

DEMOCRACY VOLUNTEERS

Provincial & Water Board Elections
The Netherlands 2023
Final Report



Democracy
Volunteers

the election observers



Netherlands Provincial and Water Board Elections

15th March 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 these 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 Municipal Elections 16/03/22¹
2. European Parliamentary Elections in The Netherlands 23/05/19²
3. Netherlands Provincial and Water Board elections 20/03/19³
4. Netherlands Municipal Elections & Advisory Referendum 21/03/18⁴

The reports for these elections can be found via the footnotes below. The March 2023 deployment was the fifth deployment of Democracy Volunteers observers to The Netherlands. Our experience of observing in the country has led us to assess an aspect of the electoral process more closely during the 2023 deployment – proxy voting. We also continue to monitor so-called ‘family voting’ as this continues to impact on western democracies that we observe.

Funding

All 8 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.

Executive Summary

The elections, based on the sample of 53 polling stations we observed, 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.

¹ <https://democracyvolunteers.org/nl-2022-final/>

² <https://democracyvolunteers.org/2019/07/15/final-report-european-parliamentary-elections-uk-netherlands-23-05-19/>

³ <https://democracyvolunteers.org/2019/05/16/final-report-netherlands-provincial-and-water-board-elections-20-03-19/>

⁴ <https://democracyvolunteers.org/2018/04/04/final-report-netherlands-municipal-elections-advisory-referendum-21-03-18/>

Family Voting was identified by our observers at 26% (14 of 53) of polling stations. Family Voting is the practice by which one member of a family influences or guides another on the way to cast their vote and is described by the OSCE/ODIHR as an ‘unacceptable practice’⁵.

Whilst overall cases of family voting were low, Democracy Volunteers would encourage a proactive approach by staff to prevent such occurrences taking place which did occur in some cases, though not always. Indeed, on some occasions, staff did intercede to prevent it.

Generally, our observers were 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.

In total, the observation team attended 53 polling stations across 14 municipalities.

Proxy Voting in The Netherlands

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.’⁶

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, in addition to a copy of the voter’s ID. Through this process the voter’s pass ‘has thus been converted into a certificate of authorisation’⁷. In addition to this, the proxy must supply an identity document 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 process⁸. Throughout the population, eighty-four per cent of voters believe proxy voting should be allowed, with only nine per cent being against it⁹.

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 religious

⁵ <http://www.osce.org/>

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

⁷ (Ministry of the Interior and Kingdom Relations, Section L14 p.57, 2019)

⁸ Jacobs, B. & Pieters, W. (2009) Electronic Voting in the Netherlands: from early Adoption to early Abolishment. Foundations of Security Analysis and Design V.

⁹ Schmeets, H. (2011) Many Dutch vote by proxy. Available online at: <https://www.cbs.nl/en-gb/news/2011/09/manydutch-vote-by-proxy>

groups¹⁰. As noted by the OSCE, after attending the 2017 & 2021¹¹ parliamentary elections, the way this allows voters to participate in elections is 'at odds with the OSCE commitments and other international standards¹².'

Data collected by our observer team in 2022 showed that 61% of those acting as proxies were male, with just 39% being cast by females. This imbalance is a 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 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.

¹⁰ van der Kolk, H. (2014) Over het aantal volmachtstemmen.

¹¹ OSCE (2021) The Netherlands: Parliamentary Elections. Final Report. Available online at: <https://www.osce.org/files/f/documents/d/4/493360.pdf>

¹² 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.¹³



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.

¹³ <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 8 observers across The Netherlands in these elections. 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.



Figure 1 As part of our work we meet interlocutors to understand the electoral process better. Here our Director, Dr John Ault, is meeting the Dutch Minister for the Interior and Kingdom Relations, Hanke Bruins Slot.

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)¹⁴, 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.

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, following the provincial elections, all elections within the Netherlands are directly elected.¹⁵ The subsequent election of members of the Senate by the newly elected councillors took place on 30th May, following the provincial elections our team observed.

In order to be eligible to vote in the provincial elections, voters must meet the following criteria:

- Be a citizen of the province on nomination day (January 30th, 2023).
- Be at least 18 years old on polling day.
- Be a Dutch national.
- Has not had their right to vote revoked by a court order.

At this round of provincial elections, approximately 13.3 million voters were eligible to vote.

In order to be eligible to vote in the water board elections, voters must meet the following criteria:

- Must live within the territory of the water board on nomination day (January 30th, 2023).¹⁶
- Be at least 18 years old on polling day.
- Has not had their right to vote revoked by a court order.
- In some cases, non-EU citizens living in the Netherlands and working for an international organization or foreign state may vote.¹⁷

¹⁴ Netherlands Institute for Multiparty Democracy & Instituut voor Publiek en Politiek (2008), 'The Dutch Political System in a Nutshell', p. 22

¹⁵ <https://english.kiesraad.nl/elections/elections-of-the-senate>

¹⁶ NB the Ministry of the Interior and Kingdom Relations *Dutch Provincial and water board elections 2023: Facts and Figures* states 30th February – this is a typographical error.

¹⁷ Ministry of the Interior and Kingdom Relations *Dutch Provincial and water board elections 2023: Facts and Figures*.

At this round of water board elections, approximately 13.9 million voters were eligible to vote.

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. In order to obtain a proxy vote, an elector can either apply to their local province 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.

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

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. 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.

Provincial Elections

Elections to the twelve provincial councils across the Netherlands are held every four years using an open list proportional representation electoral system. Each province has its own States-Provincial, a provincial legislature. Alongside their role in scrutinising the provincial executive, which has responsibility for matters such as spatial planning, regional accessibility, and regional economic policy, provincial council members elect members of the Senate of the States General following provincial elections. At these elections, there were 572 seats being contested across the twelve provinces by 6,366 candidates.

For the first time at these provincial elections, voters residing outside the Netherlands were able to have an influence on the composition of the Senate. Following a Constitutional amendment took force in January 2023, allowing these voters to elect non-resident members

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

to an electoral college, which together with the members of the twelve provincial councils and the electoral colleges of the Dutch Caribbean, determines the composition of the Senate. In order to participate in these elections, each non-resident had to apply to be registered, and a number of location specific communications techniques were used to inform these voters of their enfranchisement. In total, approximately 37,000 non-resident voters from 177 countries registered in time for these elections, equating to 25 seats in the electoral college. These voters were required to vote by post, with the option to receive their ballot paper through email or a hard copy. Completed votes were then sent to either the national postal electoral committee in The Hague or handed in to a Dutch embassy.

The results of the provincial elections are calculated for each province. A quota, the number of votes that entitles a party to one seat, is established once the number of valid votes is known. This quota is determined by the number of valid votes divided by the number of seats in a province; therefore, the higher the turnout the higher the quota, increasing proportionally. In provincial elections, any leftover votes for each party are distributed using the 'highest average method' or D'Hondt method in order to allocate the remaining seats. This method uses the highest average number of votes per seat, calculated by the number of votes divided by the number of seats, with the first available seat going to the party with the highest average number of votes per seat and so on until all the remaining seats have been awarded.

A new counting procedure which came into force on January 1st, 2023, was active for the first time at these elections. This change was implemented in order to ensure the accurate determining of election results and to make any corrections in a timely, transparent and verifiable manner by establishing new procedures for checks to be done by both the principle electoral committee and the central electoral committee. Municipalities, following previous trials, also now have the option to count centrally on the day after the election or in their locality on the night of the election.

Water Board Elections

The Dutch water boards (waterschappen or hoogheemraadschappen) are regional governmental bodies tasked with managing water barriers, waterways, water levels, water quality, and sewage treatment in their respective regions. There are presently 21 water boards in the Netherlands, many of which cover several municipalities and can even cover areas in two or more provinces. At these elections there were 518 seats being contested across the country.

Water boards within the Netherlands are given importance due to the significance of flooding, in particular, in the country. Flood control is a national priority due to the fact that approximately 26% of the Netherlands is at or below sea level, there is historical precedence for coastal and river flooding, and there remains about two-thirds of the country vulnerable to flooding in an increasingly densely populated Netherlands. Water boards regulate how much and in which areas public money is spent on, for instance, maintaining water quality through wastewater treatment and maintaining the area's flood defences. Dutch waterboards hold elections, levy taxes, and act independently of other government bodies.

Each have an elected general administrative body (hoofdingelanden), an executive board¹⁹ (hoogheemraden) elected from the hoofdingelanden, and a chair (dijkgraaf) appointed by the government for a period of six years. Only the board members of the 'inhabitants' category are directly elected, with board members representing the other three categories (agriculture, nature, and commercial) being appointed by representing organisations, such as the Chambers of Commerce, which would represent the commercial category.

The 2023 Dutch water board elections took place on the same day as the provincial elections, the 15th of March. Similarly, to other elections in the Netherlands, the water board elections have an open party list system using proportional representation.

¹⁹ The hoogheemraden traditionally represent five types of water users: the local population (residents), industry (factories and industrial buildings), municipalities (urban areas), farmers (agricultural land), and public parks.

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 4 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.

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 municipalities observed were:

- Almere
- Amsterdam
- Best
- Boxtel
- Breda
- Delft
- Den Haag
- Dordrecht
- Eindhoven
- Lelystad
- Leiden
- Rijswijk
- Rotterdam
- 'S Hertogenbosch
- Tilburg
- Utrecht
- Zaltbommel
- Zwolle

Municipality Areas Observed 2023



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 a 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.

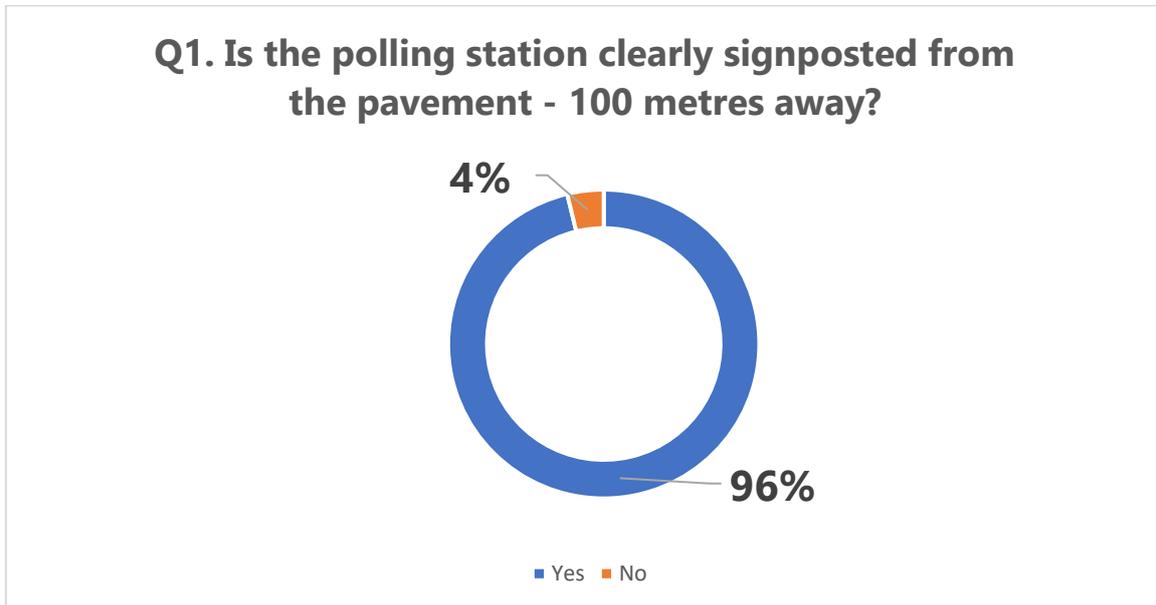
Verification and counting often takes place inside the polling stations but increasingly some counting, and aspects of the final counting process now taking place in central counting venues.



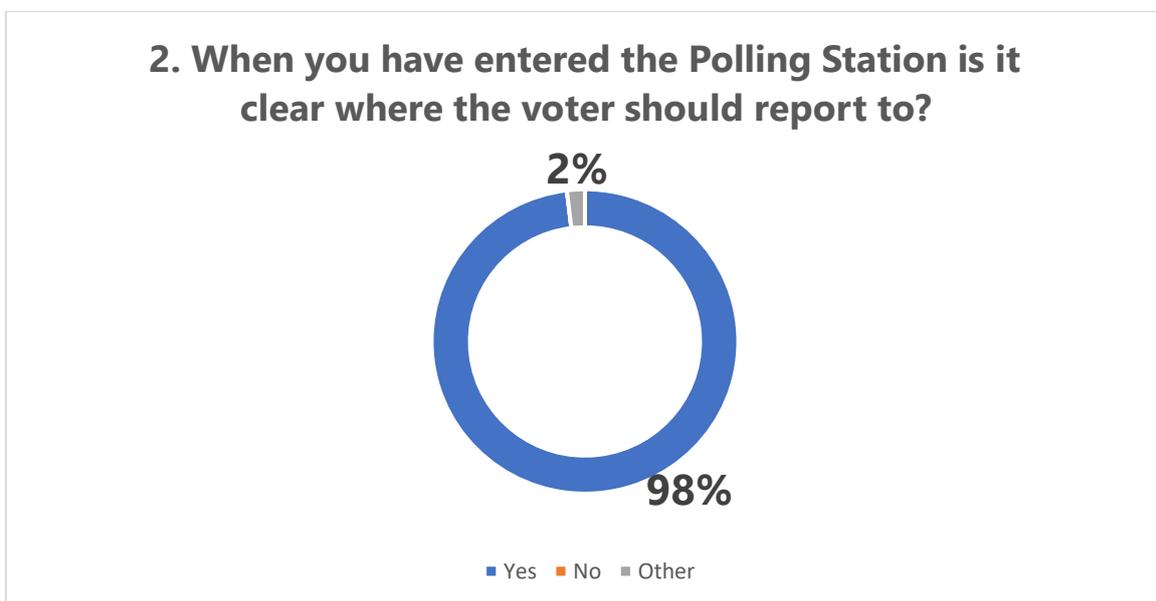
Figure 2 Some areas have innovative ways of allowing access to the voting process, such as drive through voting, we would encourage municipalities to look at innovative ways of allowing access to the voting process but would encourage them to retain the privacy of the ballot (Permission received by Almere City Council).

Results of the Observation

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

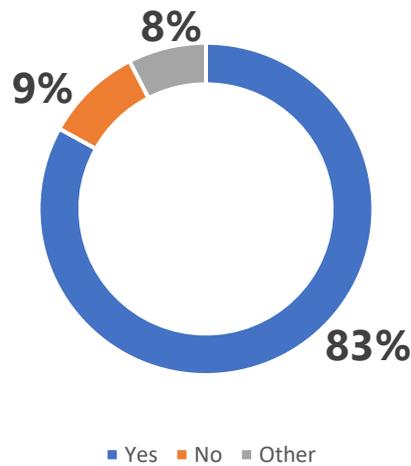


QUESTION 1: Signposting of the polling stations was generally very good with only a few not being clearly signposted. In addition to signage, some polling stations had other members of the public outside and sometimes queues. (N.53)



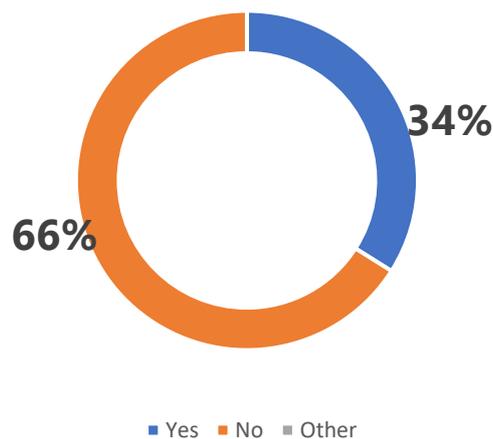
QUESTION 2: Observers identified no polling stations in which it was not clear where the voter should report to. For most polling stations, clearly visible desks and signage was used to direct voters, including in venues with two ballot boxes present. In these cases, there was minimal confusion of which side of the building to enter but when this did occur it was handled swiftly by polling staff. (N.53)

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



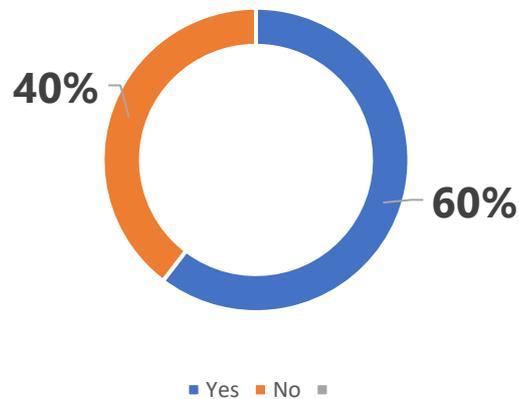
QUESTION 3: Disabled access was very good in 44 of the polling stations. In nine stations it was unclear how disabled voters would access the building. Once again, some observers noted that that in some cases ramp access was poor and caused some access issue which staff attempted to address. One team, for example, identified 'heavy non automatic doors'. Others identified narrow access which could lead to wheelchair access being impeded and some ramps not being signposted or independently accessible. (N.53)

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



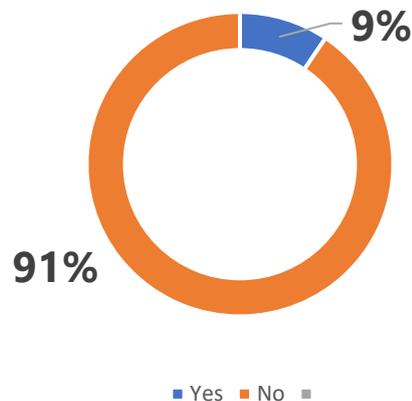
QUESTION 4: Polling staff were generally unaware that the observation team would be operating across The Netherlands on polling day. Some teams reported being asked who they were on arrival, but most were allowed to conduct their observations without question. Only on one occasion was this recorded in any way. (N.53)

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



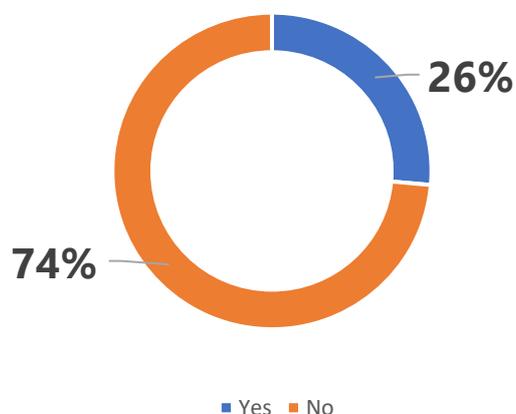
QUESTION 5: Queuing: We saw voters queuing at 60% of the polling stations we observed. These queues were sometimes 30 or more at the busiest times. In most cases staff were also available to marshal the queues in advance of receiving their ballot papers. In some cases, we observed members of staff marshalling the queue, but only in 19% of polling stations. (N.53)

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



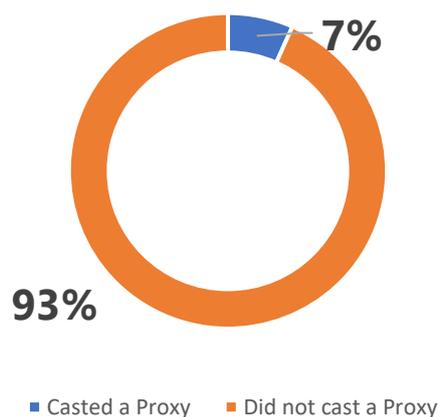
QUESTION 6: Queuing: Our observer team identified several occasions when voters left the queue because of the time it was taking them to reach the front of the queue. This was seen in 5 of the polling stations, all of which were busy at the time of observation. (N.53)

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



QUESTION 7: Family voting was observed in 14 of the 53 polling stations. When compared with other elections our organisation has observed this is a relatively high percentage. However, 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'²⁰. 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 20 voters being affected out of 1700 observed, this is a very low percentage. However, we would add that three quarters of those affected by family voting were women. (N.53)

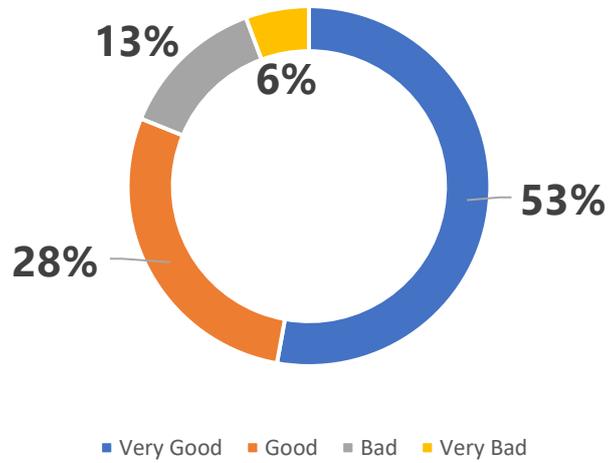
8. What percentage of voters cast a Proxy Vote on behalf of another person?



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 casts it for them in the polling station. 7% of those attending a polling station were also observed to cast a proxy on behalf of another. Those casting proxies were roughly equal between male and female in this election. (N.1700)

²⁰ <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. 53% of polling stations were reported as being 'Very Good', 28% were 'Good' and 13% of polling stations were reported as being 'Bad' with 6% being 'Very Bad'. (N.53)

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 to voter intended. This issue has been previously highlighted as an area for concern by both Democracy Volunteers in 2019²¹ and at a number of elections by the OSCE²².

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 2022 showed that 61% of those acting as proxies were male, with just 39% 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.

²¹ 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>

²² OSCE (2022) Elections in The Netherlands. Available online at: <https://www.osce.org/odihr/elections/netherlands>

Appendix A: Interlocutors

Ministry of Justice and Kingdom Relations

Hanke Bruins Slot (Minister of the Interior and Kingdom Relations)

Hans Klok

Wout Zerner

Reiner Fleuke

Maartje Scheijen

And other officials

Kiesraad

Pamela Young

Audrie Spelmink

Municipalities

Den Haag

Arjan Brak

Rob de Graaf

