Representatives, which generated a lot of attention both domestically and internationally: 251 press questions were received in March 2017 alone. Most (163) of the press questions received in 2018 were submitted in March, the month of the combined municipal council elections and the referendum on the Intelligence and Security Services Act. Many of the questions posed in 2018 related to the procedure with respect to the amendment to the Organ Donation Act and to subjects like the Election Results Database, lists of candidates/parties in the context of the municipal council elections, campaigning, the appointment of polling station officials, recounts, the redivision elections, and the publication of the results of the 2019 election of the Dutch members of the European Parliament.

Twelve interview requests were received in 2018. Six of these were granted, to wit, for Radio 1, Omroep West, RTL-nieuws, RTV Utrecht and NOS (2x). These interviews concerned the topics of campaigning to increase voter turnout, the historical origins of organising elections in the Netherlands on Wednesdays, and the ESS.

Social media

The Electoral Council uses Twitter primarily to forward news items. In the event of informative questions, people are referred to the Information Centre or their tweets are answered, generally referring to content on the website. Over the year, the Electoral Council placed or forwarded 216 tweets. Most tweets were placed in the month of the municipal council elections/advisory referendum (March: 78 tweets). The Electoral Council's number of Twitter followers grew from 1,733 in 2017 to 2,057 at the end of 2018. Unsurprisingly, the majority of tweets were placed in the first few months of the year, in the run-up to the municipal council elections/referendum on the Intelligence and Security Services Act. The tweet generating the most attention was the tweet explaining what constitutes a majority in the case of an advisory referendum, which was retweeted 54,941 times.

A century of suffrage

Within the framework of celebrating a century of suffrage, the Electoral Council *organised an essay contests for school pupils* about the future of the elections. The winners of the contest were announced during *a symposium* on the same subject. The *ten best essays* out of the total 135 submissions have been bundled in a booklet.

Election Results Database

The database contains election results starting from the year 1848. It is available via www.verkiezingsuitslagen.nl. In 2018, the results of the municipal council elections and the national referendum of 21 March and of the redivision elections of 21 November were added to the database, as were the results of the municipal council elections of 1931, 1935 and 1939 and the provincial council elections of 1931 and 1939.

The results of recent elections are available as EML files via www.data.overheid.nl.

Publications and research by Electoral Council staff and members

Edward Brüheim, “Hoe te bepalen of een aanduiding van een politieke partij verwarrend is?”, *Nederlands Juristen Blad* 16 March 2018 (issue 11), pp. 746-749.

Nynke Veenstra and Edward Brüheim, “Hertellingen bij gemeenteraadsverkiezingen”, *De Gemeentestem* October 2018 (issue 7479), pp. 750-756. This article considers the grounds for the central electoral committee and the municipal council to decide to recount the votes.

Heleen Hörmann and Marjolein Walsmit-Brouwer (eds), *De verkiezing van de toekomst. 10 essays van scholieren* (2018). In the framework of the celebrations of a century of suffrage, the Electoral Council organised an essay competition among high school students. They were invited to think about the future of the elections in the Netherlands. The best ten of these essays are bundled in this publication.

Ron de Jong, “Een nieuwe start voor de kieskring?”, *Tijdschrift voor Constitutioneel Recht* 9(2018) nr 4, pp. 280-292. This article investigates the Parliamentary Government Committee’s intent to strengthen the ties between the voter and the representative.

Ron de Jong, “De SGP ingetekend. De geografische spreiding van de staatkundig-gereformeerde kiezers tussen 1918 en 2017”, in: Hans Vollaard and Gerrit Voerman (eds), *Mannen van Gods Woord. De Staatkundig Gereformeerde Partij 1918-2018* (Hilversum 2018). This chapter details where SGP voters reside and what changes have occurred in this connection over the past century.

Marcel Boogers, Ron de Jong and Gerrit Voerman, “Politieke partijen. Van zakelijk notabelenbestuur naar politieke profilering”, in: Joop van den Berg et. al. (eds), *De gemeenteraad. Ontstaan en ontwikkeling van de lokale democratie* (Boom Amsterdam 2018), pp. 151-171. This publication considers the politicisation of the municipal council since the adoption of the Municipalities Act 1851.

Peter Castenmiller, Ron de Jong and Tessa van den Berg, “De ernstige zaak van de gemeenteraadsverkiezingen”, in: Joop van den Berg et. al. (eds), *De gemeenteraad. Ontstaan en ontwikkeling van de lokale democratie* (Boom Amsterdam 2018), pp. 173-190. This chapter details the history of suffrage and the elections to the municipal council since the adoption of the Municipalities Act 1851.

Ron de Jong, “Van geschiktheid naar grondrecht en weer terug? Denken over kiesrecht sinds de Bataafse Tijd”, *Maatschappij & Politiek. Vakblad voor maatschappijleer* nr 2 March 2018, pp. 16-17. This publication provides a short overview of the history of the opinion on electoral law since 1795.

Ron de Jong, “Weer naar de stembus. Verkiezingen 19e eeuw”, *Geschiedenis Magazine* 53(2018) nr 2, pp. 26-27. This article provides an impression of the way elections were held in the nineteenth century.

Ron de Jong and Henk Kummeling, “Lottocratie. Representatie tussen loten en kiezen”, *Civis Mundi. Tijdschrift voor Politieke Filosofie en Cultuur* (Civis Mundi Digitaal #54, January 2018). This article considers the consequences of choosing the members of the House of Representatives by lot.

Ron de Jong, “Is ons kiesstelsel direct of indirect?”, blog Stuk Rood Vlees 25 September 2018 <http://stukroodvlees.nl/is-ons-kiesstelsel-direct-of-indirect/>.

Ron de Jong, “Het gebruik van voorkeurstemmen bij verkiezingen”, blog Stuk Rood Vlees 9 November 2018 <http://stukroodvlees.nl/10096-2/>.

Jan Kees Wiebenga and Leontine Weesing-Loeber, “Het kiesrecht is geen rustig bezit”, in: Bart Jan van Ettehoven et. al. (eds), *Rechtsorde en Bestuur, liber amicorum Piet Hein Donner* (Boom Amsterdam 2018), pp. 63-75. This publication details Dutch suffrage within the international perspectives and considers the results of a century of universal suffrage.

Wouter van Zandbrink sworn in as a member of the Senate. Photo: ©ANP FOTO 2018/Olaf Kraak.



Scientific Advisory Council

The Scientific Advisory Council consists of experts in the area of elections and suffrage. Its duties are to supervise and assess the Electoral Council's research. The members of the Council are:

Chairman: Prof. Dr 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 Council met once in 2018, in order to discuss all ongoing research.

Government Information (Public Access) Act

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

The Electoral Council in 2018 received two requests under the Government Information (Public Access) Act and has provided the information requested for, except for information that already was publicly available. It concerned requests for:

- copies of the official reports drawn up during and after the 2012 elections to the House of Representatives
- information on the way the Electoral Council has performed the preparatory work for the appointment of the chairman and the members of the Electoral Council by the Crown since the entry into force of the Advisory Bodies Framework Act

No requests on the basis of the Reuse of Public Sector Information Act were received in 2018.

8. Network – national and international

Attention was also paid in 2018 to building and maintaining the Electoral Council's network in the Netherlands and abroad.

National

Ministry of the Interior and Kingdom Relations

Just as in previous years, meetings were held regularly in 2018 with administrative and civil-servant representatives of the Ministry of the Interior and Kingdom Relations concerning policy, legislative and management issues.

Association of Netherlands Municipalities and Dutch Association for Civil Registrars

Regular consultations were held with the Association of Netherlands Municipalities and the Dutch Association for Civil Registrars.

Political parties and municipalities

Last autumn, in the run-up to the redivision elections, various instructional meetings were organised for political parties and municipal authorities concerning the use of Election Supporting Software (ESS).

(Guest) lectures

In 2018, secretariat employees held guest lectures and presentations, such as those at Radboud University in Nijmegen and at the University of Groningen.

Visit to the Caribbean Netherlands

An Electoral Council delegation visited Bonaire, Sint Eustatius and Saba. The reason for this visit was the preparation for and the exchange of knowledge about the elections to be organised in 2019. In addition to the elections for the Island Councils and the European Parliament, each of the islands will also first hold an electoral college collection.

*Eva Akerboom sworn in as member of the House of Representatives.
Photo: Phil Nijhuis.*



International

Foreign delegations

Electoral Council representatives in 2018 met with the Mexican and US ambassadors to the Netherlands. The Electoral Council also received the Central Electoral Committee of Ethiopia.

Conferences

Each year, the Venice Commission (the advisory body for the Council of Europe) organises a conference for European EMBs (Electoral Management Bodies). A delegation of the Electoral Council on 19 and 20 April participated in the fifteenth conference, held in Oslo (Norway). The overarching theme was that of "Security in Elections".

On 25 September, a meeting about cyber security during the 2019 European Parliamentary elections was held in Brussels at the initiative of the European Parliament. An Electoral Council delegation was present for this meeting.

From 2 October to 5 October, representatives of the Electoral Council participated in the International Conference on Electronic Voting in Lochau-Bregenz (Austria).

At the invitation of the US embassy to the Netherlands, an Electoral Council representative on 29 October through 16 November participated in the International Visitor Leadership Program (IVLP) during the midterm elections in the United States of America.

On 27 and 28 November, a representative of the Electoral Council participated in the IDEA conference on Interagency Collaboration Cybersecurity Elections.

9. Finances

In 2018, the Electoral Council's budget was included in Chapter IIB of the National Budget: Other High Councils of State and Cabinets of the Governors, under policy article 9 "Electoral Council".

The Council manages its own budget. The Minister of the Interior and Kingdom Relations is responsible for the management of the budget of the States General and of the budget of the Other High Councils of State, the Cabinets of the Governors and the Electoral Council. Agreements (the so-called management agreements) on the substance of this management have been concluded between the Minister and the Councils, by which justice is done to their constitutional position.⁴⁷

Spendable budget

In 2018, the Electoral Council's spendable budget was € 2,345,000. This budget was increased by € 67,000 during the year so as to realise the required updates of the ESS. € 2,392,400 was depleted from the total budget. € 19,600 was booked as end-of-year margin.

Remuneration for the Electoral Council chairman and members

In 2018, the Electoral Council members received a remuneration for their efforts. The remuneration for the chairman amounted to 0.3 FTE in scale 18 in accordance with the Civil Servants' Pay Decree. The members of the Council received compensation of € 274.79 for each meeting and a travel allowance.

As a result of the implementation of the Senior Executives in the Public and Semi-Public Sector (Standards for Remuneration) Act, the positions of chairman and members of the Electoral Council have become subject to the reporting obligation under that Act.⁴⁸ These standards also apply to all official staff.

Deposits

Parties that participate for the first time in elections in which the Electoral Council functions as the central electoral committee must pay a security deposit to the Ministry of the Interior and Kingdom Relations for their registration of an appellation and upon the submission of a list of candidates. The security deposits are refunded by the Ministry if the parties meet the statutory requirements. If this is not the case, the deposits will be forfeited to the State.

⁴⁷ Refer to Section 19 of the Government Accounts Act 2001.

⁴⁸ Refer to the 2018 annual report of the Ministry of the Interior and Kingdom Relations.