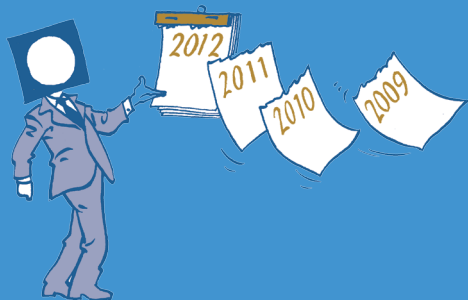


KIESRAAD



Elections and the election law

Electoral System





Electoral System

Characteristic of the (current) Dutch electoral system - in international perspective - is its accessibility. Citizens and political parties wishing to take part in elections face few hurdles. The main steps to be taken are: to register your name, pay a deposit, submit a list of candidates and hand in a number of declarations of support. Once a party is elected, it will qualify for government subsidy, provided that it is organised as an association.

Allocation of Seats



The Netherlands does not have any electoral districts. Moreover, it does not have an increased electoral threshold. In other words: divide the number of seats which can be obtained by the total number of votes which have been cast, and the rough allocation of seats is clear. This system of proportional representation ensures that the Dutch Parliament is a faithful reflection of the preferences of the voters.

The Dutch electoral system is also fairly open when viewed from the perspective of the voter. Voters in the Netherlands do not have to register as such; an invitation to vote is delivered to their address. On the day of the election, voters can cast their vote in any polling station in their municipality. If they are not able to do so, they can authorise someone else to cast his/her vote.

Lower House

The elections to the Lower House take place every four years. All citizens aged 18 years and over who have Dutch nationality and are not disqualified from voting are entitled to vote. Political parties may submit a request for registering a certain name ('appellation') to the central electoral committee (in this case: the Electoral Council). Lists of candidates are submitted to, and assessed by, the principal electoral committee (or by the Electoral Council if centrally submitted).

An early dissolution of the Lower House (150 seats) may result from a conflict between the House and the government, a conflict within the government or a revision of the Constitution. Interim elections take place after the Lower House is dissolved.

The Electoral Council determines the official results of the election.

Upper House



Elections to the Upper House, also called the Senate, are held once every four years. This happens within three months of the elections to the provincial council. The Upper House elections do not take place directly, but indirectly: Citizens who are entitled to vote elect the provincial council, and the members of the provincial council in turn elect the 75 members of the Upper House.

Provincial council

The members of the provincial council are elected directly once every four years. The Netherlands has twelve provinces. The number of members of the provincial council depends on the number of inhabitants of a province.

One of the special powers of the provincial council is the election of members to the Upper House. A certain weight is assigned to the vote of each member of the provincial council. This weight ('vote value') differs from province to province, since the populations vary from province to province. For instance, a member of the provincial council in a more thinly populated province represents fewer inhabitants than a member of the provincial council in the densely populated provinces.

Municipal council

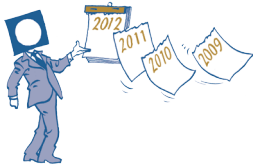
In the Netherlands, elections for the municipal councils take place every four years.

The Netherlands has over 400 municipalities. Municipalities are responsible for the organisation of the elections.

The size of a municipal council depends on the number of inhabitants of the municipality. The number of municipal councillors - and thus seats - is always an odd number.

One does not need to have Dutch nationality in order to be able to vote in these elections. Citizens of other member states of the European Union who reside in the Netherlands have the right to vote and to stand for election, subject to the same conditions as Dutch citizens. Citizens from countries other than the European Union must have resided legally in the Netherlands for five years to vote or stand for election.

European Parliament



These elections are held once every five years. There is no uniform electoral procedure for the European Parliament in Europe. Also, polling day across Europe is not always the same.

Since the ratification of the Treaty of Lisbon The Netherlands has 26 seats in the European Parliament.

Dutch citizens who live abroad and are no longer listed in the Dutch municipal personal records database can vote by post. If they live in another member state of the European Union, they can choose to take part in either the Dutch elections or the elections in the member state where they live.

The Elections Act since 1850: From an Exclusive to a Universal Right

The Netherlands has had an Elections Act since 1850, from the pen of the great statesman Thorbecke. In those days, the right to vote was still reserved for a male elite. It was not until 1919 that the right to vote was given to men and women. However, there were still quite a few people who were disqualified from voting, such as tax defaulters and beggars.

The Elections Act was frequently amended over the years. For instance, it became possible in 1928 to vote by proxy. Also, in 1946, the age at which people were entitled to vote was lowered from 25 to 23. In 1951, the Elections Act was thoroughly revised. In the decades that followed, the Elections Act was amended tens of times, including amendments covering name registration of political parties (in 1956), the date of nomination (in 1957) and the further lowering of the age at which people are entitled to vote to 21 (in 1965) and 18 (in 1972). The current Elections Act dates from 1989. This act lays down, amongst other things, that only associations with a charter drawn up by a civil law notary can register an appellation (name) for elections. Supplementary provisions covering matters such as combined lists and the distribution of residual seats were later added.

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



Do you still expect any radical amendments of the Elections Act during the years ahead?

I think that the electoral process will then be subject to stronger central control. Municipalities currently have many responsibilities and powers of their own in this process. This led to questions and caused tension during the Lower House elections in 2006, when there was commotion about the reliability of voting machines. Fraud is a frequently recurring problem in elections. Penal provisions to counter this, such as deprivation of the right to stand for election, are limited. I think that is going to change within the foreseeable future.

What do you think: Will the Dutch electoral system still look roughly the same in, say, 100 years?

Numerous attempts have been made since 1917 to change the electoral system. None of these were successful. Even the Citizens' Forum only came up with minor changes. Apparently we are still satisfied with the system.

From the Obligation to Vote to the Right to Vote

From 1917 to 1970, voters in the Netherlands were obliged to vote in elections (or, better said: were obliged to attend). Violations carried a fine. The legislator thought that citizens had a moral duty to designate their representatives in a democratic way. When the obligation to attend was lifted, the turnout at elections decreased. However, the turnout for the Lower House elections is in particular still exceptionally high (over 80% in 2006).

Electoral Legislation in The Netherlands

The Dutch electoral legislation has been laid down in a number of documents:

- The Constitution provides especially for the right to vote and to stand for election, and for any applicable exceptions and restrictions.
- The Elections Act provides for the elections of members to the Lower and Upper House, the European Parliament, the provincial council and municipal councils.
- The Elections Decree deals with a number of implementation issues from the Elections Act, including the naming of candidates on lists of candidates.
- The Municipalities and Provinces Acts provide for the right to stand for election in municipal council and provincial council elections respectively.
- In ministerial regulations, in particular the Elections Decree.

International Documents



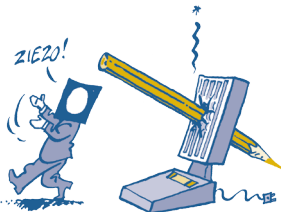
There are also several relevant documents concerning elections at an international level. The basic principles which recur in these documents are those of: free, reliable and fair elections by secret ballot. In addition, importance is attached to the independence and transparency of the electoral process. The most important international documents are:

- The Universal Declaration of Human Rights (UDHR, 1948), in particular Article 21.

- The European Convention on Human Rights (ECHR, 1950), particularly the third article of the first supplementary protocol from 1954.
- The International Covenant on Civil and Political Rights (ICCPR, 1966), Article 25.
- Document on the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE (Copenhagen Document, 1990), Articles 6 to 8.
- General Comment No. 25, The Right to Participate in Public Affairs, Voting Rights and the Rights of Equal Access to Public Service (1996).
- Code of Good Practice in Electoral Matters (2002) of the Venice Commission (on e-voting).

These and other international documents can be accessed via the website of the Electoral Council.

From the Red Pencil to the Voting Machine – And Back Again



In 1918, the Netherlands still voted with a black pencil. However, the ballot-papers became longer, and it became difficult to spot the black pencil marks when counting the votes. After some discussion about the new colour, the Lower House decided to 'vote in red' in 1922. The colour red was kept for the boxes of the voting machines, which were introduced in 1965.

Over a period of thirty years, votes were increasingly cast by means of voting machines. 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 registration and counting of votes was also a point in question. The (red) pencil and ballot-paper were therefore reintroduced throughout the Netherlands at the time of the European Parliament elections in 2009.

Electoral Council

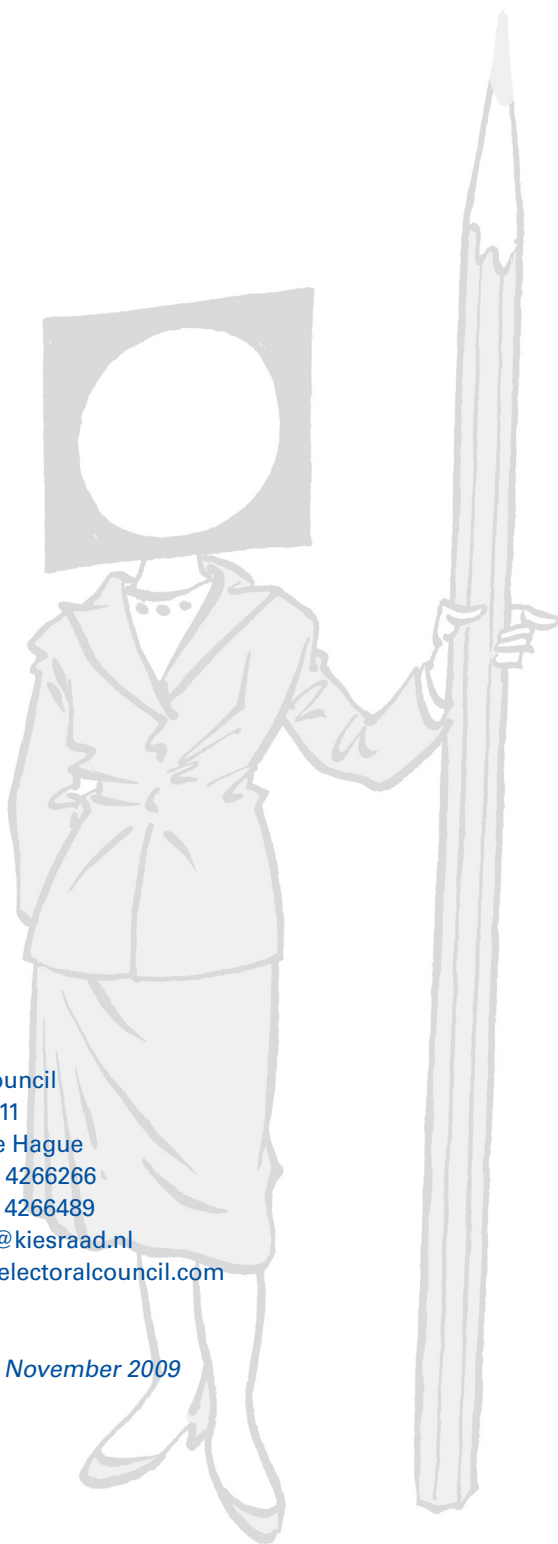
The Electoral Council is the central electoral committee for elections to the Lower House, the Upper House and the European Parliament, and:

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





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