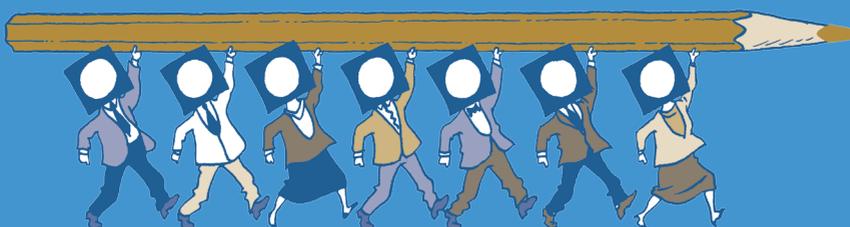


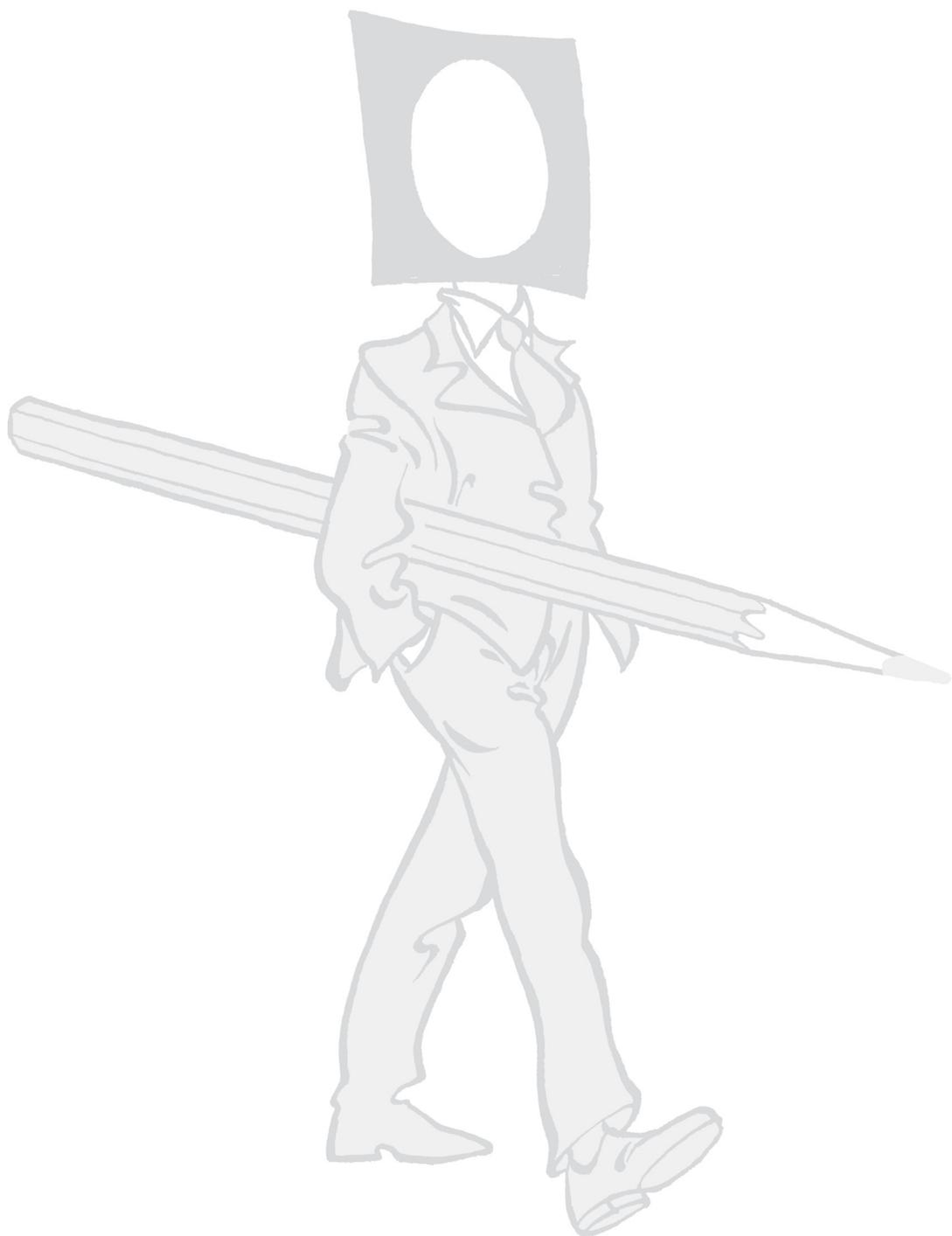
KIESRAAD



Dutch Electoral Council

Organisation and responsibilities





Responsibilities Electoral Council

The Electoral Council is the central electoral committee for the elections of the Lower House, the Upper House and the European Parliament, and:

- determines the official election results;
- checks and registers the appellations of political parties wishing to take part in national elections;
- and it checks - and confirms - the lists of candidates in elections to the Lower House and the European Parliament.

The Electoral Council advises the government and Parliament on the election law and the organisation of elections.

The Electoral Council informs civil servants, political parties and citizens about the election law and elections.

Questions which citizens, civil servants, political parties and administrators may have about the election law and elections can be referred to the Electoral Council.

Members Electoral Council



The Electoral Council consists of seven members. These members are appointed by Royal Decree for a period of four years, and can be reappointed twice. They are appointed on the basis of their expertise in giving advice on the Election Law and elections. The chairman is Prof. dr. H.R.B.M. Kummeling.

A secretariat assists the members of the Electoral Council in their activities.

A few questions for Henk Kummeling, Chairman of the Electoral Council:



What are the interests of an organisation like the Electoral Council?

Trust in the political system is very important. Citizens should therefore feel confident that elections are fair and in accordance with the rules, and that the authority supervising this process is absolutely impartial and independent.

How do the recommendations of the Electoral Council contribute to the improvement of the electoral process?

No two elections are alike, since society changes, new parties emerge and media change. The process therefore needs to be continually improved. Since the Electoral Council collects all the necessary knowledge, it is best placed to make recommendations on ways to improve. The Electoral Council does not serve any political interests, and advises purely from its own expertise regarding the fairness, transparency and reliability of elections and the electoral process. This lends extra weight to the recommendations of the Electoral Council.

The Electoral Council as the Central Electoral Committee

The Elections Act stipulates that the Electoral Council is the central electoral committee for the election of the members of the Lower House, the Upper House and the European Parliament.

Registration of Political Parties



If a political party wishes to take part in the elections under a certain name (the official term is 'appellation'), it needs to have this name officially registered. This appellation will appear at the top of the list of candidates and ballot-paper. The Electoral Council registers appellations for the Lower House, Upper House and European Parliament elections.

Appellations which have been registered with the Electoral Council for elections to the Lower House have what is referred to as a 'carry-over effect' to the provincial council and municipal council elections. Registrations do not have a carry-over effect to the European Parliament elections. A separate registration is therefore required for taking part in the European elections.

Nomination of Candidates

On the day when candidates are nominated, political parties submit their list of candidates to the central electoral committee. In elections to the Lower House and European Parliament, the Electoral Council takes on the role of the central electoral committee which inspects these lists of candidates and officially confirms them. Elections to the European Parliament differ from those for the Lower House in that the Netherlands is not subdivided into 19 electoral districts for the nomination of candidates but forms a single electoral district. This means that only one list of candidates is submitted, together with - if applicable - thirty declarations of support.

During municipal council and provincial council elections, each municipality and each provincial capital respectively assumes the role of central electoral committee. The Electoral Council largely acts as an information centre. The secretariat of the Electoral Council provides citizens, municipalities, provinces and political parties with information.

The Elections Information Centre, which is active during elections, is a joint initiative of the ministry of the Interior and Kingdom Relations and the Electoral Council. It provides information on the practical and legal aspects of elections.

Determination of the Results



When calculating the election results, the number of available seats is divided between the political parties, and the candidates are designated.

The official reports from the principal electoral committees form the starting point for the central electoral committee. These reports specify the number of votes secured by the lists of the political parties and the candidates specified on these lists.

During municipal council elections, the central electoral committee bases itself directly on the information it receives from the polling stations.

The number of votes is used to determine the number of seats to be allocated to the various parties. The electoral quotient plays a role in this.

The Electoral Council determines the official results of the elections to the Lower House, the Upper House and the European Parliament. The Electoral Council does not publish the official results of the European Parliament elections for the Netherlands until other countries in Europe have gone to the ballot-box.

Election Results Database

In 1998, the Electoral Council began collecting the official results of elections in the Netherlands. This means the results of the elections to the Lower House, the Upper House, the European Parliament, the municipal council and the provincial council.

This database can be found on www.verkiezingsuitslagen.nl. It unlocks the election results for all representative bodies since the introduction of the right to vote directly in 1848.

The database also includes the results of the national referenda (only one, in 2005, has been held to date). The election results can be retrieved at a municipal, provincial or national level, or at an electoral district level.

Red Pencil and Computers



Over a period of thirty years, voting machines were increasingly used to vote. However, these machines were banned in 2007, since they could not provide sufficient assurance that votes were cast in secret. The reliability and transparency of the counting of votes was also a point in question. Since the elections to the European Parliament in 2009, the Netherlands has gone back to using the (red) pencil and ballot-paper.

However, computers are still used to support the election process. The Electoral Council has ordered the development of software for all elections. Political parties also use this software to prepare their lists of candidates. The software was given the name 'Supportive Electoral Software'. Municipalities, political parties and the Electoral Council used this software for the first time during the European Parliament elections in June 2009.

Filling Vacancies

If a seat becomes available in the Lower House, the Upper House or the European Parliament, the chairman of the Electoral Council is responsible for appointing a candidate as a member of the representative body concerned. When appointing successors for vacancies, the chairman of the Electoral Council, in his/her capacity as chairman of the central electoral committee, checks who is at the top of the list of candidates in question, which was confirmed after the elections. This person qualifies for appointment. If a candidate does not wish to qualify for an appointment for an interim vacancy, he/she can indicate this, so that he/she will not be considered during the appointment procedure.

The Electoral Council as an Advisory Body



The Elections Act stipulates that the Electoral Council is responsible for advising the government, the Lower House and the Upper House on matters regarding the election law or regarding elections. Its advice can be distinguished into solicited or unsolicited recommendations.

Examples of Recommendations

The topics on which the Electoral Council makes recommendations are highly varied. They range from a recommendation on a consultative referendum on the EU Reform Treaty to a recommendation on assisting voters who have no or insufficient command of the Dutch language, from a recommendation on a legislative proposal to amend the Elections Act as a result of the new constitutional position of the BES (Bonaire, Saint Eustatius and Saba) islands within the Netherlands to a recommendation on the allocation of an additional seat to the Netherlands in the European Parliament.

The Electoral Council has also responded to the Legislative Proposal on the Funding of Political Parties. The proposal provides for the independent supervision of the funding of political parties.

History



The history of the Electoral Council goes back to 1917, the year in which a new electoral system - proportional representation - was introduced in the Netherlands. The central electoral committee, the precursor of the Electoral Council, was established in December of the same year.

The central electoral committee was charged with establishing the results of the Lower House elections and determining the distribution of seats. The district system, which was in force in the Netherlands until 1917, did not call for a central electoral body, since the results were determined by the principal electoral committee of each electoral district.

At first, the central electoral committee was only responsible for the elections for the Lower House. This changed in 1922, when the members of the Upper House were also elected according to the system of proportional representation. The central electoral committee has since also determined the results for these elections. In the Elections Act of 1951, the name of the central electoral committee was changed into the 'Electoral Council'.

Since the European Elections Act came into effect in 1978, the Electoral Council also acts as the central electoral committee during the elections for the European Parliament.

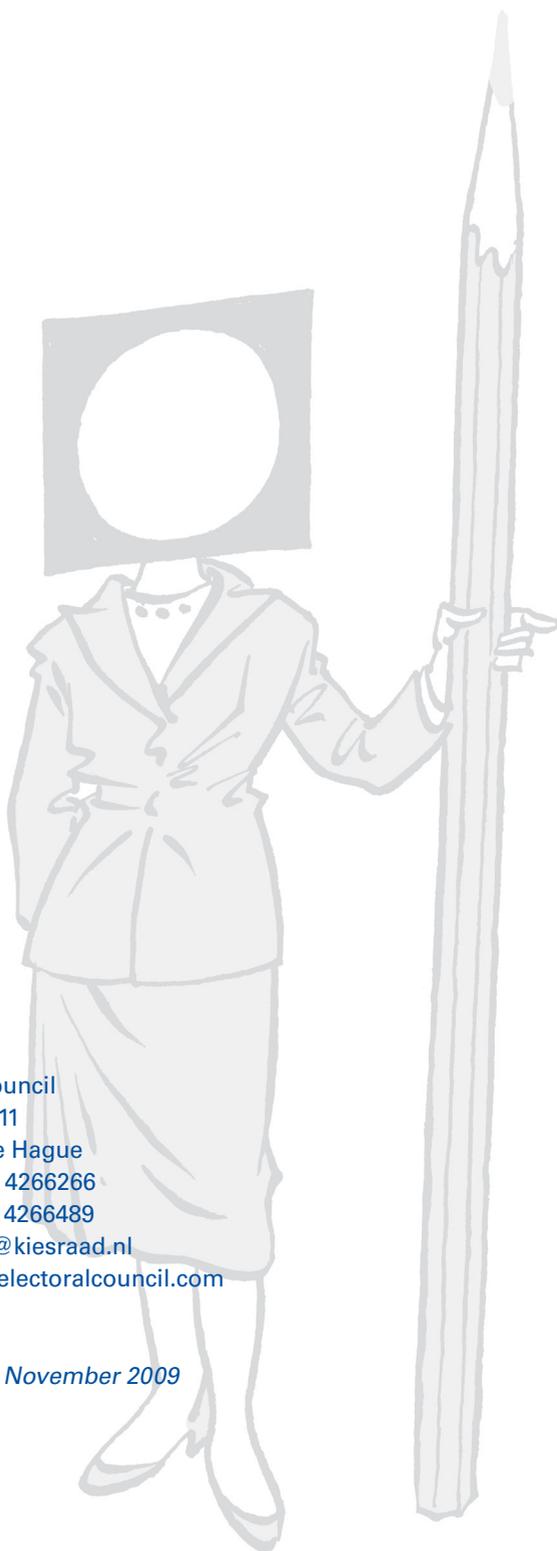
Under the Interim Referendum Act (in force from 2002 to 2005) the Electoral Council was the central electoral committee for national advisory corrective referenda. However, these were never held. In 2005, the Electoral Council did act as the central electoral committee for the consultative referendum on the European Constitution.

Independent Position

From its establishment, the central electoral committee was housed in the building of the ministry of the Interior and Kingdom Relations. In the course of time, the Electoral Council was increasingly supported by officials from the ministry of the Interior and Kingdom Relations who, acting under the direction of the Electoral Council, were concerned with electoral legislation. The past few years have been characterised by a reversal of this process: the 'disentanglement' of the Electoral Council from the ministry of the Interior and Kingdom Relations. Eventually this will lead to a fully independent position of the secretariat of the Electoral Council.

After the radical amendment of the Elections Act in 1989, the task of preparing legislation was taken away from the Electoral Council. However, this 'disentanglement' took on definite form in November 2005 when the ministry purposefully chose a more independent positioning of the secretariat in order to strengthen and support the independent position of the Electoral Council. The officials at the secretariat are employed by the ministry of the Interior and Kingdom Relations. However, under the Advisory Bodies Framework Act, they are only held accountable to the Electoral Council.

The Electoral Council maintains contact with international sister organisations and such institutions as the Council of Europe and the European Union, the Organisation for Security and Co-operation in Europe (OSCE) and the International Institute for Democracy and Electoral Assistance (IDEA).



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