



Annual Report 2019 Dutch Electoral Council



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Photography

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Preface

A great deal of attention was being paid to women's suffrage in 2019. A hundred years ago, women were allowed to vote in the elections for first time, meaning that suffrage truly became universal. This was made possible by the well-known amendment of the Constitution of 1917 – during the Great War. At present, there are once more deliberations about what changes are required in our current form of government. The report of the State Commission on the Parliamentary System presented in late 2018 is currently being considered, debated and forming the basis for decision-making. Our electoral system plays an important part in this connection. Of the seven proposals dubbed spearheads by the State Commission, multiple may have consequences for the electoral process, including the adaptation of the system of electing Members to the House of Representatives and the introduction of a binding corrective referendum, but the proposal to adopt a Political Parties Act, too, may require the involvement of the Electoral Council in certain circumstances.

The theme of the photos in this annual report is "unusual polling stations". Municipal Executives may, for example, designate mobile platforms as polling stations. Over the past few years, this has resulted in polling stations being established inside a tram (the "polling tram"), a trolleybus and a double decker bus, but also on an uninhabited island (accessible by boat), near a 2000-year-old Egyptian temple in a museum, in an urban farm and on the 20th floor of the A'DAM Tower. Such initiatives by the municipal authorities attract attention and may therefore increase voter turnout. However, accessibility must of course be given due attention when assessing the suitability of such municipal initiatives.

When looking back to 2019, attention must, aside from the legislative recommendations issued by the Electoral Council, primarily be given to the six (!) elections that took place in the first six months of the year. In order, this concerned the elections to the Provincial Councils, the Water Boards, the Island Councils of Bonaire and Saba and the Electoral Colleges for the Senate on Bonaire, Saba and Sint Eustatius, as well as the Senate and European Parliamentary elections. This was an extraordinarily intensive period, during which many tens of thousands of persons involved (including electoral committee members, municipal officials and a great many volunteers) put their heart and soul into making each election a success. More information on these elections can be found in this annual report.

*Polling station in the National Museum of Antiquities in Leiden.
Photo: National Museum of Antiquities.*



Now that all these elections have been concluded, we look towards the future. The necessity of renewing and, inter alia, more stringently securing the programmes used for nomination and for calculating the results gave rise to a transition process under the responsibility of the Minister of the Interior and Kingdom Relations. New, secure IT systems are being developed in this context, while the Electoral Council is granted powers and responsibilities befitting its development into the Electoral Authority. The pertinent antiquated provisions of the Electoral Act will be amended accordingly.

The Electoral Council has long insisted on implementing this transition process. Solid cooperation between the Ministry of the Interior and Kingdom Relations, the security services, the Association of Dutch Municipalities, the Dutch Association for Civil Affairs and the Electoral Council itself is required to realise this. And naturally, so is proper cooperation with our Parliament via the Minister, as Parliament is closely involved with electoral legislation and the elections process. Speed is highly recommended in this context, including as concerns items like introducing the electronic counting of votes.

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

1. 'Voting is more than ticking a box'

Double interview with Chairman Jan Kees Wiebenga and Secretary Director Pamela Young

The first six months of the year witnessed a virtual tidal wave of elections. What was this period like for the Electoral Council.

Jan Kees Wiebenga: For the Electoral Council, this is the best scenario possible. The more elections, the better. This is why we were established in the first place. For some elections, we have extensive powers, acting as the Central Electoral Committee. For others, we act as a sort of aid and assistance centre.

Pamela Young: During all these years I have been working for the Electoral Council, never have I witnessed there being six elections in such a short period. What was particularly exciting for us was the concurrence of the Senate elections with the elections to the European Parliament: the gap between them was less than a week. At some stage, these elections become fully intertwined. You really need to call on all your colleagues in such a period.

Jan Kees Wiebenga: We're only a small organisation. Our peers abroad are often astounded that we apparently manage to arrange the national elections with a team of some 15 members of staff. The secret is that the election process in the Netherlands is highly decentralised. The role played by municipal authorities is key in this connection. Without the municipal authorities, who among other things take care of running some 10,000 polling stations, the Electoral Council would be unable to perform its tasks.

In 2019, too, we noticed that polling stations were established in special location in many municipalities. There was a drive-in polling station and polling stations in trams, museums and suchlike. Is all this allowed under the Electoral Act? And do you believe this is necessary to maintain voter turnout levels.

Pamela Young: Many of those polling stations, like those established in swimming pools or trams, fire the imagination. Voters go out of their way to visit them and there is a lot of media attention. Yet, at times such initiatives are at odds with the stricter accessibility regulations we impose on polling stations. In the end, it is all about making sure that voters have sufficient opportunities to cast their vote and that accessibility issues are properly communicated, in particular in case of extraordinary polling stations.



Chairman Jan Kees Wiebenga (right) and Secretary Director Pamela Young (left).
Photo: Heleen Hörmann.

Jan Kees Wiebenga: To many citizens, casting a vote has true meaning. It's more than just ticking a box with a red pencil. It is for this reason that municipal authorities sometimes capitalise on this symbolism, by designating an interesting place as a spot for casting votes. Places like the House of Representatives or city halls. This may result in voters being more aware of the elections.

Elections for the Electoral Colleges of Bonaire, Sint Eustatius and Saba, the so-called BES Islands, were held for the first time this year. Are you happy with how they turned out? And what was the Electoral Council's involvement with these elections.

Pamela Young: While we assisted the BES Islands with advice, the Ministry of the Interior played a more substantial role in this connection. What was special was that, on Sint Eustatius, only Electoral College elections were held, instead of them being combined with the Island Council elections, like on the other two islands. This was reflected in lower voter turnout figures. It also became clear that such elections are delicate. Only one party participated on Sint Eustatius, having nominated five candidates, while there were five seats to allocate...

Jan Kees Wiebenga: The creation of the electoral colleges meant that a number of inhabitants of the Dutch part of the Kingdom for the first time could influence the composition of the Senate. Realising this involved a great deal of time and effort. From a civil rights point of view, I feel this is a step forward. The fact that not everyone on the other side of the pond has become fully aware of this, is understandable, as the distance is enormous, also in the literal sense.

2019 also marked the centennial of women's suffrage. How did you experience this anniversary? Do you believe the eligibility to vote will be expanded further even now.

Jan Kees Wiebenga: At the time, awareness of the fact that women, too, are citizens and have civil rights was slow to develop in the Netherlands. Married women were recognised as being legally competent only in 1956. Fortunately, women's suffrage was not put on ice until that time. And by now, any other situation would be unthinkable. Later, there has also been a lot of debate on awarding migrants and Dutch citizens living abroad the right to vote. This required constitutional amendments. In 1982, those Members of the House of Representatives supporting the award of the right to vote to migrants in Municipal Council Elections and those Members supporting the award of the right to vote to Dutch citizens living abroad agreed on a sort of trade-off.

Pamela Young: Over the years, the segment of the populace eligible to vote has constantly been expanded in line with social developments. Even now, the further expansion of the eligibility to vote is regularly debated, as is currently the case, for instance, with the discussion on awarding persons aged 16 and 17 the right to vote.

Lately, much attention has been paid to women being sufficiently represented. In board rooms, in politics, but also in advisory bodies. What is the situation like within the Electoral Council (or was in the past year)? Is there room for improvement.

Jan Kees Wiebenga: After having followed a careful selection procedure, the Electoral Council was in 2019 able to select what it firmly believed to be the best candidate for the position of Secretary Director. This person happened to be a woman. Two of the current seven Members of the Electoral Council are women. Whenever a vacancy arises, this is specifically considered. However, there is always room for improvement.

Pamela Young: There is definite room for improvement, but the attention we provided to the topic in the procedures is not at fault. The "Diversity in Permanent Governmental Advisory Boards" report by the Netherlands Court of Audit showed that some of the other advisory boards are ahead of us in this connection. The report did provide some nice recommendations for improving on this point. Of course, you want for the candidate to be competent. But both men and women can have such competence. My involvement with the investigation by the Netherlands Court of Audit did make me wonder: perhaps we might change our recruitment procedure, so as to also attract competent female candidates.

The Remkes Government Committee has made quite a few recommendations on the elections process this year. Was the Electoral Council involved? Which recommendations in particular do you believe to be interesting or striking.

Pamela Young: We were involved indirectly only. Some of the Electoral Council Members, including the Chairman, had a seat in the so-called “Circle of Experts”. They attended the meetings and provided input. Of course, it is exciting to see what the concrete results of the Government Committee’s recommendations will be. This includes a scenario for a new electoral system. It will be some time before the government’s policy decision on this topic will be made. This is one thing that will have my full attention in the new year, and will be something we, the Electoral Council, will definitely get to work on.

Jan Kees Wiebenga: The Government Committee also proposes the introduction of a binding referendum. I assume that, should such be introduced, the Electoral Council will once again act as the central electoral committee. This, too, is something we follow closely. Another element is the upcoming Political Parties Act. Having a Minister or the government be charged with the regulation of political parties is not a desirable option. This is contrary to European standards. This means that regulation might be vested in another government body. At an earlier stage, the Electoral Council was nominated as this body, but the then-Minister Donner reversed this decision. So this, too, is a file we are interested in.

A new head of the Electoral Council’s Secretariat was installed this year. How did you experience your first six months, Pamela? What had your particular attention.

Pamela Young: These first six months were different from what I had imagined. That is, the transition takes up much more of our attention than we expected. We are dealing with highly fundamental questions. I’d almost say that we’re considering why we exist in the first place. While we know what we are currently here for, we’re all working on what our role in the future will be and on further fleshing this issue out. These are not the organisational issues a Secretary Director is normally dealing with. So the position is rather exciting at the moment.

What exactly do you mean by the transition?

Pamela Young: The core notion behind the transition is that we require a body that is charged with the development and management of the digital tools we use when holding elections. The Electoral Council is now being considered to be that body.

Jan Kees Wiebenga: A completely sound, secure, new IT system must be developed. One that is also able to resist outside threats.

Pamela Young: The transition is also about the responsibilities existing when determining the election results. These are now being scrutinised. Contrary to what many people believe, no hierarchical relation currently exists in the elections chain. We now, in the framework of the transition, assess to what extent the Electoral Council can better direct the quality of the elections process.

Jan Kees Wiebenga: Cooperation, in particular with the municipal authorities, is key in this connection. If we wish to renew our current system, all partners must agree with this decision. Municipal authorities play a key role in this connection. As concerns the development of new ballot papers, preparing new digital tools and the transition to an electoral authority, but also as concerns electronic voting, speed is essential, though. This legislative process is not progressing quickly enough.

2. Organisation

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

- The Council acts as the central electoral committee for elections to the Senate and House of Representatives and for the Dutch members of the European Parliament. In this context, the Electoral Council's tasks are.
 - registration of political party names ('appellations') and logos
 - investigating and assessing the validity of lists of candidates and the candidates listed thereon
 - numbering the lists of candidates
 - allocation of seats and appointment of members
- 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.

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. From October 2018 through June 2019, the Elections Information Centre was up and running in connection with the various elections taking place in 2019.

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

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. 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'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.

Kurhaus Polling Station in The Hague.
Photo: Juriaan Brobbel



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 2019, the 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.

Prof. Dr R.B. Andeweg. Vice Chairman. Member since 2017. Rudy Andeweg is a professor emeritus of empirical political science at the University of Leiden.

Dr P. Castenmiller. Member since 2013. Peter Castenmiller is employed with PBLQ, a consultancy for questions of change in the information society.

Prof. J.E. van den Brink, LL.M. Member since 2017. Jacobine van den Brink is a professor of administrative law at the University of Amsterdam.

J.R. Prins, MSc. Member since 2018. 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. Member since 2018. Hestia Reukema-Gevers serves as the Services Director of the Municipality of Rotterdam. Her portfolio consists of Areas, Elections, Participation and City Archive.

A.B.L. de Jonge, LL.M. Member since 2019. Aart de Jonge has been serving as a mayor of various municipalities for over thirty years now. He served as mayor of Dronten until 2018.

Electoral Council Secretariat

In performing its duties, the Electoral Council is supported by a Secretariat. The Secretary Director is the head of the Secretariat 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 by the Minister of the Interior.⁴

At the end of 2019, sixteen staff members worked at the secretariat in the following positions:⁵

Secretary Director, **Pamela Young**
Legal Affairs Coordinator, **vacancy**
Coordinator of Communication, Research and Support and
Senior Communications Adviser **Heleen Hörmann**
Senior Legal Adviser, **Roderick Al**
Communications Adviser, **Regine Geleijns**
Senior Information Policy Adviser, **Cynthia Henskens**
Administrative Employee, **Maaïke van Hoboke**
Researcher, **Ron de Jong**
Senior Legal Adviser, **Petra Kingma**
Legal Administrative Employee, **Myrna Pleij-Lindeboom**
Legal Adviser, **Marco Seger**
Administrative Employee, **Ellen Voog**
Office Manager, **Karina de Klerk Wolters**
Senior Operations Adviser
Operations Adviser
IT Adviser

Three staff members were employed at the Elections Information Centre in 2019.⁶

⁴ Section 4(1)(b) of the General Civil Service Regulations.

⁵ The names of three members of staff have been withheld under application of the General Data Protection Regulation.

⁶ Elections Information Centre 2019 Provincial Councils, Water Boards and Electoral Colleges report.

Digital tools exploration and transition into an Electoral Authority

In cooperation with the Ministry of the Interior and Kingdom Relations, the Association of Dutch Municipalities and the Dutch Association for Civil Affairs, the Electoral Council is investigating how best to assign the responsibility for all digital tools in the elections process in the future. In line with a recommendation on this matter published by ABDTOPconsult in February 2019, the Electoral Council will in the future be responsible for the development and management of digital tools in the elections process, while all responsibilities and powers are to be laid down in the Electoral Act.⁷

As deciding on this option has major consequences for the organisation of the Electoral Council and a great deal of work needs to be done before the changes can be realised, the recommendation proposed a transitional phase of between a year and eighteen months, during which period the administrative triumvirate of the parties most closely involved will be able to define everything in greater detail.

Arjan Dikmans was assigned programme director at the Ministry of the Interior and Kingdom Relations in May 2019. He is charged with leading the transition. The measures to be taken to enable the Electoral Council to bear responsibility for the digital resources used for calculating the results and the allocation of seats will be investigated during the transition phase.⁸ Another topic of investigation is whether any of the parties in the elections chain require additional powers, including the power to issue instructions to municipal authorities on the use of digital tools and on inspecting this use, but also, speaking in more general terms, the powers and division of responsibilities required to reliably establish the result.⁹

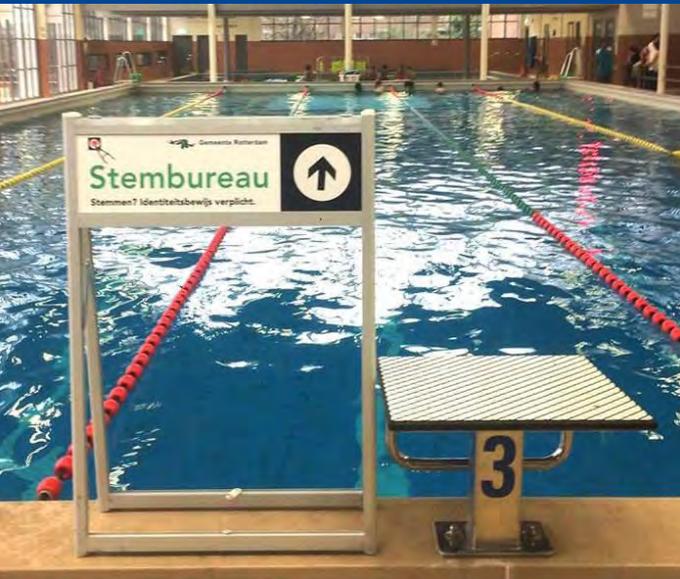
⁷ Guiding letter on Digital Tools in the Elections Chain, February 2019, ABDTOPConsult.

⁸ Appendix to Parliamentary Papers II 2018-2019, 35 165, nr 1.

⁹ Letters to the House of Representatives of 29 August and 9 October 2019, Parliamentary Papers II 2018-2019, 36 165, nrs 9 and 10, and responses to Parliamentary Questions by MP den Boer (D66), Appendix to Proceedings of the House of Representatives 2018-2019, nr 3089.

The programme director is responsible for the design and development of the digital tools, including the tender process. An impact analysis was started up in 2019 in order to obtain a view of what is required to perform the new tasks, including the required staffing level, competences and funding. In addition, preparations for introducing and managing the new software and for re-dividing duties and powers over the parties involved in the elections process were started up.

The transition process is a large and complex operation that touches not only on the work of the Electoral Council, but also on that of the municipal authorities and of the Ministry of the Interior and Kingdom Relations. In multiple working groups, these parties are collaborating on developing a new digital resource for determining the results and on turning the Electoral Council into an electoral authority. In addition, working groups have been established to deal with communications and finances. All this means that the Electoral Council, in addition to performing its regular work, also had to perform work in the context of the transition in the second half of 2019. Work will continue in 2020.



Maanenbad polling station, Rotterdam.

3. Elections

The first half of 2019 was marked by the six elections – a historically high number – that took place in that period:

- Provincial Council elections (20 March)
- Water Board elections (20 March)
- Island Council elections (20 March)
- Electoral Colleges for the Senate on Bonaire, Sint Eustatius and Saba (20 March)
- European Parliament elections (23 May)
- Senate elections (27 May)

While, traditionally, redivision elections take place in a number of municipalities in autumn, this was not the case in 2019, for the first time in years.

The Electoral Council plays a role in providing information on the elections process and electoral legislation during election periods. So as to be able to properly answer all questions asked to it, the Electoral Council established an Elections Information Centre to be active during the elections. A third member of staff was attached to the Information Centre in January. The Elections Information Centre was active until mid June 2019.

Combined Provincial Council and Water Board elections

Elections took place in twelve provinces and 21 water boards on Wednesday, 20 March 2019. This was the second time that the Water Board elections were held under the Electoral Act.

The Electoral Council does not serve as the central electoral committee for Provincial Council and Water Board elections. Still, these elections produce work for (the Secretariat of) the Council. In the run-up to these elections, citizens, municipal authorities, water boards, political parties and the media called on the Electoral Council in its capacity as expertise and information centre.

The organisation of combined elections provides additional challenges to municipal authorities. As the municipal authorities are responsible for simultaneously sending out poll cards for two different elections, featuring two different categories of persons eligible to vote, and because some municipalities straddle the borders of multiple water board areas, questions arose and incidental mistakes were made with printing the poll cards. The delivery of the poll cards did not go without a hitch in some municipalities. In both cases, the Electoral Council was able to advise the municipal authorities concerned on how best to proceed.

Publication of official reports

A relatively high number of questions were asked concerning the publication of official reports on the Internet during the run-up to the combined elections. Municipal authorities were, for the first time, obliged to publish the official polling station reports online. They had been asked to also publish the digital counting files in this way. Shortly after the results were determined, the Electoral Council, acting jointly with the Ministry of the Interior and Kingdom Relations, conducted an investigation that showed that, in many cases, this was not done properly. The situation was found to have been improved for the elections to the European Parliament, held later in the year.

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 when participating in the Provincial Council or Water Board elections. For parties that have registered their appellation for participation in the elections to the House of Representatives are also registered for the said elections. For ease of reference, the Government Gazette in the run-up to these elections published an item listing all political parties that had their appellations registered with the Electoral Council.¹⁰

Polling station accessibility

As from 1 January 2019, all polling booths must be accessible to voters with a physical impairment.¹¹ If a Municipal Executive is unable to fulfil this provision, it must inform the Municipal Council of the reasons thereof. The combined elections of 20 March provided the first test of this new legislation in practise. The Electoral Council received quite a few questions on this topic.

¹⁰ Government Gazette 2018, nr 73470.

¹¹ Section J 4(2) of the Electoral Act.

Observer mission

Staff of “Democracy Volunteers”, an organisation established in the United Kingdom that, inter alia, observes elections proceedings, acted as observers during the run-up to the combined Provincial Council and Water Board elections. To prepare them, the Electoral Council held a presentation on the Dutch electoral system.

Recount

The election results in the Province of Flevoland provided the Provincial Council with cause to decide to recount all votes cast in the entire province. The recount was not caused by alleged errors in the counting of the votes, but was due to a small difference in the votes cast for two parties in the context of allocating the remaining residual seat. The Electoral Council provided advice on how to organise the recount and was present during the recount process. In the end, some 160,000 votes were recounted. The recount did not produce a different election result.

Experiments with the central counting of votes

During the Provincial Council and Water Board elections, 76 municipalities participated in an experiment on the central counting of votes. In the municipalities concerned, votes were counted over two rounds: first, a partial count took place at the party level in the polling stations and, second, all votes were counted (at the level of the party and of the candidate) at one central location. The Electoral Council has issued multiple recommendations on the experiment with the central counting of votes and made use of the opportunity provided by these elections to visit multiple municipalities that had enacted central counting.



Kralendijk polling station, the Pasangrahan in Bonaire

Election results

After the conclusion of the elections, the Electoral Council included the result of the Provincial Council elections in the *Election Results Database*.

Voter turnout for the Provincial Council elections amounted to 56.2% (in 2015: 47.8%).

Voter turnout for the Water Board elections amounted to 51.3% (in 2015: 43.5%). Like in 2015, the percentage of blank or invalid votes was higher for the Water Board elections (2.6%) than for the Provincial Council elections (0.6%).

Island Council elections and Electoral College elections

On Wednesday, 20 March, elections for the Island Councils and the Electoral Colleges were held in the Caribbean Netherlands. The 20 March 2019 election was the very first election of Members of the Electoral Colleges. The Electoral Colleges were introduced because Bonaire, Sint Eustatius and Saba do not form part of any province and it was deemed preferable to have Dutch citizens resident on those islands have a say in the composition of the Senate.

No Island Council elections took place on Sint Eustatius, but there were elections to the Electoral College. Combined elections were held on Bonaire and Saba. In line with expectations, this had consequences for voter turnout:

Bonaire	57%
Saba	73.4%
Sint Eustatius	20.1%

The Electoral Council was involved with the organisation of these elections to a limited extent only; in so far as any assistance was given, this was mainly provided by the Ministry of the Interior and Kingdom Relations.

European Parliament elections

On Thursday, 23 May 2019, the Dutch Members of the European Parliament were elected. The Electoral Council, acting in its capacity of central electoral committee, is responsible for determining the results of these elections. In addition, the European Parliament elections require the Electoral Council to perform the following tasks:

- registration of political party names ('appellations') and logos
- investigating and assessing the validity of lists of candidates and the candidates listed thereon
- numbering the lists of candidates
- allocation of seats and appointment of members

A total of 5,519,776 voters cast their vote, resulting in a turnout of 41.9% (2014: 37.3%). In its session of 31 May, the Electoral Council on the basis of the results received determined the allocation of seats and of the candidates elected to the European Parliament.

16 lists

Candidates were nominated for the European Parliament elections on Tuesday, 9 April 2019. On nomination day, the political parties submitted their lists of candidates to the Electoral Council. This election of the Members of the European Parliament witnessed the first time a so-called pan-European political group participated: VOLT Nederland. VOLT participated in the elections in 8 Member States.¹²

The validity of the lists and of the candidates so listed were determined during an open session of the Electoral Council on 15 April. The Electoral Council also assigned numbers to the lists during this session. Two groups appealed against the determination of the lists of candidates.¹³ Sixteen parties participated in the elections. A total of 308 candidates were included in the lists of the 16 parties that participated in the elections.

¹² Germany, Belgium, Luxemburg, Sweden, Spain, Bulgaria, the United Kingdom and the Netherlands; it managed to obtain one seat in Germany.

¹³ For a more detailed description, refer to [page 35](#).



Polling station in the Senate hall, The Hague.
Photo: Frank Jansen.

26 (+3) seats

In its open session of 31 May, the Electoral Council officially determined the results of the elections, establishing how many seats were allocated to the lists and which candidates were appointed Members of the European Parliament. Of the 36 candidates meeting the preference threshold, seven were elected while jumping their position on the list. While thirteen other candidates passed the preference threshold, they will not be allocated a seat, as an insufficient number of seats is allocated to the lists they were included in. Once the United Kingdom has left the European Union, the Electoral Council will, in a new open session, allocate the three additional seats to parties and candidates on the basis of the election results.

Announcing the preliminary results

Contrary to what applies to other elections held in the Netherlands, no preliminary results may be announced for the European Parliament elections on the evening of the day of the election. The European Electoral Act provides that elections of Members of the European Parliament must be held in all Member States within a consecutive term of four days: from Thursday through Sunday. As was the case for previous European Parliament elections, this resulted in a relatively high number of questions, as it is unclear in practice what is and is not allowed.

Recount

For the first time in years, the House of Representatives, acting on the request of the Credentials Verification Committee, after the conclusion of the elections decided to recount the ballot papers and poll cards of three polling stations, located in Haarlem, Brielle and Deventer. The Committee had identified deviations between the number of poll cards handed in and the number of ballot papers found in the ballot boxes as listed in the official reports. While the Electoral Council had also identified these deviations, the Electoral Act did not authorise it to decide that a recount must be performed, as the errors identified could not have impacted the allocation of seats as adopted by the Electoral Council. The House of Representatives has more extensive powers to decide to perform a recount than the central electoral committee has. In view of the importance of the elections and the need for voters to trust in the proper process of the elections and the accuracy of the results, the House deemed a recount to be necessary.

Voters abroad

A total of 63,517 voters abroad registered for these elections. Of this total, 35,657 persons actually cast their vote (by letter).

Experiments with the central counting of votes

Seventy-two municipalities chose to perform an official count of the votes in the European Parliament 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.¹⁴

Observers

Three foreign missions observed the election process on the actual date of the European Parliament elections: Democracy Volunteers, a non-governmental organisation based in the United Kingdom, the Association des États Généreux des Étudiants de l'Europe (AEGEE), and Election-Watch EU, a non-governmental international organisation active in observing elections and elections processes in Europe.

Election results

After the conclusion of the elections, the Electoral Council included all election results in the [Election Results Database](#).

¹⁴ Act amending the Temporary (Ballot Paper and Central Counting) Experiments Act (Act of 19 April 2017, Bulletin of Acts and Decrees 180) and Decree mending the Temporary (Ballot Paper and Central Counting) Experiments Decree (Decree of 22 February 2019, Bulletin of Acts and Decrees 63).

Senate elections

On Monday, 27 May 2019, less than a week after the European Parliament elections, the Senate elections took place. Once again, the Electoral Council acted as central electoral committee and, as such, was responsible for the registration of appellations, for the nominations, and for determining the results. In the twelve Provinces and in the three Electoral Colleges of the Caribbean Netherlands, the 589 members of the Provincial Councils and Electoral Colleges cast their vote. In its session of 31 May, the Electoral Council on the basis of the results received determined the allocation of seats and of the candidates elected to the Senate. For the first time, votes were cast in the Caribbean Netherlands, as well: by the members of the Electoral Colleges.

15 lists

Candidates were nominated for the Senate elections on Tuesday, 23 April 2019. The Electoral Council acted as central electoral committee for these elections. Normally, only parties already represented in the House of Representatives, plus the Independent Senate Group, participate in the elections of the Members of the Senate. This time around, a new political group from Bonaire also participated, in the 20th electoral district. In total, fifteen lists were submitted: fourteen to the Electoral Council and one to the lieutenant governor on Bonaire.

The Electoral Council identified some omissions on the lists submitted. For example, the declarations of support were missing at times, or candidates were incorrectly listed. The parties submitting the lists were granted the opportunity to rectify these omissions. In most cases, they were able to do so. In some cases, the omissions resulted in candidates being deleted or a list being declared invalid for a certain electoral district. One group appealed against such a decision.¹⁵

589 voters

By tradition, the voter turnout for the Senate elections is high. This time around, it again amounted to 100%. What is striking that a blank vote was cast this time, in Saba. In so far as such can be verified, this has never occurred before. The public votes took place at the same time everywhere in the Netherlands and were often broadcast as live streams. The impression is that all elections took place in a well-organised manner and without any irregularities in all locations.

¹⁵ For a more detailed description, refer to [page 37](#).

Polling station in the Senate hall, The Hague.
Photo: Frank Jansen.



In the hours following the elections, the results were transferred to the Electoral Council. The votes were increased by the vote values determined for each province, such to adjust for the differences in the size of the population between the provinces. There was particular interest in the determination of the vote values this year: an appeal was even brought against a vote value.¹⁶

75 Senate Members

The Electoral Council officially determined the results in a public session taking place in the Senate plenary assembly hall on 31 May, establishing how many seats were allocated to the lists and which candidates were appointed Members of the Senate. In total, seventeen candidates exceeded the preference threshold. Four of these seventeen would not have been allocated a seat if they had not exceeded this threshold. While the remaining thirteen “preferential candidates” may have exceeded the preference threshold, they would have already been elected Members on the basis of their position on the list of candidates.

Election results

After the conclusion of these elections, as well, the Electoral Council included all results in the [Election Results Database](#).

¹⁶ For a more detailed description, refer to [page 37](#).

Election software

During elections, political parties, municipalities and principal and central election committees can use Electoral Support Software (ESS) to aid them with the nomination process and with calculating the election results. Use was made of the software for the 20 March 2019 elections to the Provincial Councils and Water Boards, the European Parliament elections of 23 May 2019, and the Senate elections of 27 May 2019. In the run-up to these elections, security company Fox-IT investigated the security of the software. The Fox-IT *report* was presented on 14 March 2019 and has been made available on the website of the Electoral Council. After the conclusion of the elections, the Electoral Council gathered the files containing the results produced by municipalities and the principal and electoral committees and made them available as a dataset on data.overheid.nl.

ESS replacement

Work has been conducted in 2019 on replacing the current ESS by a completely new software version. The plan is for this new software version to be in use for the March 2021 elections to the House of Representatives. In order to realise this deadline, a programme was started up to transfer the current ESS functionalities to the new version. High priority is given in this new version to security and all software components being up to date. The performance of penetration tests forms part of the realisation of the new version. A tender procedure has been prepared for the performance these penetration tests.

In addition to the renewed version of ESS, a completely new digital tool meant to replace ESS is also being developed. The responsibility for the realisation of digital tools, in the general sense, is vested in the Ministry of the Interior and Kingdom Relations. A team has been set up within the Electoral Council's Secretariat to prepare the further development of the digital tools and the related tender process, such in cooperation with the Ministry of the Interior and Kingdom Relations and the Association of Netherlands Municipalities.

4. Recommendations

In 2019, the Electoral Council made nine recommendations.¹⁷ Most recommendations were issued on the request of and were submitted to the Minister of the Interior and Kingdom Relations. The evaluation recommendations on the elections to the Provincial Councils, the Water Boards, the Electoral Colleges, and on the elections to the European Parliament and the Senate, were published by the Electoral Council on its own initiative.

In 2019, the Electoral Council issued the following recommendations:

- 1. Recommendation on the draft regulations on adopting an official report template due to the possible allocation of additional European Parliament seats (14 January 2019)*
- 2. Recommendation on the amendment of the Representative Body Members (Temporary Replacement) Regulation (11 February 2019)*
- 3. Second recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal (13 May 2019)*
- 4. Evaluation of the Provincial Council, Water Board and Electoral College elections (17 May 2019)*
- 5. Evaluation recommendation on the European Parliament and Senate elections (12 August 2019)*
- 6. Third recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal (14 May 2019)*
- 7. Recommendation on the New Ballot Papers Temporary Experiments Act (14 October 2019)*
- 8. Recommendation on the constitutional revision in the matter of the introduction of an electoral college for voters outside of the Netherlands (15 October 2019)*
- 9. Recommendation on the constitutional revision in the matter of the Senate elections procedure (30 October 2019)*

¹⁷ All recommendations made by the Electoral Council can be found at www.kiesraad.nl/adviezen_en_publicaties.

1. Recommendation on the draft regulations on adopting an official report template due to the possible allocation of additional European Parliament seats (14 January 2019)

The Electoral Council issued a recommendation on a proposed official report template in connection with the possible allocation of extra European Parliament seats to the Netherlands upon the United Kingdom leaving the European Union (Brexit). This official report actually is an addition to the official report used to determine the results of the elections of the Dutch Members of the European Parliament of 23 May 2019. The Electoral Council believes it important that the draft version for the new official report can be read as its own document and for this reason proposes a number of adjustments.

The Minister adopted two of the three adjustments proposed by the Electoral Council in full and adopted the third one to the extent possible, by referring to the law in the official report template.¹⁸

2. Recommendation on the amendment of the Representative Body Members (Temporary Replacement) Regulation (11 February 2019)

People's representatives are allowed to be replaced in case of illness or pregnancy for a duration of sixteen weeks no more than three times. At present, it is not possible to grant temporary replacement if a replacement request is made within sixteen weeks before the end of the term of office. The Minister of the Interior and Kingdom Relations has promised the House of Representatives to change this rule.¹⁹ The Electoral Council agreed to this alteration. It did note, however, that more clarity must be provided on how the President of a representative body must decide on a request made by a Member whose membership ended before the request was handled, for instance because the representative body in question has in the meantime served its maximum term of office.

The Minister acted upon the Electoral Council's recommendation in the remainder of the legislative process. The clarification requested for has been included in the explanation to the legislative proposal. According to the Minister, the President may in such a case decide not to process the request.²⁰

¹⁸ Government Gazette 2019, nr 6534

¹⁹ Appendix to Proceedings II, 2017-18 nr 777.

²⁰ Parliamentary Papers II 2018-19, 35273, 3, p. 5.

Polling station in an urban farm, Arnhem.
Photo: Heleen Hörmann.



3. Second recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal (13 May 2019)

In early 2019, the Electoral Council issued a recommendation on a proposal for a new procedure to determine the election results.²¹ The proposal was amended following the first round of consultations and was combined with the intention to count all votes at a central location in the future. The proposal so amended was submitted once more for a recommendation. The Electoral Council agreed with votes being counted centrally at a municipal polling station. It believes that, taking everything in consideration, this initiative contributes to the more careful and reliable determination of the results. With respect to the other adjustments proposed by the legislative proposal, such as the abolition of principal polling stations and the expansion of powers of verification, the Electoral Council requested that attention be paid to the role played by digital counting files. The Electoral Council deemed the use of such files to be essential for the reliable, transparent and verifiable determination of results.

Contrary opinions were also voiced during the second round of consultations. The Association of Netherlands Municipalities, for instance, argued that the central counting of votes should not be made mandatory. This provided cause for the Minister to alter certain provisions of the legislative proposal and submit it for consultation once more.

²¹ Recommendation on the Election Results (Determination Procedure) Adjustment draft legislative proposal (recommendation of 1 February 2018), The Hague: Electoral Council 2018.

4. Evaluation of the Provincial Council, Water Board and Electoral College elections (17 May 2019)

As is usual, the Electoral Council evaluated every election. In the Electoral Council's opinion, the multiple elections of 20 March generally proceeded smoothly. However, it once more became apparent that having multiple elections on a single day is complex and very burdensome for all persons and bodies involved. This in particular is the case when the electoral registers for the elections concerned differ from each other. In its recommendation, the Electoral Council asked that attention be provided to the operational problems that occurred, such as the problems with sending the poll cards and the distribution of ballot papers.

The Minister included the Electoral Council's recommendation in his own evaluation of the elections. Some issues have been selected for inclusion in ongoing programmes that should, in time, result in legislative amendments.²²

5. Evaluation recommendation on the European Parliament and Senate elections (12 August 2019)

In the opinion of the Electoral Council, both the election of the Members of the European Parliament and of those of the Senate generally proceeded smoothly. The Electoral Council recommended that a number of provisions of the Electoral Act be amended. The recommendations by the Council that are not of a legal-technical nature in particular concern the provision of information and instructions to parties involved in the elections process, such as the provision of information to polling station officials on the right of voters to be present during the counting of the votes at the polling station. In addition, the Electoral Council recommended that clarity be provided on the prohibition against publishing the provisional results of the European Parliament elections on the evening of the day of the election. This deviation from the standard for the other elections led to uncertainty among municipal authorities about which documents could be published at what moment. Finally, the Electoral Council referred to the importance of the provision of information to voters in the Caribbean Netherlands concerning the election of the Members of the European Parliament and the Electoral Colleges for the Senate.

At the moment, it is as yet unclear which items from the evaluation recommendation have been adopted. However, the Electoral Council is already being actively involved in the provision of information and assistance to voters willing to stand as a candidate for the Island Council elections held on Sint Eustatius in October 2020.

²² Parliamentary Papers II 2018-19, 35165, 9.

*6. Third recommendation on the Election Results (Determination Procedure)
Adjustment draft legislative proposal (14 May 2019)*

The draft legislative proposal was submitted to the Electoral Council for the third time in the autumn. The adjustment related to giving municipal authorities a choice between counting the votes at a central location or in the polling stations. The previous draft proposals made counting according to one of the two systems mandatory. The Electoral Council agreed with giving municipal authorities the choice not to count votes at a central location. The municipal authorities are well able to themselves consider which counting method is most practical in their situation. As all voters will in the future be informed of the time and location of the count, the Electoral Council does not believe that confusion will arise. Finally, the Electoral Council requested that attention be provided to the municipal polling station performing the same checks in both cases and to the powers of verification of the central election committee not being prejudiced.

It is a rarity for a legislative proposal to be submitted to the Electoral Council thrice. The Minister thought it important to obtain a new recommendation from the Electoral Council following the processing of the results of the second round of consultations. In the meantime, the legislative proposal was submitted for advice from the Advisory Division of the Council of State. As a consequence, the draft legislative proposal is not yet public.

7. Recommendation on the New Ballot Papers Temporary Experiments Act (14 October 2019)

For some time now, work is proceeding to introduce the electronic counting of votes. The Minister to this purpose has previously laid down the required steps to be taken. The development of a smaller, handier ballot paper is one of these steps. The Electoral Council was asked to advise on a regulation allowing for experimenting with two different voting methods. For both methods, the Electoral Council believed voters must receive better information. With respect to the method involving having separate ballot papers for each party in the polling booth, the Electoral Council also identified some operational risks. The Electoral Council advised the Minister to first offset these risks before using the methods in an experiment.

The Minister is deliberating the results of the consultation. For this reason, the wording of the draft legislative proposal and the organisation of the various voting methods are as yet unclear. It has already become apparent that an information campaign will be organised prior to an experiment being launched, though.²³ The draft legislative proposal is supposed to be submitted to the Advisory Division of the Council of State in early 2020.

²³ Parliamentary Papers II 2019-20, 35300 VII, 8, p. 45.

8. Recommendation on the constitutional revision in the matter of the introduction of an electoral college for voters outside of the Netherlands (15 October 2019)

At present, Dutch voters abroad are unable to (indirectly) impact the composition of the Senate. In order to introduce an electoral college for Dutch voters abroad, a constitutional amendment will be required. The Electoral Council has indicated that it agrees with the decision to establish such an electoral college for Dutch voters abroad. However, the Council did make a few suggestions for further deliberations, in particular asking that attention be paid to the effect of the determination of the vote value (the value of the votes cast by each individual Member of the college). The Electoral Council recommended that the arguments for and against taking the number of persons eligible to vote as a basis for deciding the vote value be provided in more detail in the legislative proposal or the explanation thereto. Finally, the Electoral Council urged that the evaluation previously performed of the introduction of the electoral colleges in the Caribbean Netherlands be considered when elaborating this legislative proposal.

On 3 December 2019, the legislative proposal to amend the Constitution was submitted to the Council of State. This recommendation was not yet adopted at the time this report was written.

9. Recommendation on the constitutional revision in the matter of the Senate elections procedure (30 October 2019)

In essence, the legislative proposal submitted to the Electoral Council provides that an election of half the Members takes place every three years, the Members holding office for a term of six years. This is in contrast to the current situation, where the Senate is elected in its entirety every four years. The proposal in effect argues for a reversal to the situation existing between 1922 and 1983. The Electoral Council recommends that the possible ancillary effects of this other method of electing the Senate be mapped out in a timely fashion. It refers to the possible effects of a higher electoral quota. This may result in smaller parties experiencing more difficulties getting their candidates elected to the Senate. The more fundamental question as to whether an amendment of the Constitution to allow for another way of electing Members of the Senate is desirable or necessary is, according to the Electoral Council, a question of policy and not an operational issue. The elaboration of this proposal in the Electoral Act still needs to take place. In its recommendation, the Electoral Council indicated its wish to issue a substantive recommendation on the elaboration in that stage.

At the time this report was written, the Minister is deliberating the results of the consultation. or this reason, the wording of the draft legislative proposal is as yet unclear.

*“Drive-in” polling station in the Municipality of Zuidplas.
Photo: Gemeente Zuidplas.*



5. Appellations and appointments

Registration

In 2019, the Electoral Council received seven requests to register a party name (appellation). Five related to the elections to the House of Representatives and two to the elections to the European Parliament. The Electoral Council changed one appellation in the register for the elections to the European Parliament, at the request of the party concerned. In addition, the Electoral Council deleted seven appellations from that register. There were no changes in the register for the elections to the Senate.

Register for the elections to the House of Representatives

The following four appellations were added to the register for the elections to the House of Representatives in 2019: PVBNI, Liberaal Democratische Partij (LibDem), Partij 18PLUS and BBB. The appellation BBB was registered by the party that had earlier requested for the registration of the appellation “BoerBurgerBeweging” and of the associated logo. This earlier request had been rejected by the Electoral Council in 2019, as it was likely to lead to confusion with the registered appellation “De Burger Beweging”.

Register for the elections to the European Parliament

The register for the elections of the Dutch Members of the European Parliament was expanded by the following two appellations: PVAZ and vandeRegio. In addition, the Electoral Council changed the appellation Democraten 66 (D66) – ALDE into Democraten 66 (D66) at that party's request. The following three appellations in the register had new logos associated with them: ChristenUnie-SGP, PVAZ and vandeRegio.

Seven appellations were deleted from the register for the elections to the European Parliament in 2019, as the parties concerned had failed to submit a valid list of candidates for these elections. The Electoral Council also deleted four logos, registered in association with these appellations.

Appointments

The Electoral Council is charged with appointing new Members to vacancies in the European Parliament, the Senate and the House of Representatives. Fifteen Members of the House of Representatives were appointed in 2019, eleven of whom filled intermediate openings and four of whom filled seats temporarily vacated due to illness or pregnancy. Ten Members were appointed to intermediate openings in the Senate, while one more was appointed to a seat temporarily vacant. The Electoral Council appointed new Members to fill two intermediate openings in the European Parliament.

Number of appointments in openings in the period 2015-2019

	2015	2016	2017	2018	2019
House of Representatives	15	13	15	16	15
Senate	2	4	9	11	10
European Parliament	2	0	3	0	2

6. Lawsuits

In 2019, six appeals were lodged against a decision 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 four other court cases, providing information to the Judicial Division of the Council of State (hereinafter: the Division).

The Electoral Council acting as defendant

Volt Nederland versus the central electoral committee

Volt argued that the lists of CDA – Europese Volkspartij, PVV (Partij voor de Vrijheid), VVD, P.v.d.A./Europese Sociaaldemocraten, ChristenUnie-SGP, 5OPLUS, JEZUS LEEFT, DENK, De Groenen, Forum voor Democratie and vandeRegio & Piratenpartij must be found invalid, as the lists did not contain an equal number of male and female candidates. The Electoral Council, being the central electoral committee for the European Parliament elections, decides on the validity of the lists of candidates submitted on the basis of the formal requirements listed in Section I 5 of the Electoral Act. A list is invalid only if one or more of the defects listed in Section I 5 of the Electoral Act is found. As the ground advanced by Volt is not listed in Section I 5 of the Electoral Act, the central electoral committee rightfully found no reason to declare these lists to be invalid. The Division dismissed the appeal.²⁴

²⁴ Judicial Division of the Council of State 24 April 2019: ECLI:NL:RVS:2019:1373.



Polling station in the Kerhoven Mill in Oisterwijk.
Photo: Municipality of Oisterwijk.

Decision to determine the lists of candidates submitted

On 15 April 2019, the Electoral Council, acting in its capacity as the central electoral committee for the European Parliament election, declared the lists of candidates submitted by 16 parties to be valid. The list of one political party (PVAZ) was determined to be invalid, as this party had failed to submit a valid list of candidates on nomination day. The founder of that party appealed against this decision, as this would bar her from participating in the elections to the European Parliament. The appellant also submitted a challenge against the State councillors of the full bench panel charged with handling the case. This challenge was dismissed. The notice of appeal in the principal action was received by the Council of State too late, causing the Division to declare the appeal to be inadmissible.²⁵

Decision to determine the lists of candidates submitted

On 1 May 2019, the Electoral Council decided which of the lists of candidates submitted for the elections to the Senate were valid. One citizen appealed against this. However, the appellant did not appear to contest the lawfulness of the decision. The Electoral Council argued, principally, that the appeal could not be processed (that is: was not admissible), as the notice of appeal did not contain any grounds. In addition, the court fees due had not been paid. The Division declared the appeal to be inadmissible.²⁶

²⁵ Judicial Division of the Council of State 25 April 2019, ECLI:NL:RVS:2019:1376 and ECLI:NL:RVS:2019:1397 (challenge).

²⁶ Judicial Division of the Council of State 9 May 2019: ECLI:NL:RVS:2019:1512.

Decision to partially delete a list of candidates

On 1 May 2019, the Electoral Council decided to delete the list of candidates of Union Revolushon Boneriano for all electoral districts but Bonaire. It also decided to delete certain candidates and the appellation of the group stated on top of the list of candidates. According to the Electoral Council, the legal requirements for providing a list of candidates, candidates and the appellation had not been met. The appellant disagreed with these deletions and argued that the provision of information by the Electoral Council was lacking. As the appellant was resident in Bonaire, the case was heard before the Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba. The Electoral Council took the position that the deletions were lawful and that sufficient information had been provided. The Joint Court of Justice dismissed the appeal.²⁷

Decision to delete an appellation from the appellation register

In its decision of 13 May 2019, the Electoral Council deleted the appellation of a certain political group. The founder of this political group (PVAZ) appealed against this decision on 27 May. However, the Division dismissed the appeal, as the court fees due had not been paid in time and no documents had been submitted evidencing that the appellant could act as the authorised representative of this political group.²⁸

Vote values for the Caribbean Netherlands

Vote values play a major role when determining the results of the elections to the Senate. These vote values differ per province and serve to adjust for the different population sizes of each province. A vote value is attached to the votes cast by the Electoral Colleges of Bonaire, Sint Eustatius and Saba, as well. One citizen resident in the European part of the Netherlands lodged an appeal to the The Hague District Court, as they believed that the votes of Electoral Colleges should have a relatively greater value, as the consequences of the Senate elections are more significant in the Caribbean Netherlands. However, the The Hague District Court declared that it lacks jurisdiction to judge a decision that pursuant to the law is not open to appeal.²⁹

²⁷ Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba 10 May 2019, BON201900288.

²⁸ Judicial Division of the Council of State 19 June 2019; ECLI:NL:RVS:2019:1960.

²⁹ The Hague District Court 27 June 2019, ECLI:NL:RBDHA:2019:6266.

The Electoral Council acting as external expert

Decision to partially delete a list of candidates

The central electoral committee of the Provincial Council elections of Zuid-Holland determined the lists of candidates on 8 February. On behalf of a political party, an appeal was lodged against the decision to declare the list of this party for the electoral district of Rotterdam invalid, as well as against the determination of some other lists of candidates. The appellant argued that the supporters had been prevented from submitting their declarations of support and that the central electoral committee should have taken this into account. The Division did not pronounce a judgment on the substance of the matter, as the appellant had failed to prove being authorised to represent the group. The appeal was declared inadmissible.³⁰

Decision to determine the lists of candidates submitted for the Provincial Council elections in Zuid-Holland

The appeal was brought against the decision of 8 February 2019 of the central electoral committee for the election of the Provincial Council of Zuid-Holland on the validity of the list of candidates submitted by VVD. According to the notice of appeal, this list of candidates should have been declared invalid, "also because the participating candidates have wilfully elected to join a party that apparently does not put integrity and the interests of the voters first". The Electoral Council recommended that the appeal be declared unfounded, as the central electoral committee, when assessing whether lists of candidates submitted are invalid, must check if any of the grounds exhaustively listed in the Electoral Act applies. Such was not the case here. The appeal by appellant I was declared unfounded by the Division, while appellant II was found to have no case.³¹

³⁰ Judicial Division of the Council of State 14 February 2019, ECLI:NL:RVS:2019:452.

³¹ Judicial Division of the Council of State 14 February 2019, ECLI:NL:RVS:2019:451.

Decision to determine the lists of candidates submitted

On 8 February 2019, the central electoral committees of the Water Board elections and Provincial Council elections determined the lists of candidates for these elections. One voter and one political group appealed against this. As the court fees due had not been paid, the Division declared the appeal to be inadmissible.³²

Eligibility to vote of Dutch citizens abroad

Dutch citizens residing abroad are not eligible to vote in the Provincial Council elections. For such eligibility is based on residency within the province. As the Provincial Council Members elect the Members of the Senate, Dutch citizens abroad have no indirect impact on the composition of the Senate. One Dutch citizen residing in Belgium believed he therefore wrongfully could exert no influence on the composition of the Senate and that such was contrary to international discrimination bans. This citizen's request to be registered as a voter living outside the Netherlands was rejected by the Municipal Executive of The Hague. The citizen appealed against this decision. The Electoral Council was requested to provide information. The Electoral Council found that the Municipal Executive of The Hague had rightfully taken the position that the appellant could not be registered as a citizen resident outside the Netherlands for the Provincial Council elections. In view of the mainly territorially limited interpretation of the duties of the Provinces and provincial politics, the limitations raised by the law in this connection are not unacceptable. The Division dismissed the appeal.³³

³² Judicial Division of the Council of State 14 February 2019, ECLI:NL:RVS:2019:450.

³³ Judicial Division of the Council of State 8 March 2019, ECLI:NL:RVS:2019:754.

7. Expertise and communication

Elections Information Centre

In view of the series of elections held in the first six months of 2019, an Elections Information Centre was operational once again between mid October 2018 and mid June 2019. The Information Centre was active in the run-up to the combined Provincial Council and Water Board elections, the Island Council elections, the Electoral College elections, the Senate elections and the election of the Dutch Members of the European Parliament. The Information Centre processed 4,272 questions in total, most of which had been posed by municipal authorities (1,955) and citizens (1,278).

Website

Via its website, www.kiesraad.nl, the Electoral Council provides up-to-date information on the elections process to municipal and provincial authorities, policymakers, the press and voters. In addition to providing information on the Electoral Act, the website contains the Electoral Council's recommendations, appointments of Members of Parliament, registrations of party names, results of the elections, and important data in the elections process. Furthermore, a summary of the election process is provided on the website in English.

The website was consulted 1,273,124 times in 2019. This figure was significantly higher than in 2018 (628,650 visitors), in which year, on 21 March, combined Municipal Council elections and a referendum on the Intelligence and Security Services Act took place. By far the most visits were made in March 2019, when 513,308 visitors consulted the site, the figure peaking on election day, when 171,459 visits were made.

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 5,720 in 2019. In 2018, this number was 582. This portion of the website was developed in 2015 at the request of Minister Plasterk.

In 2019, there were 83 news items, comparable to the figure for 2018 (82). In addition, 3 news items were placed on the English-language portion of the website (a number equal to that in 2018).

Press

In 2019, the Electoral Council was approached by the press with questions 315 times. This concerned questions from national newspapers (NRC, Volkskrant, Telegraaf, Algemeen Dagblad, etc.), local newspapers (Brabants Dagblad, Dagblad van het Noorden, etc.), periodicals/opinion magazines (Elsevier, Quest, etc.), radio and TV (NOS, Hart van Nederland, WNL, RTV-Rijnmond, BNR, Radio 1, etc.). In addition, some foreign media posed questions (Swedish National Radio, Bloomberg News, Sputnik News, Yomiuri Shimbun (Japanese newspaper), etc.). The total number of questions by the press posed in 2019 was similar to the 2018 figure (326). Most of the questions by the press were posed in the month of March (123), during which the combined Provincial Council and Water Board elections took place. Quite a few questions by the press posed in 2019 concerned topics like exhaustion of lists, ESS/digital tools in the elections process, multiple nominations, residency requirements, publication of the lists of candidates, and vote values.

The Council in 2019 agreed to 11 requests for interviews, for BNR (5), NOS (2x radio, 1x television news), Trouw, Omroep Gelderland, and B&R (magazine of the Dutch Association for Civil Affairs). These interviews concerned: digital tools in the elections process (in particular ESS), exclusion of eligibility to vote, exhaustion of lists, and the eligibility to vote in the Caribbean Netherlands. In 2018, 6 requests for interviews were granted.

Social media

The Electoral Council used Twitter mainly to share 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 111 tweets (in 2018: 216). Most tweets were placed in the month of the February (20) and May (also 20). The Electoral Council's number of Twitter followers grew to 2,251 at the end of the year, from a figure of 2,057 in late 2018. Unsurprisingly, the majority of tweets were placed in the first few months of the year, in the run-up to the elections. The tweets resulting in the most views concerned casting a vote using the colour red, not per definition with a pencil (38,192 views), the registration of British citizens for the elections of the European Parliament in the context of the United Kingdom possibly leaving the European Union (13,057), and an overview of the parties participating in the Provincial Council elections (12,883).



Midnight voting at Castricum station.

Election Results Database

The database contains election results starting from the year 1848. The results can be consulted on www.verkiezingsuitslagen.nl. The results of the elections to the Provincial Councils, Water Boards, Island Councils of Bonaire and Saba, and Electoral Colleges (20 March) were added this year, as were results of the elections of the Dutch seats in the European Parliament (23 May) and of the Senate elections (27 May). In addition, the official report of the results of various elections to the House of Representatives and of all elections to the Dutch seats in the European Parliament were added to the Database.

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

Publications and research by Electoral Council staff and members

Eelco Harteveld and Ron de Jong, 'De geografische spreiding van de PVV-kiezers', in: Gerrit Voerman and Koen Vossen (ed.), *Wilders gewogen. 15 jaar reuring in de Nederlandse politiek* (Amsterdam 2019) pp. 191-213.

Ron de Jong and Peter van den Berg, 'Vrouwenkiesrecht tussen individueel en gezinshoofdenkiesrecht, 1815-1919', in: *Historica. Tijdschrift voor gendergeschiedenis* 42(2019) nr 2, pp. 12-17.

Ron de Jong and Julien van Ostaijen, 'De verkiezingen van Provinciale Staten: toen en nu', in: Harmen Binnema and Hans Vollaard (ed.), *Provinciale politiek. De provincies democratisch getoetst* (Amsterdam 2019) pp. 71-90.

Peter van den Berg and Ron de Jong, 'Een Gordiaanse knoop. Mannenkiesrecht, vrouwenkiesrecht en gezinskiesrecht tussen 1795 en 1917', in: *Pro Memorie. Bijdragen tot de rechtsgeschiedenis der Nederlanden* 20(2018) issue 2, pp. 179-213.

Ron de Jong and Melle Bakker, 'Stemmen bij volmacht en het beginsel van one man, one vote', *Stuk Rood Vlees* blog, 29 January 2019
<http://stukroodvlees.nl/stemmen-bij-volmacht-en-het-beginsel-van-one-man-one-vote/>

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 at the Faculty of Behavioural,
Managerial and Social Sciences of Twente University
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 2019, 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 2019 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, in which case reference was made to such information. It concerned requests for:

- a copy of the documents relating to the adjustments of the policy with respect to the Election Supporting Software from 11 March 2016 onward;
- copies of the documents the Electoral Council received from the Municipality of Hilversum relating to a letter by a person making an application to that Municipality concerning a decision not to grant proxy with full discretionary power.

8. Network – national and international

The Electoral Council maintains a national and international network and works to expand this network of contacts. In 2019, the Electoral Council participated in multiple conferences abroad, while it receives a number of foreign delegations at home. The Electoral Council also went to Brussels for a two-day work visit. In addition, the Electoral Council, acting in cooperation with other actors, like the Ministry of the Interior and Kingdom Relations and the Netherlands Institute for Multiparty Democracy (NIMD), gave presentations to election observers for the Provincial Council and Water Board elections and the European Parliament elections, respectively.

National

In the framework of its work activities, the Electoral Council has contact on the national level with all sorts of different organisations. Some of the key stakeholders include:

Ministry of the Interior and Kingdom Relations

Just as in previous years, meetings were held regularly in 2019 with administrative and civil-servant representatives of the Ministry of the Interior and Kingdom Relations concerning policy, legislative and management issues.

States General

The Electoral Council had contact with the House of Representatives, the Senate and their Secretary General's offices concerning the Council's public sessions held in the framework of the elections, as well as about the necessary appointment of new Members in the case of (temporary) openings.

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

In the run-up to the various elections in 2019, the Council was often in contact with political parties and municipalities, such in the framework of their involvement with these elections. Instructions meetings on the use of Election Supporting Software (ESS) have also been organised for both political parties and municipalities.

(Guest) lectures

In 2019, secretariat employees held guest lectures and presentations, such as those at Radboud University in Nijmegen and at the University of Groningen.

International

Conferences

The Council participated in the 'Electoral Integrity: role of electoral management bodies' conference held in Byblos, Lebanon, on 30-31 January 2019. A lecture was given on behalf of the Electoral Council on that occasion. The invitation to the Electoral Council to participate in this conference was submitted at the request of the Ministry of the Interior.

A delegation participated in the 16th EMB conference of the Venice Commission of the Council of Europe, held in Bratislava, Slovakia, on 27 and 28 June 2019. A lecture was given on alternatives for Electoral Dispute Resolution in the Netherlands at his occasion.

Working visits

A delegation of the Electoral Council was present for a by-election in Edinburgh on 11 February 2019. A lot of attention was provided to the counting process during this visit: on transparency toward the voters and the use of digital tools.

An Electoral Council delegation made a working visit to Brussels on 1 and 2 April 2019. It visited the Flemish government to learn more about the digital tools used in the election process in Flanders. In addition, a visit was made to the Permanent Representation in Brussels. A meeting was also held with the European Commission on this occasion, while a visit was made to the European Parliament, allowing for discussing the granting of subsidies to political parties, campaigns to increase voter turnout, disinformation, and the most recent amendment of the European Electoral Act. Meetings were also held with Dutch Euro MP's, while a visit was made to the Permanent Representative of the Netherlands to the European Union in Brussels.

Presentations

The Electoral Council on 19 March 2019 at the Ministry of the Interior and Kingdom Relations gave a presentation on the Dutch electoral system to elections observers of Democracy Volunteers, a British organisation that visited to observe the Provincial Council and Water Board elections.

From 26 through 28 March 2019, the Electoral Council, acting in cooperation with the Ministry of the Interior and Kingdom Relations, received a delegation from the Romanian Electoral Council to the Netherlands. It gave a presentation on this occasion.

On 22 May 2019, the Council at the Ministry of the Interior and Kingdom Relations gave a presentation on the Dutch electoral system to election observers from the British organisation Democracy Volunteers and from the European student organisation AEGEE, who visited to observe the European Parliament elections.

Polling station in the Onze Lieve Vrouwegasthuis hospital in Amsterdam



On Friday, 1 November 2019, the Electoral Council received a delegation from the South Korean Parliament. It on this occasion gave a presentation on the Dutch electoral system.

On Wednesday, 27 November 2019, the Electoral Council received a delegation from the South Korean Electoral Council. It on this occasion gave a presentation on the Dutch electoral system.

On Friday, 29 November 2019, the Electoral Council received a Russian delegation composed of officials active in the election process in the oblast (administrative unit) of Moscow. The Electoral Council on this occasion gave a presentation on the Dutch electoral system.

On Wednesday, 4 December 2019, acting in cooperation with the Ministry of the Interior and Kingdom Affairs, the Council at the request of the Netherlands Institute for Multiparty Democracy (NIMD) gave a presentation to a delegation from the RENAMO Party, which is represented in the Parliament of Mozambique.

9. Finances

The budget of the Electoral Council is 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 for the budget of the other High Councils of State, 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.³⁴

Spendable budget

In 2019, the Electoral Council’s spendable budget was €2,345,000. This budget was increased by €897,000 during the year so as to perform urgent maintenance to the ESS. €3,274,202 was depleted from the total budget.

Remuneration for the Electoral Council Chairman and Members

In 2019, the Electoral Council Members received a remuneration for their efforts. The Chairman received a remuneration based on 0.3 FTE in scale 18 of the Civil Servants’ Pay Decree per month. The Electoral Council Members received a remuneration of €286,99 (until 1 July 2019) and of €292.73 (from 1 July 2019) per meeting and a travel allowance.

As a result of the implementation of the law on standardisation of remuneration for top officials in the public and semi-public sectors (Dutch acronym: WNT), the WNT’s obligation of reporting applies to the positions of the Chairman and members of the Electoral Council. This standard also applies 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.

³⁴ Refer to Section 19 of the Government Accounts Act 2001.