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## Annual report Electoral Council 2020



## Publication

Electoral Council

## Photos

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All photos in this annual report were made during the redivision election of 18 November 2020.

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# Preface

2020, the remarkable “year of Corona” was a hectic year for the Electoral Council. It presented challenges not only to the Secretary Director, staff and employees of the support office, but also to the members of the Electoral Council themselves. Work was done primarily remotely, but the level of involvement remained high.

Naturally, the preparations for the 2021 House of Representatives election was given extra attention. The Ministry of the Interior and Kingdom Relations (BZK), the Association of Dutch Municipalities (VNG) and the Dutch Association for Civil Affairs (NVvB) all sought solutions for corona-proof elections - each on the basis of its own responsibility. For this purpose, several legislative changes enabling the Electoral Council to provide timely (urgent) *recommendations* were quickly prepared. Remarkably, measures were introduced that are new to the Dutch election process: postal voting within the Netherlands, and early voting.

The intermediate municipal redivision election at the end of the year was a good opportunity to try out a number of security measures. We also noted the surprising introduction of “drive-thru voting”. The intermediate municipal elections were followed closely. In addition, the modified supporting software (OSV2020) could be tested with a view to its use in the 2021 elections.

The chairmanship of the Electoral Council changed during the transition from 2020 to 2021. At this point I would particularly like to thank my predecessor Jan Kees Wiebenga for his expertise and involved chairmanship. With conviction, I have accepted my appointment for the next four years to contribute to the further development and professionalisation of the Electoral Council. The Electoral Council’s responsibilities and powers shall be strengthened in the coming years in the context of its transition to an electoral authority. This is in the interest of the robustness and proper conduct of elections in our country: important for the future of our democracy.

**Wim Kuijken**  
Electoral Council Chairman



*Polling station at the former St. Petrus church (Vught).  
Photo: Phil Nijhuis*



# 1. Organisation

Elections and the right to vote are important pillars of our democracy. Careful, transparent determination of the results is vital to this. The Electoral Council determines the results of national elections and is both an independent advisory body and a centre of knowledge in the area of voting rights and the voting process. With this, the Electoral Council is committed to a robust electoral process and reliable election results.

## Legal tasks

The Electoral Council has several legal tasks:

- The Council acts as a central electoral committee for the elections for the Senate and the House of Representatives and for the (29) Dutch members of the European Parliament. In connection with this, the Electoral Council's tasks are:
  - registration of the names (appointments) and logos of political parties;
  - evaluation and numbering of the list of candidates submitted;
  - establishment of the official results of elections;
  - appointment of members in the Senate, House of Representatives and the European Parliament.
- The Council provides advisory to the government and to Parliament about technical execution issues in the area of voting rights and elections. This primarily concerns issues ranging from draft



legislation proposals to changes in electoral law. On occasion, the Electoral Council provides unsolicited *recommendations*. This year, for example, the Electoral Council provided unsolicited recommendations concerning corona-related measures to enable safe elections.

### Other Electoral Council tasks

Throughout the year, the Electoral Council acts as an information and knowledge point concerning voting rights and elections for municipalities, provincial courts, political parties, voters and the media. At the time of elections, an Electoral Information Point is set up together with the Ministry of the Interior and Kingdom Relations (BZK). The Information Point also started at the end of 2020 with a view to the House of Representatives elections in March 2021.

Moreover, the Electoral Council provides recommendations to the Administrative Jurisdiction Division of the State Council concerning electoral disputes to which the Electoral Council itself is not a party. The Electoral Council also develops and manages election software that is used for the nomination of candidates and for the determination of election results.

### Development of the Electoral Council into an electoral authority

No doubt whatsoever may arise about the quality or reliability of the electoral process. The worldwide discussion about possible influencing of elections by external powers is also taking place in the Netherlands. Other focal points include fake news and covert influencing via social media such as Facebook. More generally, a greater awareness is afoot of threats and the associated vulnerabilities of the digital resources that are used in elections.<sup>1</sup>

The Dutch electoral process must grow to counter all these new challenges and stay ahead of these. The electoral process must be able to withstand both real and feigned threats. For these reasons, in addition to its regular activities, the year 2020 also marked a transition of the Electoral Council into an electoral authority. In order to keep the impartiality and quality of electoral processes and the reliability of election results beyond any whiff of doubt – also in the future – the role of the Electoral Council in the electoral system has been enhanced and its impartiality and independent position have been reinforced. For this, the Electoral Council shall be given more tasks, authorities and responsibilities in the chain of results determination, also in the area of continuous quality support for the components of the electoral process such as candidatures, the vote and the determination of results.

The Electoral Council will also bear responsibility for the digital resources used in calculating the results and the allocation of seats. Additional authorisations are required for this as well. Consider

<sup>1</sup> See also the 2020 Dutch Cybersecurity Vision, page 15: <https://www.ncsc.nl/onderwerpen/cyber-security-beeld-nederland/documenten/publicaties/2020/juni/29/csbv-2020> and the Dutch Cybersecurity Agenda. The Netherlands digitally safe (NCSA), p. 11: <https://www.rijksoverheid.nl/documenten/rapporten/2018/04/21/nederlandse-cybersecurity-agenda-nederland-digitaal-veilig>.



the issuance of instructions to municipalities for using the digital resources, for example, and for performing audits of that use. The development of a new digital resource for calculating the result of the elections is part of the transition. The tender for the new digital resource for calculating the results was prepared in 2020.<sup>2,3</sup>

The course of the transition is a complex, large-scale operation that affects not only the activities of the Electoral Council, but also those of the municipalities and the Ministry of the Interior and Kingdom Relations. The changes must also be reflected in regulations. A programme director has been appointed to guide the transition properly.

### **Relationship with the Ministry of the Interior and Kingdom Relations (BZK)**

The ministry of BZK supervises all independent administrative bodies which perform tasks for which the minister shoulders political responsibility. The special position of the Electoral Council and the associated independence required affect this supervisory relationship. As a central electoral committee, the Electoral Council falls under the aegis of the Framework Act for Non-departmental Public Bodies. A few parts of this law do not apply. In addition, part of the Electoral Council is governed by the operation of the Advisory Bodies Framework Act and part is not. In terms of budget, the Electoral Council is subject to chapter IIb of the national budget, which is managed by the High Councils of State.<sup>4,5,6</sup>

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<sup>2</sup> Annex to Parliamentary documents II 2018/2019, 35 165, no. 1.

<sup>3</sup> Letters to Parliament of 29 August and 9 October 2019, Parliamentary documents II 2018-2019, 35 165, nos. 9 and 10 and answers to parliamentary questions from Member Den Boer (D66), Appendix to the Acts TK 2018-2019, no. 3089.

<sup>4</sup> Framework Act for Autonomous Administrative Bodies, articles 12, 21 and 22.

<sup>5</sup> Framework Act for Advisory Councils, articles 15 (first, third, fourth and fifth paragraphs) and 16.

<sup>6</sup> Framework Act for Advisory Boards, articles 21 and 29.



## Electoral Council members

The Electoral Council consists of seven members who are appointed for a period of four years by means of Royal Decree. Appointments are made on the basis of expertise in the area of electoral law and elections and on related or relevant areas of policy. Social knowledge and experience also play a role in the appointment of members.

In 2020, the composition of the Electoral Council was as follows:

**Mr. J.G.C. Wiebenga**, Chairman. Appointed at the start of 2017. Jan Kees Wiebenga was a member from 2001 through 2016 and (for several years) was acting vice president of the Council of State.

**Prof. dr. R.B. Andeweg**, Vice Chairman. Appointed as a member in 2017. Rudy Andeweg is an emeritus professor of Empirical Political Science at the University of Leiden.

**Dr. P. Castenmiller**. Appointed as a member in 2013 and reappointed in 2017. Peter Castenmiller works as a project leader, researcher and consultant at PBLQ, an independent consultancy for innovations in the public domain.

**Prof. mr. J.E. van den Brink**. Appointed as a member in 2017. Jacobine van den Brink is a professor of Administrative Law at the University of Amsterdam.

**Ir. R. Prins**. Appointed as a member in 2018. Ronald Prins is a cybersecurity expert and a director at Hunt & Hackett.

**H.E. Reukema-Gevers**. Appointed as a member in 2018. Hestia Reukema-Gevers works as the Director of Services for the Municipality of Rotterdam, with the portfolio of Districts, Elections, Participation and City Archives.

**Mr. A.B.L. de Jonge**. Appointed as a member in 2019. Aat de Jonge was a mayor in various municipalities for more than 30 years. Until 2018, he was the mayor of Dronten.





## Electoral Council Secretariat

The Electoral Council's activities are supported by a Secretariat. Pamela Young, the Secretary Director and head of the Secretariat, is charged with daily management. The chairperson of the Electoral Council is designated by the Minister of the Interior as the head of services within the meaning of article 4, first paragraph, part b of the General Civil Servants Regulations.

The Secretariat of the Electoral Council was comprised of the following positions in 2020:<sup>7</sup>

Secretary Director  
Senior Operations Consultant  
Operations Consultant

### *Communications, Research and Support cluster*

Cluster Coordinator and Senior Communications Consultant  
Communications Consultant  
Communications Consultant  
Researcher  
Administrative Assistant  
Administrative Assistant  
Office Manager

### *Legal Affairs cluster*

Cluster Coordinator  
Senior Legal Consultant  
Senior Legal Consultant  
Legal Consultant  
Legal Administrative Assistant

### *IT and Information Policy cluster*

Cluster Coordinator  
Business/Information Analyst  
Business/Information Analyst  
Functional Administrator  
Functional Administrator

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<sup>7</sup> Excluding temporary external hiring for Information Point elections, office manager, information security and IT test capacity.





*A polling station official hands over a red pencil to a voter (Boxtel).  
Photo: Phil Nijhuis*

## 2. Elections

### Three extra seats in the European Parliament due to Brexit

Due to the exit of the United Kingdom from the European Union, the Netherlands got three extra seats in the European Parliament. For these seats, the Electoral Council appointed the following persons in a public hearing on 6 February 2020: Mr M. de Graaff (for the PVV party), Mr B. Groothuis (for the VVD party) and Mrs D. Rookmaker (for the Forum voor Democratie party). Including the three new seats, there now are 29 Dutch members of the European Parliament.

### Delayed elections in St. Eustatius

Since 10 October 2010, Bonaire, St. Eustatius and Saba form a part of the Netherlands as the Caribbean Netherlands, and elections on these islands are subject to the Dutch Electoral Law. The most recent elections for the Island Councils took place on 20 March 2019. No Island Council election was conducted on St. Eustatius in March 2019. The delayed Island Council election on St. Eustatius was held on 21 October 2020. The Electoral Council supported the officials in the practical organisation and application of the Electoral Law.

The elections ran well. On 23 October 2020, St. Eustatius' central electoral committee determined the result.



## Municipal redivision election

On Wednesday, 18 November 2020, redivision elections were held in the municipalities of Appingedam, Loppersum, Delfzijl, Oisterwijk, Vught, Boxtel and Haaren. In view of the COVID-19 pandemic, several special measures were taken to ensure that these elections were held safely. The Electoral Council issued a number of recommendations concerning the emergency legislation required for this.

### *Extra audits*

Supporting software made available by the Electoral Council was used for the determination of the results of this election (as well). Studies and tests revealed that the software works properly and shows no vulnerabilities. Nonetheless, there were still concerns about the operation of the counting software (OSV2020). Therefore, the Electoral Council offered to perform extra audits on the operation of the accounting software after the reapportionment elections. Results from these audits showed that the software had counted correctly.

### *Recount*

In the municipality of Oisterwijk, the central electoral committee decided to recount the votes due to a writing error in the manual quick count that is used for the provisional result. For this reason, more than 11,000 votes were recounted. This yielded the same result.

## New election software

For elections, political parties, municipalities and primary and central electoral committees can use Supporting Software for Elections (Dutch acronym: OSV) for candidate nomination and calculation. 2020 was the year of replacement for the old OSV software by the new OSV2020 version. Nearly all of the critical items noted in OSV in 2017 were resolved in this new version. Security and updates of the software components had great priority in this. The performance of independent evaluation and so-called penetration testing of the new version was part of the implementation. For more information about OSV2020 and about the evaluation and security reports, please see: <https://www.kiesraad.nl/verkiezingen/osv-en-eml>.

### *Tender for the performance of testing and research*

A tender was conducted for the performance of penetration testing and assessment studies. The tender resulted in a framework agreement which included five parties. OSV2020 software was used for the municipal redivision election that was held in November 2020. Furthermore, the Electoral Council worked on adaptations to the OSV2020 software for the 2021 House of Representatives election.



*Polling station (Boxtel).  
Photo: Phil Nijhuis*



#### *Tender for digital election software*

In addition to the updated OSV2020 version, the tender was prepared for the management, operation and development of a new concept for digital resources for the support of the election process. This digital software is based on a new security concept. The Electoral Council Secretariat collaborated with BZK and VNG on the further elaboration and tender of the digital software for elections.

Drive-thru polling station (Vught).  
Photo: Phil Nijhuis



### 3. Recommendations

The Electoral Council issued eight recommendations in 2020. Many of these recommendations had to do with COVID-19 and its consequences. It quickly became clear that measures were necessary to allow elections to proceed safely. In June, the Electoral Council issued a spontaneous recommendation about this. After this, the Minister of the Interior and Kingdom Relations (BZK) requested advisory from the Electoral Council concerning laws and regulations about Corona measures. The Electoral Council also provided recommendations about a number of other draft legislative proposals. In 2020, the Electoral Council issued the following advisories:<sup>8</sup>

1. *Recommendation concerning the change of the temporary experimental decision for adaptation of the regulation for voting with an electronic replacement postal ballot certificate (14 April 2020);*
2. *Recommendation concerning the day of voting with special measures in the context of COVID-19 (18 June 2020);*
3. *Recommendation concerning a change to the Electoral Law in connection with the definitive introduction of the new ballot for voters outside the Netherlands (13 July 2020);*
4. *Recommendation concerning the temporary elections law for COVID-19 (7 September 2020);*
5. *Recommendation concerning the temporary elections decision for COVID-19 (14 September 2020);*
6. *Recommendation concerning the temporary elections regulations for COVID-19 (12 October 2020);*

<sup>8</sup> All of the Electoral Council's recommendations can be found at [www.kiesraad.nl/adviezen-en-publicaties](http://www.kiesraad.nl/adviezen-en-publicaties).

7. *Recommendation concerning the change in the temporary elections law for COVID-19 (9 November 2020);*

8. *Recommendation concerning the change of the temporary experimental regulation of ballots for voters outside the Netherlands in connection with the implementation of an electronic replacement postal ballot certificate (9 November 2020).*

**1. Recommendation concerning the change of the temporary experimental decision for adaptation of the regulation for voting with an electronic replacement postal vote certificate (14 April 2020).**

Voters in national elections who wish to vote by mail from outside the country use a postal vote certificate for this. The replacement postal vote certificates turned out not to reach all voters on time. The Minister of BZK therefore proposed draft legislation that enabled voters outside the Netherlands to be given an electronic replacement postal vote certificate upon request. In addition, the proposal contained procedural improvements for voting with a postal vote certificate. The Electoral Council agreed to the proposed changes. The Electoral Council did indeed request that attention be paid to the method of sending, to informing voters, to the position of voters living in Curaçao, Aruba or Sint Maarten and to preventing double voting.

*Considering the positive recommendation, no significant changes needed to be made to the proposal. In the course of drafting the legislation, the Minister acknowledged the Electoral Council's additional focal points. This resulted in a change to the proposal on a number of technical points.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/april/22/advies-wijziging-tijdelijk-experimentenbesluit-elektronisch-briefstembewijs>

**2. Recommendation concerning the day of voting with special measures in the context of COVID-19 (18 June 2020)**

Special measures are necessary in connection with the COVID-19 pandemic for the municipal redivision election and the House of Representatives election. Special measures may well be necessary for those elections as a result of the Corona pandemic. The main idea is to prevent crowding at polling stations and offering sufficient physical protection from the spread of the virus. In this recommendation, the Electoral Council has inventoried the possibilities for special measures within current laws and regulations.

The Electoral Council emphasised that any mandatory measures cannot be deployed lightly. Some mandatory measures represent an infraction of one of the nine safeguards of the electoral process. Those safeguards are: the right to vote, voting secrecy, freedom in voting, uniqueness, accessibility, integrity, transparency, independence and accountability. Consider the proxy regulation, for example, or the setup of the polling station. In the consideration of any possible measures, the Electoral Council always recommended that municipalities take the safeguards and the ability to implement these into account. Finally, the Minister was advised to provide clarity about the measures to be taken in July 2020.



*In the legislative process concerning elections and Corona, the Electoral Council's recommendation concerning COVID-19 was referred to multiple times. The evaluation steps discussed in this recommendation were then used each time.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/juni/18/advies-over-de-dag-van-stemming-met-bijzondere-maatregelen-in-het-kader-van-covid-19>

**3. Recommendation concerning a change to the Electoral Law in connection with the definitive introduction of the new ballot for voters outside the Netherlands (13 July 2020);**

Voters abroad have voted by mail using an A4-format ballot since 2013. This concerned an experiment. Methods were sought to make the ballots more practical for those voting by mail and to enable sending the ballots electronically. This experiment has now been evaluated and the Minister of BZK has suggested that this new ballot be included definitively in the Electoral Law. The Electoral Council was also positive about the experiment. The Electoral Council did recommend, however, informing voters that they must fill in the ballot in a colour with sufficient contrast. The Electoral Council also made technical suggestions about registering the logos of political groups.

*The Minister considered it a good suggestion to inform voters about choosing a colour with sufficient contrast. Other suggestions were also adopted or were used to draw up the underlying regulation.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/juli/17/advies-over-wijziging-van-de-kieswet-in-verband-met-de-definitieve-invoering-van-het-nieuwe-stembiljet>

**4. Recommendation concerning the temporary elections law for COVID-19 (7 September 2020);**

As a matter of urgency, the Electoral Council provided advisory about a temporary law with measures enabling voting at polling stations during the COVID-19 pandemic. The Electoral Council was critical of a number of measures. For example, the Electoral Council advised against expansion of the proxy regulation. Moreover, the Electoral Council was critical of the limited opening of certain polling stations. The Electoral Council was also critical of the idea of removal of a voter from a polling station in the event that this person refused to comply with the rules of hygiene. Furthermore, the Electoral Council recommended a different working method for polling station officials with a view to smooth voter flow-through and proper conduction of the vote.

*The main parts of the proposal were not changed. The suggested allocation of tasks for polling station officials was indeed adopted and implemented during the municipal redivision election in the autumn.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/september/10/advies-over-de-tijdelijke-wet-verkiezingen-covid-19>



**5. Recommendation concerning the temporary elections decision for COVID-19 (14 September 2020);**

Shortly after completing its consideration of the temporary law, the Electoral Council was asked to make a recommendation in the short term about its further elaboration in the Electoral Act. It was proposed, for example, that pencils should no longer be left in the voting booth, but that voters always be given a clean pencil. The Electoral Council agreed to the change, but noted that having a clipboard to write on had also been omitted by mistake. The recommendation was made to correct this omission.

*The Minister did indeed correct the omission of the clipboard.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/september/18/advies-over-het-tijdelijk-besluit-verkiezingen-covid-19>

**6. Recommendation concerning the temporary elections regulations for COVID-19 (12 October 2020);**

The temporary regulation contains the distancing and hygiene measures that must be complied with at polling stations. In addition, several models elaborate how the voter will be informed of these safety measures beforehand and at the entrance to the polling station. The Electoral Council was asked for advisory about this proposal within a few days. The Electoral Council noted several deviations with respect to the temporary law and recommended corrections to this. These concerned questions in the health check, for example; the instructions with which voters must comply at the polling station and the instructions with which polling station officials must comply. The Electoral Council also made proposals for changes to the models designed. These now align more closely with the intended purpose and proper conduction of the electoral process.

*Which of the Electoral Council's recommendations have been adopted is not yet known. Several remarks have already been adopted, but the Minister did not have enough time to include the other comments. The models will be established once again for the House of Representatives election. As necessary, the Minister will still take the recommendations of the Electoral Council into account.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/oktober/19/advies-over-de-tijdelijke-regeling-verkiezingen-covid-19>

**7. Recommendation concerning the change in the temporary elections law for COVID-19 (9 November 2020);**

As a supplement to the measures from the temporary law, the Minister of BKZ proposed a few extra measures in a second emergency act. One proposal is that, in a limited number of polling stations for each municipality, voters can already vote on the Monday and Tuesday prior to the day. Furthermore, the Minister proposes that voters 70 years of age and older can make use of postal voting. The Electoral Council understands that, because of the COVID-19 pandemic, it's clear that measures are necessary beyond those required under normal circumstances, and refers in the recommendation to the risks inherent in postal voting. These risks are acceptable only if voters





have no good alternative for being able to vote. Due to the risks, the Electoral Council recommended allowing postal voting only upon request. The Electoral Council also pointed out that it can get extremely busy precisely in polling stations that have been opened early since the proposed numbers of polling stations has been estimated to be low in certain scenarios. The recommendation was also made not to allow exit polls to be done on days of early voting.

*The main parts of the Temporary Law were not changed. Various technical and procedural recommendations made by the Electoral Council have been included in the legislative proposal.*

<https://www.kiesraad.nl/adviezen-en-publicaties/adviezen/2020/november/10/advies-over-de-wijziging-van-de-tijdelijke-wet-verkiezingen-covid-19>

**8. Recommendation concerning a change to the temporary experimental regulation of replacement electronic postal vote certificates for Dutch voters abroad (9 November 2020).**

The regulation is an elaboration of the temporary experimental decision. This regulation enables Dutch voters abroad to request a replacement electronic postal vote certificate if they have either lost or not received theirs. Among other things, the regulation includes a provision about the registry of postal vote certificates and a model is proposed for a replacement electronic postal vote certificate. The Electoral Council agreed to the proposed change.

*The Minister saw no reason to adapt the regulation as a result of the consultation round. Information about the regulation was nonetheless changed as a result of a response from the municipality of the Hague.*

<https://www.kiesraad.nl/actueel/nieuws/2020/11/12/advies-kiesraad-over-elektronisch-vervangend-briefstembewijs>



Counting of votes (City Hall of Boxtel).  
Photo: Phil Nijhuis



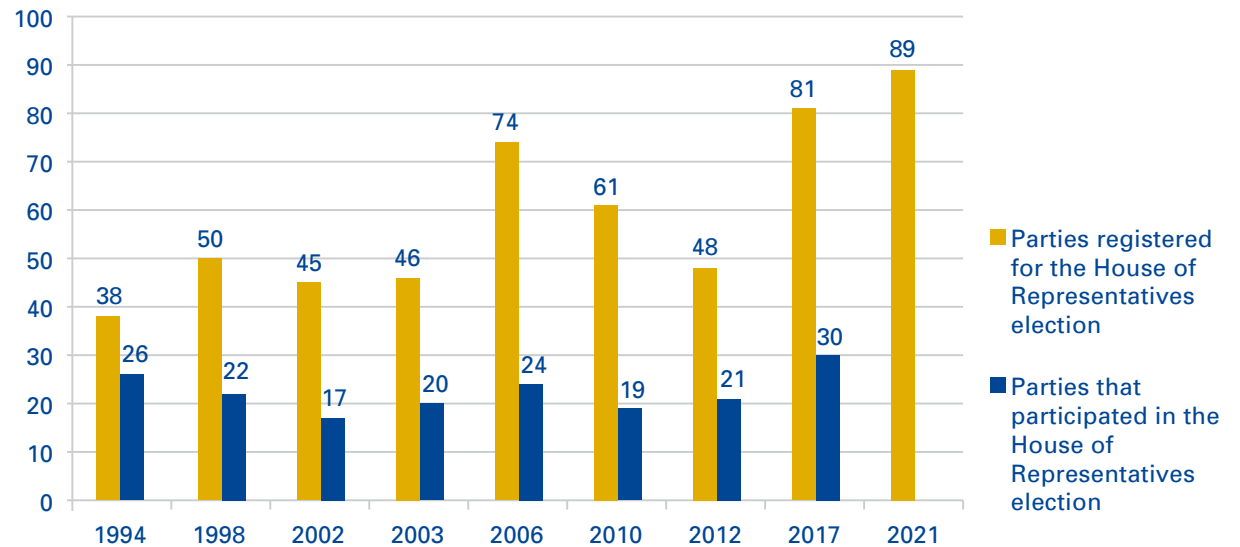
## 4. Registrations of party names and appointments

The Electoral Council received 43 requests in 2020 (through 21 December 2020) for the registration of party names (appointments) in the registry for the House of Representatives elections. One appointment was deleted from that registry at the request of the party. The registry for the European Parliament elections and the Senate elections remained unchanged.

### House of Representatives registry

With the House of Representatives elections on the horizon, the Electoral Council received a large number of requests for registration in 2020. At the beginning of the year, the registry contained 46 appointments; this increased to 89 at the end of December 2020. Never in recent decades were so many appointments registered for House of Representatives elections. In addition, six appointments were changed in this registry upon request. Logos were recorded in the registry for 27 appointments and three logos were changed at the request of the parties.

## Historical overview of registrations and parties participating in House of Representatives elections during period 1994-2021



In addition to 43 new registrations, the Electoral Council also rejected a request for registration in 2020. This concerns the request for registration of the designation “Plaatselijke Politieke Groeperingen” (Local Political Groups). The Electoral Council believes that the appointment of “Plaatselijke Politieke Groeperingen” incorrectly gives the impression that these political groups are jointly allied with the local political groups in the Netherlands and with the Vereniging voor Plaatselijke Politieke Groeperingen (an appointment already registered). This raises the issue of an appointment that is otherwise misleading (on the basis of the Electoral Law, article G1, fourth paragraph, under c).

### European Parliament registry

No new appointments were recorded in the registry for the election of the Dutch members of the European Parliament. The Electoral Council did indeed change the appointment of “Democraten 66 (D66)” into “D66” at the request of the party. In addition, the logos associated with the appointments of D66 and DENK were changed.



A polling station official is cleaning a polling booth (Boxtel).  
Photo: Phil Nijhuis



## Appointments

One task of the Electoral Council is appointing new members to openings in the Senate, House of Representatives and European Parliament. Nine members were appointed to the House of Representatives in 2020 – seven intermediate openings and two temporary openings due to illness or pregnancy. Six intermediate appointments were made in the Senate and two as temporary appointments. The Electoral Council appointed three new members to the European Parliament for the three seats arising from the United Kingdom's departure from the European Union.

### Number of appointments and openings during the period 2016-2020

	2016	2017	2018	2019	2020
House of Representatives	13	15	16	15	9
Senate	4	9	11	10	6
European Parliament	0	3	0	2	3



*A voter shows his ID (Oisterwijk).  
Photo: Phil Nijhuis*



## 5. Lawsuits

In 2020, four cases were lodged against a decision of the Electoral Council in its function as central electoral committee. The Council acted as defendant in these lawsuits. The appellant withdrew the appeal in all cases. Therefore, no judgments were felled in 2020.

The Electoral Council recorded the party name of “Lokaal voor Democratie” in the registry on 8 June 2020. Four parties lodged an appeal against this. Ultimately, the appeal was withdrawn in all four cases, such that the registration became definitive.<sup>9</sup>

<sup>9</sup> The objections were originally lodged by (1) Democratische Liberalen and Lokale Partijen Zuid Holland, (2) Lokaal Halderberge, (3) Lokaal Brabant, Lokale Partijen Zuid Holland and Lokale Partijen Gelderland and (4) Lokaal Perspectief and Lokaal Brabant.



*Voting in a pub (Vught).  
Photo: Phil Nijhuis*



## 6. Expertise and Communication

### Elections Information Point

An Elections Information Point was set up once again in October 2020 with a view to the municipal redivision elections in 2020 and the House of Representatives elections in 2021. This Information Point is a collaborative effort by BZK and the Electoral Council. As of the end of 2020, the Information Point had handled 1036 questions, most of which had been posed by citizens (375), followed by municipalities (335) and then by political parties (278). The Information Point will remain active until mid-April 2021.

### Website

Via the website [www.kiesraad.nl](http://www.kiesraad.nl), the Electoral Council provides current information about the electoral process to municipalities, provinces, political parties, policymakers, journalists and voters. In addition to information about the Electoral Law, the website also provides information about Electoral Council recommendations, the appointments of members of Parliament, registrations of party names, the results of elections and important dates in the election process. The website also contains summary information in English about the election process.



In 2020, the website was visited 506,992 times. This was considerably less than the 2019 visitor number of 1,273,124. There were also more elections that year. Among these were the municipal reapportionment elections, elections for the European Parliament, Senate, provincial council elections and water board elections. The website saw the greatest number of visitors, 76,882, in the month of November 2020, the month of the municipal redivision election.

In 2020, 2851 visitors viewed the page “The Election Law in Brief” (previously “The Election Law Explained”), with an accessible version of the Election Law. This visitor number was 5720 in 2019. This part of the website was developed in 2015 at the request of the minister at that time, Mr Plasterk.

45 news items were published throughout 2020. This was significantly less than the 83 news items published in 2019.

The content about the OSV and the redivision election, in particular, was expanded and updated. An accessibility statement was also placed on the website.

## Press

The Electoral Council was approached 115 times for questions from the press in 2020. This involved questions from national newspapers (including NRC, Volkskrant, Telegraaf, Parool); regional papers (including Friesch Dagblad, Brabants Dagblad; periodicals/news magazines (including Elsevier, Groene Amsterdammer); radio and TV (including Nieuwsuur, Omroep MAX, RTL4); and websites such as www.nu.nl. A few questions were also fielded from foreign media (the New York Times and the French press bureau). The number of questions from the press in 2020 – 315 – was significantly lower than in 2019. Most questions from the press were posed in 2020 in the month of December – the month of the deadline for registering appointments (names) for the 2021 House of Representatives election. 2020 also saw the requisite questions from the press about such topics as the registration of appointments, changes at the helm of Forum voor Democratie, the recruitment campaign for electoral committee members, COVID-19 measures for elections (and the Electoral Council’s critical recommendations about this).

The Electoral Council gave a number of interviews in 2020 about the critical *recommendation* concerning election-related COVID measures and about the course of the municipal redivision election (for Een Vandaag radio and TV, RTL4 news and for local media).



*Cleaning pencils (Oisterwijk).  
Photo: Phil Nijhuis*



## Social media

The Electoral Council uses Twitter, primarily to share news items. Informative questions are answered, possibly with a reference to the Information Point. Throughout the year, the Electoral Council tweeted some 72 times (in 2019: 111) – most were made in the month of December (18). The number of people following the Electoral Council on Twitter rose to 2370 at the end of the year; this in comparison to the 2051 at the end of 2019. The tweets generating the most re-tweets were about the deadline for appointments registrations (9476), closing of the polls for the municipal for elections (5712), the three extra Dutch seats in the European Parliament (3865) and the critical recommendation issued by the Electoral Council about the expansion of the proxy regulation (1860). There was also considerable interest in the tweets about job openings at the Electoral Council.

## Election results database

The election results database stores the results of the following elections and referenda: Senate, House of Representatives, European Parliament, provincial councils, municipal councils, redivisions, water boards (since 2015), national referenda and island councils (since 2010).

The results of recent elections are available as EML files via [www.data.overheid.nl/](http://www.data.overheid.nl/). The accessibility of the database was further improved in 2020.





## Publications and research

In the context of its task as a recommendation body and in the broader domain of elections and voting rights, the Electoral Council performs research or has this performed. In this regard, a study performed by the Central Statistics Bureau was published in June 2020 concerning possibilities for deploying statistical methods for detecting unusual results at the polling station level.

<https://www.cbs.nl/nl-nl/maatwerk/2020/24/mogelijke-methoden-bij-controles-verkiezingsuitslagen>.

Other research resulted in the following publications:

Tom Dobber and Ron de Jong, 'Oude wijn in nieuwe zakken? Microtargeting van kiezers vroeger en nu', in: Tijdschrift voor Communicatiewetenschap 48 (2020) no. 2, p. 98-111.

Ron de Jong, 'Hooggespannen verwachtingen. Verkiezingen en de grondwetsherziening van 1848', in: De Moderne Tijd 3 (2019) no. 4, p. 324-335.

Ron de Jong, 'De lijststem: niet strijdig met ons kiesstelsel', Stuk Rood Vlees 7 February 2020  
<http://stukroodvlees.nl/de-lijststem-niet-strijdig-met-ons-kiesstelsel/>

Ron de Jong, 'Onrealistische verwachtingen over provinciale politiek na kiesstelselwijziging', Stuk Rood Vlees 26 March 2020 <http://stukroodvlees.nl/onrealistische-verwachtingen-over-provinciale-politiek-na-kiesstelselwijziging/>

Ron de Jong, 'Ronselen van volmachten. Wat valt daartegen te doen?', Stuk Rood Vlees 1 July 2020  
<http://stukroodvlees.nl/ronselen-van-volmachten-wat-valt-daartegen-te-doen/>

Ron de Jong, 'Algoritmes, autonomie en verkiezingen', Stuk Rood Vlees 24 September 2020  
<http://stukroodvlees.nl/algoritmes-autonomie-en-verkiezingen/>

Ron de Jong and Tom Dobber, 'Microtargeting van kiezers: inherent aan verkiezingscampagnes', Stuk Rood Vlees 3 December 2020.  
<https://stukroodvlees.nl/microtargeting-van-kiezers-inherent-aan-verkiezingscampagnes/>

In addition, the Electoral Council writes a column for each edition of the NVVB magazine "Burgerzaken en Recht".



## Scientific Advisory Council

The Scientific Advisory Council consists of experts in the area of elections and voting rights. Its task is to support and evaluate the Electoral Council's scientific research. The members of the Council are:

- Chairman: ***prof. dr. W. Voermans***,  
Professor of Constitutional and Administrative Law at the University of Leiden
- Members: ***dr. H. van der Kolk***,  
Associate Professor on the Faculty of Behavioural, Managerial and Social Sciences at the University of Twente
- dr. J. van Merriënboer***,  
Historian and researcher at the Centre for Parliamentary History
- Secretary: ***dr. R. de Jong***,  
Electoral Council researcher

The Scientific Advisory Council met once in 2020 to discuss the studies from the previous year and the resulting publications.



*A polling booth with a tactile device for blind and partially sighted voters (Vught).  
Photo: Phil Nijhuis*



## 7. Network – national and international

The Electoral Council maintains a national and international network and builds on these relationships. The annual conferences abroad could not take place in the customary manner due to the COVID-19 pandemic. No international working visits were conducted because of travel limitations.

### National

In the context of its work activities, the Electoral Council has contact with all sorts of organisations and institutions at the national level. Among our important stakeholders are:

#### *The Ministry of the Interior and Kingdom Relations*

Just as in previous years, regular consultation took place in 2020 with administrative and official representatives of the Ministry of BZK about policy, legislation and management issues.

#### *States General*

Contact was held with (clerks of) both the Senate and the House of Representatives about the appointment of new MPs that must be made in the context of (temporary) vacancies that have arisen.



### *VNG and NVvB*

Regular planned discussions are held with the Association of Dutch Municipalities (Dutch: Vereniging van Nederlandse Gemeenten - VNG) and with the Dutch Association of Civil Affairs (Dutch: Nederlandse Vereniging voor Burgerzaken - NVvB).

## **International**

### *Conventions and conferences*

The annual e-vote conference was held from 6 to 9 October. Under normal circumstances, this conference is held in Bregenz, Austria. This year, the Electoral Council participated in the digital edition of this conference. The topic of this conference was the use of electronic voting methods.

In addition, on 12 and 13 November, the Electoral Council was represented digitally at the 17th annual EMB conference of the European Council's Venice Commission. This annually occurring conference drew nearly 160 online participants – from representatives of so-called “electoral management bodies (EMBs)” to election experts and scientists. The theme was “Electoral law and electoral administration in Europe, Recurrent challenges and best practices”. During the digital panels and discussions, the emphasis was on the organisation of elections during the COVID-19 pandemic, conducting campaigns online and alternative voting methods.

### *International IDEA webinars*

The International Institute for Democracy and Electoral Assistance, International IDEA, an intergovernmental organisation established in Stockholm, organised a number of webinars for elections experts. The Electoral Council participated in these webinars in October and November. The consequences of the COVID-19 pandemic for election processes worldwide were inventoried and discussed from a legal perspective. Particular attention was paid to experiences with voting by mail, electronic voting methods and early voting. The Association of European Election Officials (ACEEEO) was one of the organisers.



## 8. Finances

The Electoral Council's budget is handled in Chapter IIB of the National Budget: Other High Councils of State and Governors' Cabinets, under policy article 9 "Electoral Council".

The Council manages its budget itself. The Minister of the Interior and Kingdom Relations (BZK) is responsible for managing the budgets of the States General and the Other High Councils of State, the Governors' Cabinets and the Electoral Council. Agreements about the content of this management (the so-called management agreements) exist between the Minister and the Councils, in which justice is done to their constitutional position.\*

### Disposable budget

In 2020, the Electoral Council's disposable budget amounted to € 2,465,000. A total of € 1,762,000 was added to this budget throughout the year. This was used for the development of the new version of OSV, for the House of Representatives elections in 2021 and for ICT support, among other things. A cash transfer was done due to the extension of the schedule of the work activities on OSV. In addition, on the occasion of the second supplementary budget, an amount totalling € 1,136,000 was deducted from the 2020 budget in connection with an expected under-realisation. € 2,667,000 was exhausted from the total budget.\*\*

### Compensation of the chairman and members of the Electoral Council

The Electoral Council members received financial compensation in 2020. The chairman received monthly compensation based on 0.3 FTE in scale 18 according to the Civil Servants Remuneration Decree (Dutch acronym: BBRA). Members of the Council received compensation of € 298.59 (until July 1, 2020) or € 300.68 (from July 1, 2020 on, respectively) per meeting and a travel allowance. As a consequence of the implementation of the Standards Act for the Remuneration of Senior Officers in the Public and Semi-Public Sector (Dutch acronym: WNT), the WNT reporting obligation applies to the positions of the chairman and members of the Electoral Council. This standard also applies to the administrative staff.

\* See: "Comptabiliteitswet 2001", Article 19.

\*\*See: Chapter IIB of the National Budget: Other High Councils of State and Governors' Cabinets, Annual Report, article 9 of the Electoral Council ([rijksbegroting.nl/2020](https://rijksbegroting.nl/2020)).

