

DEMOCRACY VOLUNTEERS

NETHERLANDS PARLIAMENTARY
GENERAL ELECTION - 22ND NOVEMBER 2023
FINAL REPORT



Democracy
Volunteers

the election observers



Netherlands Parliamentary General Election

22nd November 2023

Final Report on Election Observation

Objectives

1. To objectively observe the election process in The Netherlands.
2. To advise election officials on the results of the observation for the improvement of the electoral practice.
3. To support election bodies with constructive feedback on areas of concern so that they may consider remedial action.

Democracy Volunteers in The Netherlands

Democracy Volunteers have previously observed elections in The Netherlands, namely:

1. Netherlands Provincial and Water Board elections 15/03/23¹
2. Netherlands Municipal Elections 16/03/22²
3. European Parliamentary Elections in The Netherlands 23/05/19³
4. Netherlands Provincial and Water Board elections 20/03/19⁴
5. Netherlands Municipal Elections & Advisory Referendum 21/03/18⁵

The reports for these elections can be found via the footnotes below. The November 2023 deployment was the sixth deployment of Democracy Volunteers observers to The Netherlands. Our previous experience observing in the country has led us to assess 'proxy voting' more closely during the second 2023 deployment. We also continue to monitor so-called 'family voting' as this continues to impact the western democracies that we observe. As a member of the Global Network of Domestic Election Monitors (GNDEM), Democracy Volunteers has an agreed code of conduct for observers. All observers are trained and briefed before deployment on polling day, and they sign the organisation's code of conduct before observing. Our observer teams observe in teams of two, completing an online form once they have made their observations in each polling station.

Funding

All 24 observers deployed to observe the Dutch elections did so at their own cost or were supported from the general funds of the organisation. No finance was sought, or received, from any party or organisation, whether internal or external to The Netherlands, for the observation or this final report. Our observations are wholly independent of any institution.

¹ <https://democracyvolunteers.org/final-report-netherlands-provincial-and-water-board-elections-2023/>

² <https://democracyvolunteers.org/nl-2022-final/>

³ <https://democracyvolunteers.org/2019/07/15/final-report-european-parliamentary-elections-uk-netherlands-23-05-19/>

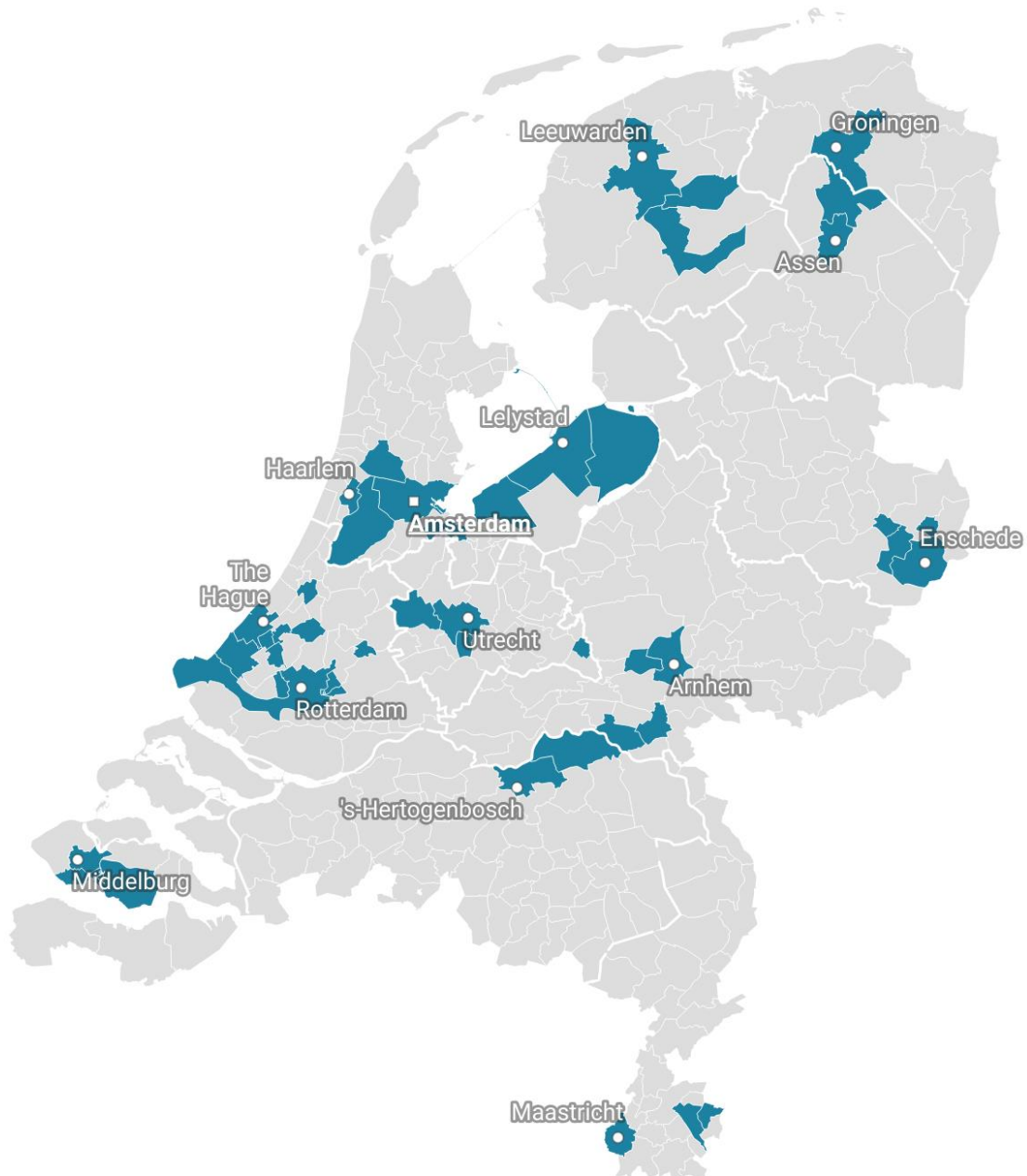
⁴ <https://democracyvolunteers.org/2019/05/16/final-report-netherlands-provincial-and-water-board-elections-20-03-19/>

⁵ <https://democracyvolunteers.org/2018/04/04/final-report-netherlands-municipal-elections-advisory-referendum-21-03-18/>

Executive Summary

The elections, based on the sample of 143 polling stations we observed across 34 Dutch municipalities, were very well run by elections staff. Our observation team, in the vast majority of cases, were impressed by the conduct of staff throughout polling day.

Municipality Areas Observed November 2023



Family Voting was identified by our observers at 21% (30 of 142) of polling stations. Family Voting is the practice by which one member of a family or group influences or guides another on the way to cast their vote and is described by the OSCE/ODIHR as an 'unacceptable practice'⁶.

Whilst overall cases of Family Voting were low, Democracy Volunteers would encourage a proactive approach by staff to prevent such occurrences taking place. Staff intervention was observed in some cases, though not always. As usual, our observers were generally greeted warmly by elections staff wherever they visited polling stations and counting. The team also held constructive meetings with interlocutors, such as election administrators and political parties, in the days preceding polling day.

Proxy Voting in The Netherlands

As we have noted before, proxy voting is a method of voting by which one elector can ask another elector to cast a ballot in their absence and on their behalf.

Proxy voting is defined by the OSCE Election Observation Handbook (2010) as:

'Where a person receives a ballot on behalf of another person and votes on their behalf, usually with their prior knowledge. In some jurisdictions, proxy voting is permitted, providing that the proper documents have been completed.'⁷

In the Dutch context, voters are eligible to appoint a proxy to vote on their behalf by signing the reverse of their voting pass (Stempas) and simply handing this to their proxy. Through this process the voter's pass 'has thus been converted into a certificate of authorisation'⁸. In addition to this, the proxy must supply an identity document (or a copy of one) belonging to the voter, although no prior application, or justification, is required to cast a ballot in this way. Proxy voting can also be requested prior to polling day, by requesting a proxy certificate is sent to their proxy from the local municipality. Each proxy is allocated two authorisations in any given election, contributing to the liberal nature of this process⁹. Throughout the population, eighty-four per cent of voters believe proxy voting should be allowed, with only nine per cent being against it¹⁰.

During previous elections across the Netherlands in 2021, temporary legislation was enacted to allow a proxy to vote on behalf of up to three other electors. This measure was revoked prior to this election, meaning each proxy could act on behalf of two other electors.

The frequency of proxy voting in The Netherlands has been historically high, with fluctuations in the prevalence between elections and between different economic, social, and

⁶ <http://www.osce.org/>

⁷ OSCE/ODIHR (2010) Election Handbook. 6th edn. Available online at :<https://www.osce.org/odihr/elections>

⁸ (Ministry of the Interior and Kingdom Relations, Section L14 p.57, 2019)

⁹ Jacobs, B. & Pieters, W. (2009) Electronic Voting in the Netherlands: from early Adoption to early Abolishment. Foundations of Security Analysis and Design V.

¹⁰ Schmeets, H. (2011) Many Dutch vote by proxy. Available online at: <https://www.cbs.nl/en-gb/news/2011/09/manydutch-vote-by-proxy>

religious groups¹¹. As noted by the OSCE, after attending the 2017 & 2021¹² parliamentary elections, the way this allows voters to participate in elections is 'at odds with the OSCE commitments and other international standards¹³.'

Data collected by our observer team in 2023 showed that 211 of the 380 observed individuals casting a proxy vote, 56% of those acting as proxies were male, with 44% being cast by females. This imbalance is an ongoing cause for concern, as the wide use of proxy voting could lead to Family Voting, with some sections of the electorate coerced or intimidated into giving their signed Stempas and physical or digital copy of their ID to a family member, friend, or campaigner.

We are encouraged that the number of proxies being allowed could be reduced to one per person, but we would recommend, as described later, that this should also be continuously monitored to assess those who are being proxied for, and whether there is evidence of this being a gendered activity.

¹¹ van der Kolk, H. (2014) Over het aantal volmachtstemmen.

¹² OSCE (2021) The Netherlands: Parliamentary Elections. Final Report. Available online at: <https://www.osce.org/files/f/documents/d/4/493360.pdf>

¹³ OSCE/ODIHR (2017) The Netherlands: Parliamentary Elections 15 March 2017. OSCE/ODIHR Election Assessment Mission Final Report. Available online at: <https://www.osce.org/odihr/elections/netherlands>

Observer Team



Dr John Ault FRSA FRGS (United Kingdom) was the Head of Mission for the 2023 Dutch elections Observation Mission and is the Executive Director of Democracy Volunteers.

John has worked in elections throughout the UK, Europe, and the United States since the 1980s. He has observed on behalf of the OSCE/ODIHR and the UK Parliament's Commonwealth Parliamentary Association in parliamentary elections as wide-ranging as Kazakhstan and the Isle of Man. He is a former chair of the UK's Electoral Reform Society and has previously been elected to local government and the UK's South-West Regional Assembly.

John has observed numerous elections for Democracy Volunteers, including Swedish and Norwegian parliamentary elections, the UK general elections in 2017 and 2019, the Finnish presidential and parliamentary elections in 2018, 2019 and 2023, as well as Dutch elections in 2017, 2018, 2019, 2022 and 2023. He has been an academic consultant on electoral and parliamentary reform in Moldova. He is an Honorary Research Fellow at the University of Exeter and has previously lectured at several UK universities. He has also been a Research Fellow for the Constitution Society, writing the recent article 'An accident waiting to happen? Voter ID in the 2023 English local elections.' He specialises in elections and campaigns and has published several books, including his doctoral thesis on electoral campaigning.¹⁴



Harry Busz FRSA (United Kingdom) is Democracy Volunteers' full-time Head of Operations. He was Deputy Head of Mission for our deployment within The Netherlands. Harry is a graduate in Human Geography at Cardiff University and holds an MA in International Relations from Exeter University and is currently researching for his PhD in Politics at Newcastle University. His research focuses on electoral integrity and the role of international, regional, and domestic observer groups in improving electoral practices across the OSCE region.

He has participated in multiple domestic and international observations such as the 2019 local elections in Northern Ireland, the provincial and Water Board elections in The Netherlands, national elections in Austria, as well as being the election coordinator for the 2020 USA midterm elections and 2019 UK general election, Ireland's 2020 general election, Denmark's 2021 kommune & regional elections, The Netherlands 2022 and 2023 elections, the Swedish 2022 parliamentary elections, and Finland's in 2023.

¹⁴ <https://consoc.org.uk/publications/john-ault-report/>

Credits

We would like to thank the local municipalities in The Netherlands, and their election officials, for their assistance in making our preparations for deployment to The Netherlands possible. In addition, we would like to thank all the election officials, parliamentarians, staff, campaigns, agents, and journalists who gave up their time to meet with us during the observation.

We would also like to thank our team of observers who worked long hours and travelled extensively in The Netherlands to attend as many polling stations and counting centres as possible. Democracy Volunteers deployed 24 observers across The Netherlands in these elections.

The Netherlands Electoral System

Elections in the Netherlands take place for five levels of government: The European Union, the state, the twelve provinces, the twenty-one water boards, the 342 municipalities, as well as the three special municipalities in the Dutch Caribbean.

Since universal suffrage was introduced in the Netherlands, elections have taken place using an open party list system of proportional representation (PR)¹⁵, with preferential voting. This open ballot structure means voters can select the list candidate they prefer and do not have to vote for the first candidate on a party's list. Instead, they can select a candidate lower down the list. Moreover, voters can also cast a blank vote which is included in the turnout despite no preference for party or candidate having been expressed.

All elections in the Netherlands are directly elected, with the single exception of the Senate, which is made up of 75 members elected by the provincial councils, based on the population size of each province.¹⁶

At this round of elections for the House of Representatives, approximately 13.3 million voters were eligible to vote.¹⁷

All voters casting a vote must show identification, which must not have been expired by more than 5 years on election day.

Everyone entitled to vote receives a polling card, which is taken with the voter to the polling station on polling day. There are two different systems; the call-to-vote card (oproepkaart) or a voting pass (Stempas). These two cards are now synonymous – all voters can vote at any polling station within their municipality, though there are some exceptions during water board elections.

Proxy voting is a widely used form of voting in The Netherlands. To obtain a proxy vote, an elector can either apply in advance of polling day, or sign their Stempas and give this, alongside their identification to the person they wish to vote on their behalf. This can be a picture or photocopy of the identification.

Although voting machines had been used for some years, a concern over their security has caused a return to the use of ballot papers and red pencils, with electronic voting banned in 2007 and electronic vote counting stopped prior to the 2017 general election. To vote, voters manually mark the box of the candidate they wish to vote for on the ballot paper with a red pencil. For all elections, polling is organised on the basis of municipalities, with each municipal executive responsible for the organisation of the elections.¹⁸

¹⁵ Netherlands Institute for Multiparty Democracy & Instituut voor Publiek en Politiek (2008), 'The Dutch Political System in a Nutshell', p. 22

¹⁶ <https://english.kiesraad.nl/elections/elections-of-the-senate>

¹⁷ Statistics Netherlands (2023) *Over half of voting population aged 50 and over*. Available at: <https://www.cbs.nl/en-gb/news/2023/46/over-half-of-voting-population-aged-50-and-over>

¹⁸ Kiesraad, 'Elections of the provincial council' (online), Available at: <https://english.kiesraad.nl/elections/elections-of-the-provincial-council>

In each municipality there are multiple voting stations, which, in general, open at 7:30am and close at 9:00pm, usually in communal buildings such as churches and schools. Polling hours can differ at special polling stations, but all must close by 9:00pm on polling day at the latest. Municipalities are responsible for determining the location of polling stations and their opening hours. Furthermore, municipalities are responsible for the selection and training of polling station staff, usually between three and seven per station including one chairperson. Voters are able to cast their ballot at any polling station inside the geography of their province and/or water board.

Elections of the House of Representatives

Elections to the Dutch House of Representatives (Tweede Kamer der Staten-Generaal) are held every four years, either in March or in May (depending on whether elections to the provincial councils or municipal councils are also held that year). This is the election of the lower house in the bicameral parliament of The Netherlands. The upper house is the Senate.

Following the resignation of the cabinet in July 2023, the government decided to hold new election on November 22, 2023.

As with other elections, the House of Representatives uses an open list proportional representation system.

The House of Representatives is composed of 150 members and is responsible for supervising the government and making new laws. Once the election has concluded, political parties negotiate to create a coalition which holds the support of the majority of the House of Representatives.¹⁹

Two separate counting systems are used in the electoral system. The D'Hondt method determines the number of seats per list. To qualify for seat distribution, a list needs to get votes equal to or higher than the Hare quota, which is 0.67%. Each voter can choose to cast a preferential vote. Seats won by a list are first given to candidates who receive at least 25% of the Hare quota in preferential votes, regardless of their position on the list. If multiple candidates meet this threshold, they're ordered based on their vote count. Any remaining seats are allocated according to the list's order of candidates.²⁰

Overview of the vote counting process

1. After polls close at 9:00pm, polling stations begin counting the votes manually, checking the turnout, then sorting the results at list level. The results of these counts are passed on to the municipality and this information is used for the provisional election result.
2. Municipalities can decide between centralised and decentralised counts. In a decentralised vote count, polling stations tally all votes for both lists and candidates on-site. Alternatively, in a central vote count, polling stations tally votes only for lists.

¹⁹ Kiesraad, 'Elections of the House of Representatives' (online), Available at: <https://english.kiesraad.nl/elections/elections-of-the-house-of-representatives>

²⁰ Kiesraad, 'Distribution of seats among candidates' (online), Available at: <https://www.kiesraad.nl/verkiezingen/tweede-kamer/uitslagen/zetelverdeling-over-kandidaten>

The following day, the municipal polling station tallies votes for candidates and cross-references the list totals with those from the polling stations.

3. Using counting software, the municipalities add up the results from their regions, and provide the result to the central counting process.

The mayor and aldermen of the Dutch municipalities are responsible for organising elections. This includes responsibilities such as setting up polling stations and appointing and training polling station members.

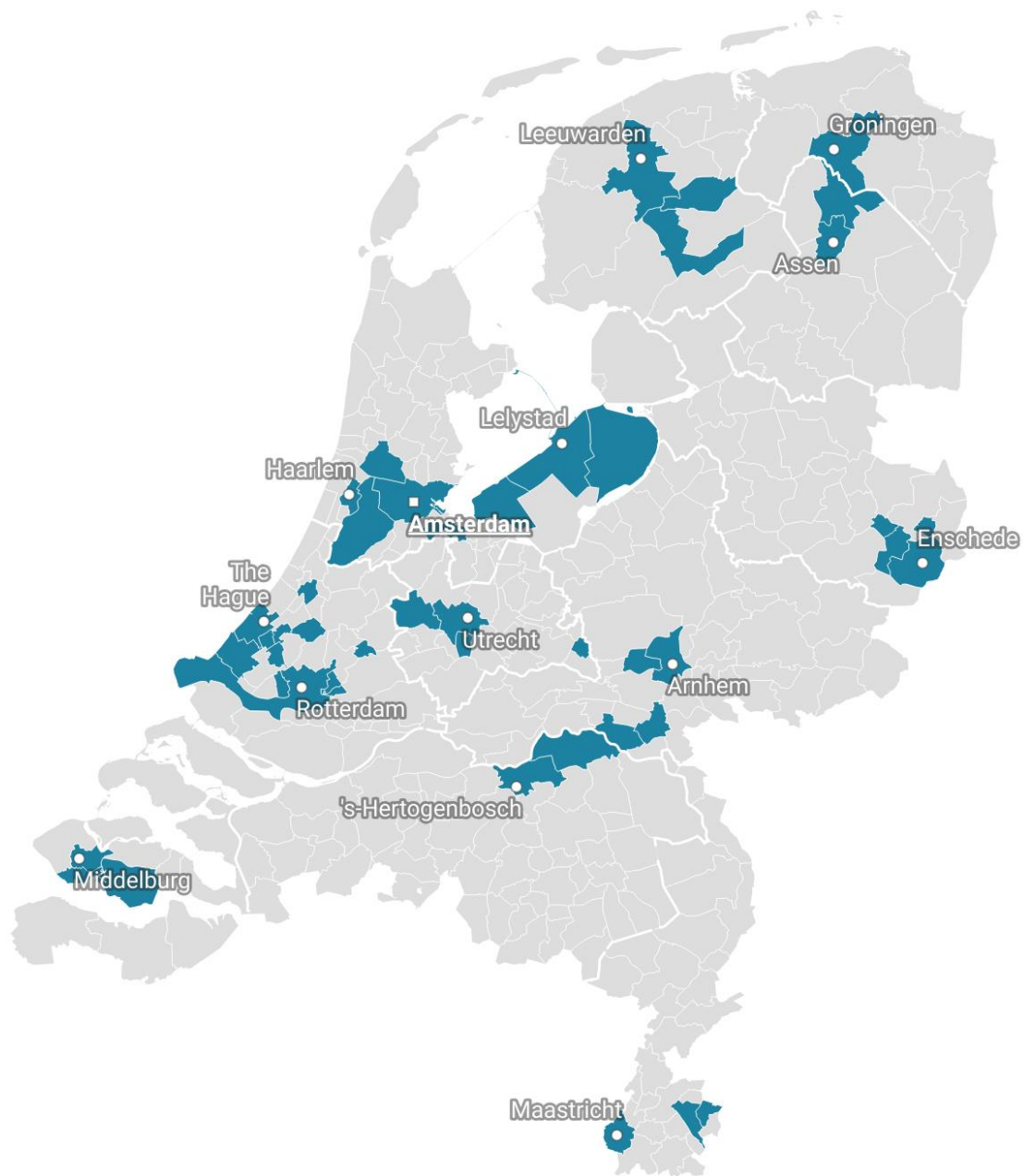
Methodology

The mission deployed in two phases: an initial longer-term team of 4 was in The Netherlands for one week around the election, whilst an additional 20 short-term observers (STOs) deployed to The Netherlands for polling day and the days immediately preceding and following polling day.

The core team conducted interviews with some interlocutors both before and after polling day (see Appendix A). These meetings included individuals from regulatory bodies and election administrators and were held to assess the election process from multiple perspectives. This qualitative work aided the team in establishing the local political context of the elections, in addition to clarifying the local electoral and operational processes surrounding polling day.

On polling day, the wider team attended polling stations across several local municipalities in addition to attending the verification and counting process. The teams also attended central counting venues in some areas, where this took place. The observation of each polling station was conducted in pairs to allow for objective observation and real-time verification of findings. Observers then agreed their findings for each polling station before submitting the data.

Municipality Areas Observed November 2023



The observation of each polling station generally took around 30 to 45 minutes, with observers ensuring that they witnessed the entire process, from the greeting of voters at the door by staff, to the casting of the ballot. The team deployed across every province in the European Netherlands: Drenthe, Flevoland, Friesland, Gelderland, Groningen, Limburg, North Brabant, North Holland, Overijssel, South Holland, Utrecht and Zeeland.

The municipalities observed were:

- Amsterdam
- Arnhem
- Assen
- Almere
- Bernheze
- Borne
- Den Haag
- Delft
- Dronten
- Ede
- Enschede
- Gouda
- Groningen
- Haarlem
- Haarkemmemeer
- Heerenveen
- Heerleen
- Hengelo
- Landgraaf
- Leeuwarden
- Leiden
- Lelystad
- Maastricht
- Middelburg
- Nijmegen
- Oldenzaal
- Oss
- Renkum
- Rijswijk
- Rotterdam
- s-Hertogenbosch
- Smallingerland
- Utrecht
- Veenendaal
- Vlissingen
- Wijchen
- Westland
- Woerden
- Zaanstaad
- Zoetermeer

In advance of Polling Day

The core team interviewed several staff at the municipalities in some of the areas that were intended to be observed.

In these meetings Democracy Volunteers explained the process of observation and how the deployment of a team of observers' functions. All the staff were welcoming of the process of independent non-partisan observation and facilitated our observation.

Polling Day Observation

The organisation of polling stations was extremely well run across The Netherlands, with relatively low levels of Family Voting being observed. Staff were very well-trained, and Presiding Officers were able to follow local electoral laws. Polls were open from 7.30am to 9pm where appropriate, with observers being present at the opening and close of polls.

In The Netherlands, polling stations are large venues, such as the main hall of the city hall but also in public buildings such as schools.

Verification and counting often takes place inside the polling stations but increasingly some counting, and aspects of the final counting process now take place in central counting venues.

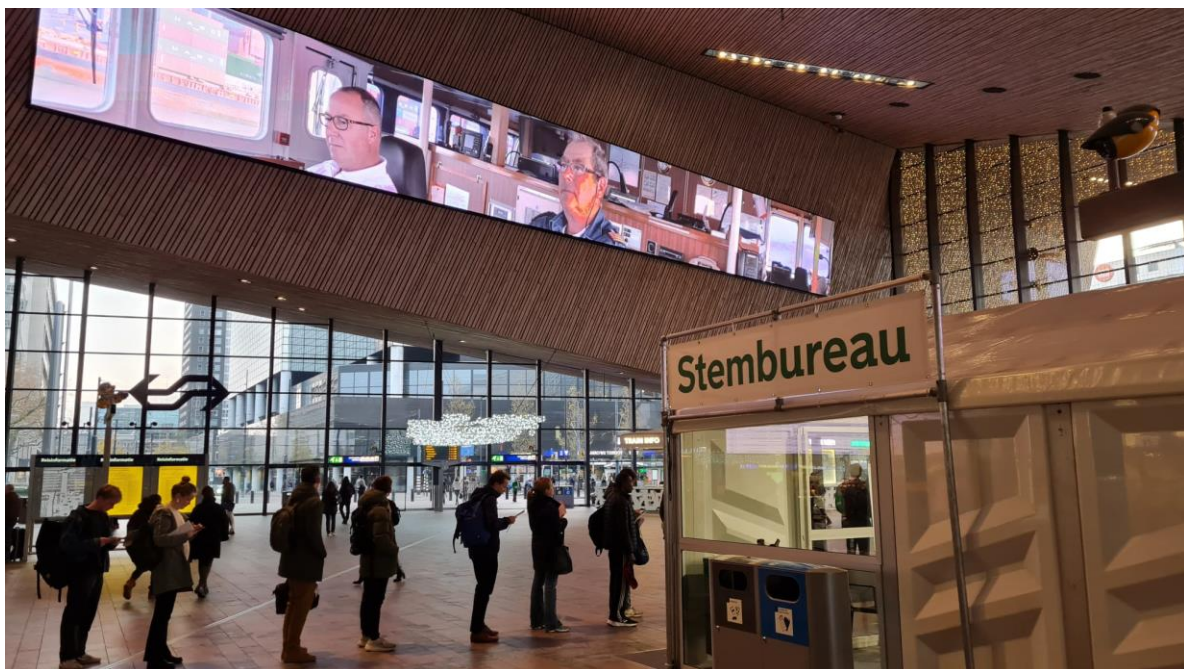
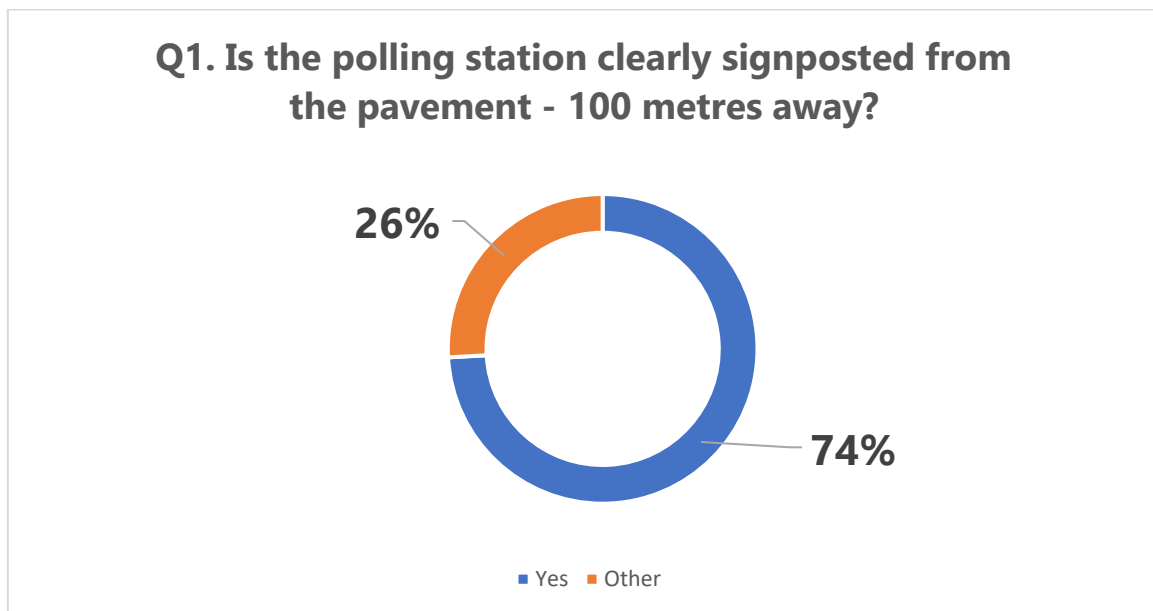


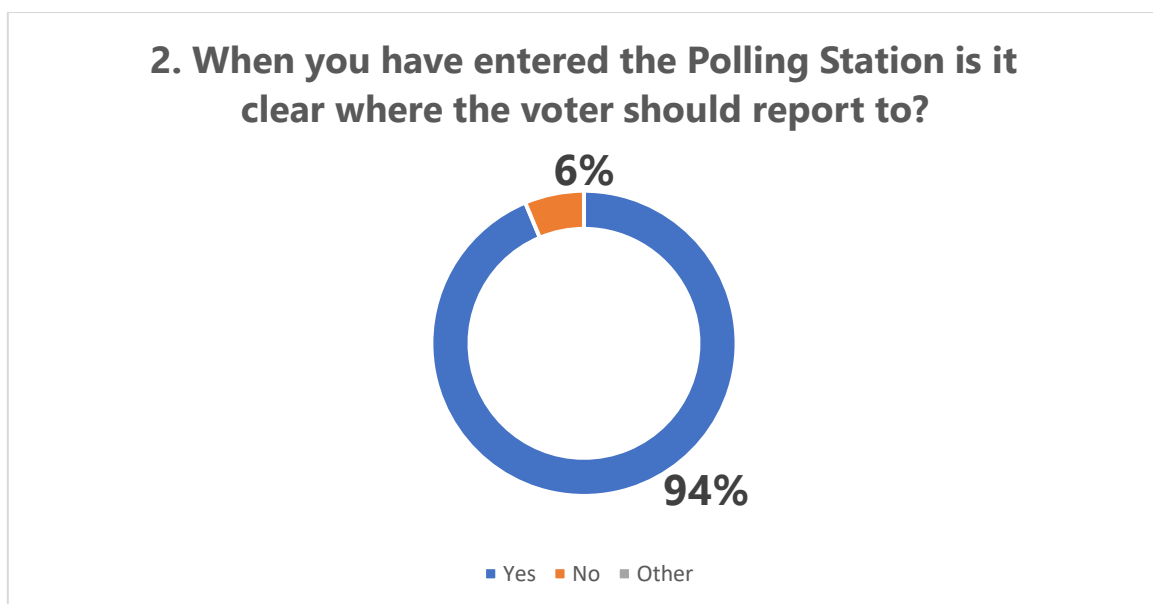
Figure 2 Polling stations come in all sizes and shapes with some very busy polling stations in large public spaces, such as here in Rotterdam Centraal Station.

Results of the Observation

The observers answered the following questions in order as they progressed with each observation at each polling station:

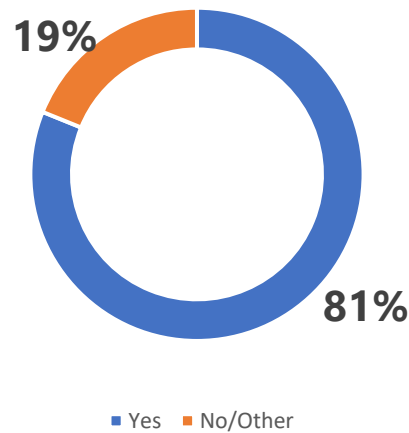


QUESTION 1: Signposting of the polling stations was generally good, but our observers noted that not all polling stations were clearly signposted. In addition to signage, some polling stations had other members of the public outside and sometimes queues. (N.143)



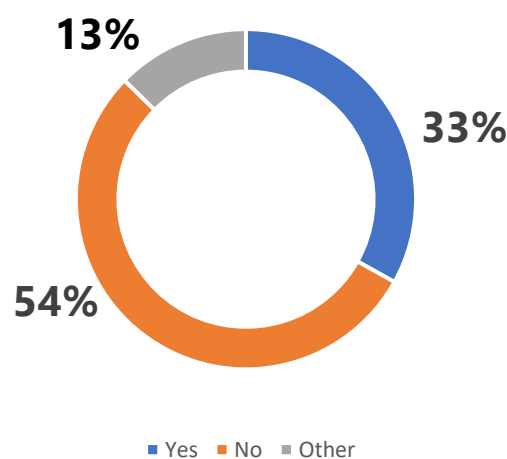
QUESTION 2: Observers identified several polling stations in which it was not clear where the voter should report to. For most polling stations, however, clearly visible desks and signage was used to direct voters, including in venues with two ballot boxes present. In these cases, there was minimal confusion of which side of the building to enter but when this did occur it was handled swiftly by polling staff. (N.143)

3. Having entered the polling station was it clear how disabled voters would access the Station?



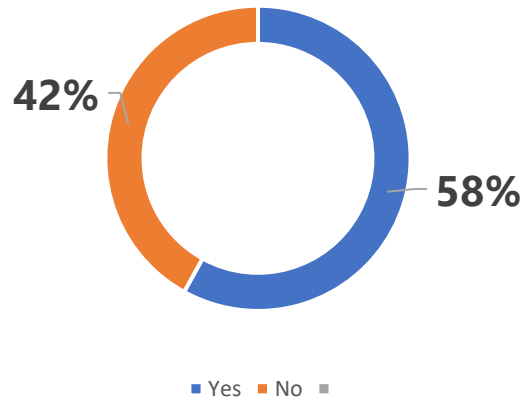
QUESTION 3: Disabled access was very good in 116 of the 143 polling stations observed. In several stations it was unclear how disabled voters would access the building. Some observers noted that that in some cases ramp access was poor and caused some access issue which staff attempted to address. Some observers identified narrow entrances which could lead to wheelchair access being impeded and some ramps not being signposted or independently accessible. (N.143)

4. Did the polling staff ask you who you are on arrival?



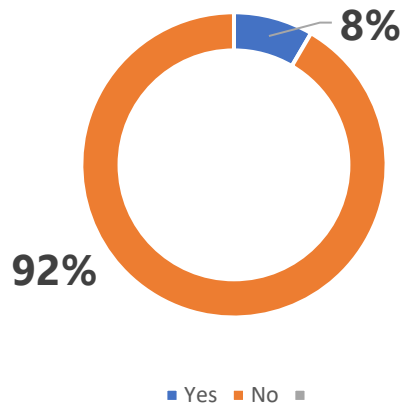
QUESTION 4: Polling staff were generally unaware that the observation team would be operating across The Netherlands on polling day. Some teams reported being asked who they were on arrival, but most were allowed to conduct their observations without question. Only on one occasion was this recorded in any way. Very few, 6, recorded our attendance at their polling station. (N.143)

5. Was there any queuing at the polling station whilst you were in attendance?



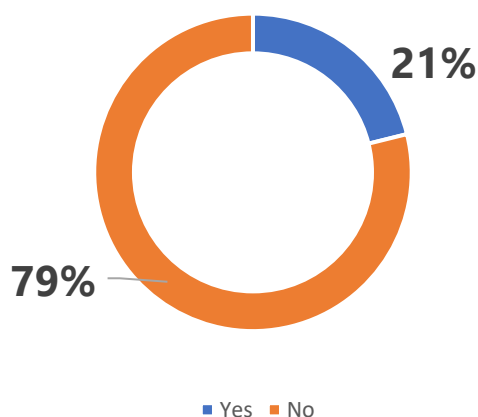
QUESTION 5: Queuing: We saw voters queuing at 58% of the polling stations we observed. These queues were numerous at the busiest times. In most cases staff were also available to marshal the queues in advance of receiving their ballot papers. In some cases, we observed members of staff marshalling the queue, this was seen in 33% of polling stations. (N.143)

6. Did any voters leave the queue before being offered their ballot paper and voting?



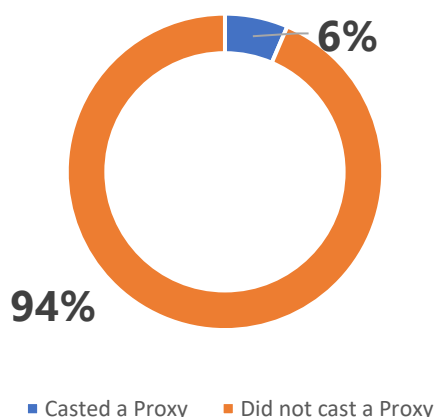
QUESTION 6: Queuing: Our observer team identified several occasions when voters left the queue because of the time it was taking them to reach the front of the queue. This was seen in 7 of the polling stations, all of which were busy at the time of observation. (N.143)

7. Was there evidence of 'family voting' in the polling station?



QUESTION 7: Family Voting was observed in 30 of the 143 polling stations. When compared with other elections our organisation has observed this is a relatively similar to the elections in the Spring of 2023. When it did occur, staff invariably did not intervene. The OSCE/ODIHR, the international body which monitors elections in The Netherlands, describes 'Family Voting' as an 'unacceptable practice'²¹. We now grade the types of Family Voting that takes place, ranging from 'clear direction', 'collusion' or 'general oversight' – these cases were generally the last of these. With 43 voters being affected out of 5889 observed, this is a very low percentage. However, we would add that two thirds of those affected by Family Voting were women. (N.143)

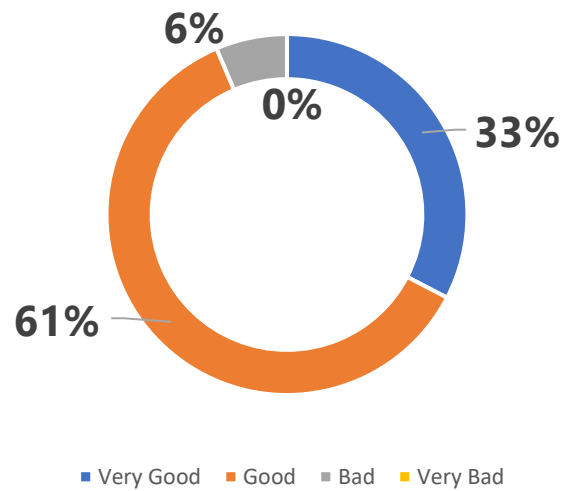
8. What percentage of voters cast a Proxy Vote on behalf of another person?



QUESTION 8: Voters are allowed to cast votes on behalf of others on a very open basis, where they simply sign their polling card and another voter casts it for them in the polling station. 6% of those attending a polling station were also observed to cast a proxy on behalf of another. Those casting proxies were disproportionately male, being 55% of those casting a proxy vote. (N.5889)

²¹ <http://www.osce.org/>

9. How would you rate this polling station?



QUESTION 9: Observers were asked to give an overall rating for each polling station they attended. 33% of polling stations were reported as being 'Very Good', 61% were 'Good' and 6% of polling stations were reported as being 'Bad'. None were described as 'Very Bad'. (N.3)

Conclusions and Recommendations

Overall, the observer team was extremely impressed with the very well-run elections conducted in the polling stations we attended. Voting was open and accessible to voters and the number of provisions put in place to give independent access to voters with disabilities was impressive. Polling stations are large and busy venues and staff are welcoming and efficient in processing voters. Like all elections, however, there are some challenges in the electoral process that we feel would benefit from consideration by national and local authorities at legislative and administrative levels.

The Netherlands is an advanced, inclusive, and engaged democracy with high voter engagement in its elections with active debate and robust party activity.

Recommendations

R1: Removal of 'On-Demand' Proxy Voting

One aspect of the electoral process which continues to be troubling to our observer team was the number of votes cast by proxy at these elections. Prior to the election, the temporary measure which allowed each voter to act as a proxy for up to three other electors at elections the previous year, was reduced back to two. However, proxy voting presents many challenges for both the secrecy and equality of the vote. Although a convenient alternative to voting in-person for many voters, this voting methodology is open to potential vote farming, buying, and the possibility that the proxy does not vote in the way the voter intended. This issue has been previously highlighted as an area for concern by both Democracy Volunteers in 2019^{22 23} and at several²⁴ times by the OSCE/ODIHR.

At these elections our observer teams also recorded the gender of those casting proxies at polling stations. Our data collected by our observer team in 2023 showed that 55% of those acting as proxies were male, with just 45% being cast by females, showing that this methodology of voting can be a gendered process, with men more likely to be acting as proxies. Democracy Volunteers is concerned that this may represent an indication of Family Voting and leaves the voting process open to undue influence, coercion, and intimidation.

²² Democracy volunteers (2019) Netherlands Provincial and Water Board Elections 2019. Available online at: <https://democracyvolunteers.org/wp-content/uploads/2019/05/netherlands-provincial-and-water-board-elections-final-report-3.pdf>

²³ <https://democracyvolunteers.org/final-report-netherlands-provincial-and-water-board-elections-2023/>

²⁴ OSCE (2022) Elections in The Netherlands. Available online at: <https://www.osce.org/odihr/elections/netherlands>

